



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

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

**Combined seventh to tenth periodic reports submitted by  
Nicaragua under article 18 of the Convention, due in 2010\***

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\* The present document is being issued without formal editing.



## Introduction

1. Nicaragua ratified the Convention on the Elimination of All Forms of Discrimination against Women in 1981 and incorporated the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women into its legal system in 1995. Pursuant to article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, the combined seventh to tenth reports of Nicaragua, covering the period 2007–2018, are submitted to the Committee.

2. For 12 years, the Government of Reconciliation and National Unity (hereinafter “Government”), led by President Daniel Ortega Saavedra and Vice-President Rosario Murillo, has made equal rights between women and men a priority and has promoted respect for human rights, dignity and integrity.

3. A Christian, socialist and solidarity-based model has been pursued since 2007 and has resulted in the implementation of gender-based demands, recognition of the leading role of women as agents of change and drivers of development, and promotion of their full participation through access to goods and means of production on the basis of equity and equality of rights and opportunities. The will of the Government is reflected in a comprehensive legal framework, implemented through programmes and projects to combat gender inequalities and poverty in pursuit of social justice and the common good.

4. The Government launched a national human development plan for the period 2008–2012, which contained policies, goals and resource allocation aimed at achieving economic growth and overcoming poverty. The national human development plan for the period 2012–2016 made gender equality and equity a high priority through the women’s development policy, which values and promotes women’s real and effective participation. It prioritizes their leadership and empowerment and gender equity in management positions in the labour, political, trade union and community spheres. The national human development plan has been updated for the period 2018–2021 to include gender equality as a strategic guideline with the aim of strengthening women’s leadership and role in the economic, political and social fields.

## Part One General characteristics

### Land and people

5. Nicaragua is located in the middle of the Central American isthmus. It shares borders to the north with Honduras, to the south with Costa Rica, to the east with El Salvador and to the west with Colombia and Jamaica. Its surface area is 130,373.4 km<sup>2</sup>. It is made up of 15 departments, two autonomous regions that encompass 50 per cent of the national territory, and 153 municipalities. There are 11 ethnic groups in the North and South Caribbean Coast Autonomous Regions:<sup>1</sup> Rama, Garifuna, Mayangna, Miskitu, Ulwa, Creole, Mestizo from the Caribbean coast, Xiu-Sutiava, Naho-Nicarao, Chorotega and Matagalpa.

6. The Constitution of Nicaragua establishes freedom of religion, prohibits discrimination on the grounds of religion and respects the diversity of religions professed by the Nicaraguan population.

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<sup>1</sup> National Institute for Development Information, 2010.

7. The population of Nicaragua was 6,218,000 in 2018, with women representing 50.7 per cent of the total (3,152,215) and men 49.3 per cent (3,065,366). Of those people, 58.3 per cent live in urban areas and 41.7 per cent in rural areas.<sup>2</sup> Children and adolescents account for 54 per cent of the population, while people over the age of 65 years account for just 3 per cent. Population density is 48 inhabitants per km<sup>2</sup>, placing the country 111th in the world. In addition, immigrants constitute 0.66 per cent of the population;<sup>3</sup> the birth rate is 21% per 1,000 inhabitants and the death rate is 4.7%; the infant mortality rate is 13.5%; and the life expectancy of women is 78.39 years, higher than that of men, which is 72.34 years.

8. From 2007 to 2018, Nicaragua recorded a positive macroeconomic performance, with robust economic and financial results. Annual economic growth averaged 5.2 per cent, as gross domestic product (GDP) doubled and the country became the second-fastest growing economy in Central America and the third-fastest in Latin America. As a result, general poverty rates fell by half (from 48.3 per cent in 2006 to 24.9 per cent in 2018) and extreme poverty by two thirds (from 17.2 per cent in 2006 to 6.9 per cent in 2018). The Gini coefficient<sup>4</sup> improved from 0.38 to 0.33, and the sustained reduction in poverty indices was recognized by the Inter-American Development Bank.

9. Formal employment increased by 17.3 per cent to 2018, boosting membership of the Nicaraguan Social Security Institute, and the average nominal wage rose by 10.4 per cent.

10. The Central Bank of Nicaragua continued to pursue stable fiscal, monetary and exchange-rate policies, favouring the use of the gross international reserves, which amounted to \$2,447.8 million (2.5 times the monetary base and five months of imports). The macroeconomic performance was positive, with GDP growth of 4.9 per cent.<sup>5</sup>

11. In relation to the gender gap index in general, Nicaragua's scores improved substantially from 2006 to 2017, as shown in the table below.

Indicadores	2006		2017	
	Rango	Puntos	Rango	Puntos
Puntaje Brecha Global de Género	62	0.657	6	0.814
Participación y oportunidad económica	101	0.463	54	0.702
Logro educativo	40	0.994	34	1
Salud y supervivencia	50	0.978	1	0.98
Empoderamiento político	25	0.192	2	0.576
Fuente: Informe Global de Género del Foro Económico Mundial 2017				

## General political structure

12. The Constitution is the fundamental charter of the Republic. It establishes Nicaragua as a social State that is governed by the rule of law and is democratic,

<sup>2</sup> Central Bank of Nicaragua, *Nicaragua en cifras 2010*.

<sup>3</sup> Data provided by the International Organization for Migration, 2016.

<sup>4</sup> National Institute for Development Information, *Reporte de Pobreza y Desigualdad EMNV 2016*.

<sup>5</sup> Central Bank of Nicaragua, *Annual Report 2017*.

participatory, representative, independent, free, sovereign, unitary and indivisible, with no official religion.

13. The State is organized into four branches: executive, legislative, judicial and electoral. Executive authority is exercised by the President of the Republic, who is the Head of State, Head of Government and Commander-in-Chief of the Nicaraguan Army. Legislative authority is exercised by the National Assembly by mandate of the people, which is composed of 92 men and women representatives. Electoral authority is exercised by the Supreme Electoral Council, with seven incumbent judges and three alternates elected by the National Assembly, and subordinate electoral bodies. The administration of justice is the responsibility of the judicial branch, which is composed of the courts of law: the district and local courts, specialized courts, courts of appeal and the Supreme Court, which is the highest judicial body and is made up of 16 judges elected by the National Assembly. The branches of Government are independent from one another and are answerable only to the Constitution and to the law. They are governed, inter alia, by the principles of equality, publicity and the right of defence.

### **General legal framework within which human rights are protected**

14. In compliance with international human rights standards, Nicaragua has adapted its legal framework to restore and protect rights for all without discrimination. These rights are enshrined in the Constitution and other specific laws.

15. The Constitution entered into force in 1987. Article 27 provides for the equality of persons before the law and for the protection and enjoyment of their political rights without discrimination on the grounds of birth, nationality, political views, race or sex. The State is required to eliminate obstacles to Nicaraguans' effective participation in the country's political, economic and social life. Article 46 establishes that all persons enjoy State protection and recognition of the rights inherent in their human condition, and full respect for, and promotion and protection of, the human rights contained in the Universal Declaration of Human Rights, the American Declaration of the Rights and Duties of Man, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the American Convention on Human Rights of the Organization of American States, together with the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and other human rights treaties ratified by Nicaragua.

16. The gender policy of 2007 and the Equal Rights and Opportunities Act (No. 648) are premised on working towards gender equality, strengthening the role of women and building more humane, equitable and complementary gender relations, as a right and a key requirement for the country's development.

17. The Family Code (Act No. 870) of 2014 regulates and protects the human rights of all families.

18. Act No. 952, amending the Criminal Code (Act No. 641), the Comprehensive Prevention of Violence Against Women Act (No. 779) and the Criminal Procedure Code (Act No. 406) of 2017 protect the right to life, security and freedom and the personal, psychological and mental well-being of women, children and adolescents. By means of these laws, the field of criminal law has been updated and tools to prevent and end sexual abuse have been established.

19. The State policy on combating violence against women, children and adolescents and the corresponding national action plan of 2012 ensure recognition and enjoyment of the rights set forth in the Constitution and in the international

instruments to which Nicaragua is a party, especially those protecting the right to live a life free from violence as established by the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women and the Convention on the Elimination of All Forms of Discrimination against Women.

20. The State policy on strengthening Nicaraguan families and preventing violence (Executive Decree No. 43-2014) promotes, protects and restores the human rights of families, women, children and adolescents and upholds their right to a life free from violence. This fosters their development and well-being in accordance with the principles of equality and non-discrimination.

### **Information and publicity**

21. The Ministry of Women's Affairs, the Ministry of the Family, the Office of the Special Advocate for Women and other State bodies and civil society organizations have published the full text of the Convention on the Elimination of All Forms of Discrimination against Women, the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, the Beijing Declaration and Platform for Action and the national plan for the prevention of domestic and sexual violence, among other relevant texts.

## **Part Two Analysis of the articles of the Convention**

### **Policies and measures to eliminate discrimination against women**

#### **Article 1 Definition of discrimination**

22. The Constitution provides for the human development of all Nicaraguans and protects them from all forms of exploitation, exclusion<sup>6</sup> and discrimination based on sex.<sup>7</sup> In that connection, legal and policy instruments have been established that incorporate the Convention's definition of discrimination and implement it, namely, the Equal Rights and Opportunities Act (No. 648),<sup>8</sup> the gender policy and the national human development plan. Institutions must contribute to the development of a positive environment and to the elimination of obstacles to non-discrimination and effective and real equality between women and men.<sup>9</sup>

#### **Article 2 Obligations of the States parties**

23. The Constitution provides for absolute equality between women and men and the State must therefore eliminate obstacles to equality. Nicaragua has ratified the Universal Declaration of Human Rights, the American Convention on Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Inter-American Convention on the Prevention, Punishment and Eradication of

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<sup>6</sup> Constitution of Nicaragua, sole chapter, art. 4.

<sup>7</sup> Constitution of Nicaragua, Chapter I, art. 27.

<sup>8</sup> Act No. 648, art.3, Title I, general provisions.

<sup>9</sup> Government gender policy.

Violence against Women, the International Covenant on Civil and Political Rights, its Optional Protocol and other international and regional human rights agreements and conventions, which are binding on the entire legal system.

24. Nicaragua respects independence, sovereignty and national self-determination as inalienable rights whose violation puts people's lives at risk. Since the extradition of Nicaraguans from the national territory is not permitted under the Nicaraguan Constitution, Nicaragua is unable to sign and ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women because articles 1 and 2 of the Optional Protocol are contrary to those constitutional provisions. The Convention is nevertheless recognized and implemented by the National Assembly, which has been bringing the country's legal framework into line with international conventions.

25. The principle of equality between women and men has been implemented with the adoption and regulation<sup>10</sup> of the Equal Rights and Opportunities Act (No. 648) which establishes equality, equity, justice, non-discrimination and non-violence and promotes rights and respect for human dignity and life.

26. In the area of employment, the Labour Code was amended in 2008 to ensure equal rights for men and women. The General Labour Inspection Act (No. 664) regulates the labour inspection system to promote, protect and ensure compliance with legal provisions on working conditions and on worker protection without discrimination. The General Occupational Health and Safety Act (No. 618) regulates jobs that are prohibited for adolescents and women and protects the reproductive health of women and adolescent workers in hazardous jobs. Ministerial Agreement No. JCHG-005-05-2007 ensures compliance with the principle of non-discrimination in relation to access to work for pregnant women.

27. The adoption in 2013 of Act No. 471, amending the Office of the Human Rights Advocate Act (No. 212), resulted in the creation of the Office of the Special Advocate for Women, which has nationwide jurisdiction to hear cases relating to women's human rights.

28. The Comprehensive Prevention of Violence Against Women Act (No. 779), amending the Criminal Code (Act No. 641), was passed in 2011. Its purpose is to combat violence against women and protect their human rights by upholding their right to a life free from violence, in accordance with the principles of equality and non-discrimination.

29. In 2013, the Nicaraguan Institute for Women was elevated to the status of ministry by virtue of Act No. 832, amending and supplementing the Executive Branch (Organization, Powers and Procedures) Act (No. 290), as amended. The Ministry of Women's Affairs is the leading national public policymaking mechanism for the development of women. In coordination with other government institutions, it consolidates the role, leadership and empowerment of women in the country's political, economic, cultural and social life.

30. The Rights of Persons with Disabilities Act (No. 763) was passed in 2011 to protect, promote and uphold on an equal basis all human rights of persons with disabilities and thereby ensure their full development. The same year, a law on the decent and equitable treatment of indigenous peoples and persons of African descent (Act No. 757) was passed with the aim of ensuring that they receive fair and equal treatment in terms of opportunities and access to employment and all rights. In 2012, a law on the promotion, protection and defence of human rights in relation to, and the prevention and treatment of, HIV and AIDS was passed (Act No. 820), which also

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<sup>10</sup> Executive Decree 29-2010.

provides for awareness-raising and non-discrimination regarding their rights. The law is regulated by Decree No. 13-2015, which protects the human rights of persons living with HIV and AIDS.

### **Article 3**

#### **Appropriate measures to ensure the full development and advancement of women**

31. From 2007 to 2010, the Nicaraguan Institute for Women strengthened its role as a mechanism for the advancement of women. It developed a gender strategy comprising four areas of work and 12 lines of action, including in particular the conscious promotion of women in politics and access to power, and the achievement of a rate of 50 per cent of women in State institutions, political parties and social movements. The success of the Nicaraguan Institute for Women in mainstreaming gender is reflected in the creation and operation of 24 gender units within the institutions of the executive branch, in addition to those already in place in local government (95) and in the judicial and legislative branches (2), which ensure that gender policies are mainstreamed in institutional plans and programmes.

32. In 2013, the Ministry of Women's Affairs established as its main functions the formulation, promotion, coordination, execution and evaluation of government policies, plans, programmes and projects that ensure women's participation in the country's economic, social, cultural and political development process, with a view to ensuring effective equality of opportunity and access to and control over the resources and benefits arising from those opportunities.

33. During the period 2012–2017, the Ministry of Women's Affairs furthered women's participation, mobilization and empowerment by enhancing awareness, exercise of rights and a sense of prosperity in political, social and socio-productive spaces among 47,391 women and 10,759 men. For the purpose of gender mainstreaming, the Ministry trained 8,239 public officials from various central and municipal institutions. The practice of values for the common good and a culture of peace, security and prosperity was promoted among 14,042 women and 3,323 men. The leadership skills of 951 people were improved through the delivery of certified training seminars; in coordination with the National Institute of Technology, 725 women in political and community organizations received similar training.

34. Women access health-care services under the family and community health-care model. Nicaragua also has a national health strategy and a national sexual and reproductive health strategy. A total of 178 maternity homes have been built or renovated, and community midwives have been certified and have received technical training on the provision of supportive, gentle and quality care to pregnant women. Thanks to these measures, the maternal mortality rate decreased from 125 deaths in 2006 to 47 in 2018. The United Nations awarded Nicaragua the Prize of the Americas in 2011 in recognition of its maternity homes strategy, which provides access to safe delivery and immediate care for newborns.

35. The Nicaraguan curriculum is person-centred. One of its cross-cutting concepts is education for gender equity and diversity, according to which men and women develop an awareness of equity and equal opportunities. Communication, values and inclusive non-sexist education are promoted, and the methods and techniques aim to prevent all forms of violence.

36. Through its National Institute of Technology, Nicaragua has been running technical education programmes to provide women and men with technical skills. Women's participation in these programmes has increased, notably in specialisms that

were previously open only to men, in particular in the industrial, construction, agricultural and forestry sectors.

37. Through its Ministry of Family, Youth and Children's Affairs, Nicaragua has set up child development centres to provide childcare for children under 6 years of age. The children are provided with appropriate stimulation, education, nutrition, health and recreation, and the mothers have time to pursue productive or academic activities that further their own and their family's development. In 2006, there were 30 child development centres nationwide. By 2018, coverage had expanded significantly: the network comprised 269 centres in 136 municipalities and provided childcare for an average of 14,517 children a year (6,844 girls and 7,673 boys).

38. Following the adoption of a special law on the protection of families affected by multiple pregnancy and birth (Act No. 718), during the period 2010–2018 the Ministry assisted 2,621 mothers a year who had children from a multiple birth, providing them with support and delivering food parcels every three months to improve nutritional levels.

39. The maintenance conciliation service offered by the Ministry is an alternative to judicial dispute settlement and an expeditious, free, flexible, accessible and legally enforceable option. A nationwide automated maintenance payments system has been in place since 2017 and processes more than 29,820 child support payments.

40. During the period 2010–2018, the Ministry trained 24,536 women a year in innovative and creative strategies, promoting entrepreneurship as a means for women to achieve autonomy and economic empowerment in traditionally male-dominated trades.

41. With the implementation of the comprehensive family and community care model and the partnerships and shared responsibility model, important action is being taken in respect of promotion, prevention, care and protection, while also keeping in mind an approach based on rights, gender, inclusiveness, equality, equity and complementarity that contributes to the comprehensive development of women, their safety and a life free from violence.

42. The Property Office has prioritized women in land titling plans, providing legal certainty regarding their right to housing. From 2007 to 2018, the Government issued 395,167 land titles as follows:

INDICADOR	Emisión de Títulos de Propiedad			
	2007-2011	2012-2016	2017-2018	TOTAL
Titulos Urbanos	39,500	71,013	20,356	130,869
Titulos Rurales	41,803	54,575	22,514	118,892
Solvencias	60,812	46,657	10,408	117,877
Certificados de cumplimiento	15,463	11,581	485	27,529
Total documentos	157,578	183,826	53,763	395,167
Hombres	319,096	372,248	108,870	800,214
Mujeres	390,005	454,969	133,063	978,037
Total protagonistas	709,101	827,217	241,933	1,778,251

Estadísticas de Titulación Procuraduría General de la República PGR.

43. From 2002 to 2010, the national police had its own gender department and a handbook of duties that incorporated institutional advances and modernization and provided guidance on gender-related responsibilities. In terms of police ranks, women were promoted to the ranks of Inspector (57 per cent), Lieutenant (50 per cent), Captain (38 per cent), Sub-Commissioner (36 per cent), Technical Lieutenant (53 per



cent) and Commissioner (32 per cent), with the only female Chief of Police in Latin America during this period.

44. In 2012, the national police issued Administrative Order No. 014-2012, through which it approved and put into effect a handbook of police investigation procedures for criminal offences and misdemeanours. The handbook describes the procedures for the specialized handling and investigation of domestic and sexual violence offences against women, children and adolescents, and forms part of the ongoing training provided at police stations. At the national level, 153 units for victims of domestic and sexual violence have been set up, with infrastructure to provide specialized support in all of the country's municipalities.

45. The Directorate of the Special Police Unit for Women, Children and Adolescents has a legal department that tracks advances in, derogations from and the entry into force of new laws and recent amendments to existing laws, thereby keeping the Nicaraguan criminal process and the legal and judicial framework governing police action up to date. In 2015, the Special Police Unit for Women, Children and Adolescents merged with the Legal Cooperation Directorate; as a result, it has been possible to capitalize on experience, good practices, specialized personnel and technical resources and offer a better service and greater proximity to communities. The comprehensive service model provides comprehensive support to victims of domestic and sexual violence and prevents and investigates trafficking in persons.

46. In the judicial branch, 75 courts specializing in family affairs, violence and adolescence were expanded and strengthened, together with the judicial facilitators system and the Institute of Forensic Medicine with its women and children's clinics and the DNA laboratory. A judicial observatory on gender-based violence was established in 2014 by means of an inter-agency agreement. Its purpose is to follow up on and monitor the application of precautionary and protective measures and judicial decisions and statistics relating to violent crimes against women by conducting specialized studies such as the statistical yearbooks on gender-based violence 2013–2017 and the studies of judgments handed down by courts of first instance in femicide cases in 2013, 2014 and 2015. The 2016–2018 study is in preparation. It has also produced studies on mediation carried out by courts of first instance in relation to violence against women; quarterly reports on femicide; a study on physical, sexual and psychological violence against children and adolescents in Nicaragua; *Enfoque Médico Legal 2016–2017*; and a national study on violence against women, adolescents and girls.

47. Following the entry into force of Act No. 779, the specialized courts responsible for hearing, processing and ruling on such offences dealt with 136 charges of femicide, 79 of which resulted in a conviction. The remaining cases are in process or are pending due to a lack of cooperation from the defendant. A total of 101,439 criminal cases involving violence against women went to trial and rulings on 67,101 of them have been handed down. The remainder are in process or are being settled through mediation.

48. In 2010, the judicial branch approved a gender equality policy, which aims to provide legal certainty and access to justice for the Nicaraguan population under equal conditions and without gender discrimination. The Gender Commission of the Supreme Court has been established. It is composed of the Court's five female judges and the gender secretariat and is responsible for implementing the gender equality policy. A greater number of public defenders have been made available to users of the justice system and have served 186,791 women. Training on gender-sensitive human rights and development has been provided and has been completed by 108 magistrates, judges and advisers in the areas of civil, criminal, labour and family law

with expertise in violence. A total of 1,337 people took part (652 women and 685 men).

49. Between 2011 and 2018, Nicaragua, through its Ministry of Youth and in compliance with the regulations relating to the Equal Rights and Opportunities Act, trained 131,024 women in technology, preventive health, psychosocial care and associative arrangements. A total of 240,648 grants for pursuing technical studies, undergraduate, postgraduate and national and international master's degrees were awarded to young women with limited resources. Women make up more than 50 per cent of those mobilized to support families in social crisis and to participate in recreational, sports, cultural, environmental and communication activities.

50. Programmes have been launched to ease access to capital for women organized in solidarity groups by granting them loans at fair interest rates and providing goods and production inputs to strengthen their economic entrepreneurship and production capacities. The Usura Cero (Zero Usury) microcredit programme financed 510,454 loans between 2007 and 2018. In 2007, a food production programme was set up to reduce poverty and hunger among rural families by providing capital for productive assets. From 2007 to 2016, 282,797 vouchers were issued to women in rural areas. Both programmes are characterized by a true gender-sensitive approach and thus contribute to reduction of the gender gap, to women's economic empowerment and to household food security.

51. The Ministry of Family, Community, Cooperative and Associative Economics promotes financial inclusion and access to credit for rural and urban women through productive investment programmes and projects, which have benefited 640,947 women. There are also 133,124 women in cooperative associations.

52. Since 2004, the Nicaraguan Institute for Agricultural Technology has been enhancing a strategy for assisting women producers. It provides them with opportunities for technological innovation and builds capacity in production, value added and the marketing of agricultural products. It has helped 125,978 women.

53. In 2013, the Ministry of Finance and Public Credit established policy and methodological conditions to guide public institutions in mainstreaming gender in the national budget and a medium-term institutional expenditure framework to identify financial resources for gender-based initiatives in institutional programmes.

#### **Article 4**

#### **Temporary special measures to combat discrimination against women**

54. Special Police Units for Women had been operating in Nicaragua since 1996 to support women, children and adolescents in situations of domestic and sexual violence. In 2006, this became a national specialism when the Directorate of the Special Police Unit for Women and Children was created (provision 023/06). In 2007, investigation, prevention, information and criminal analysis were enhanced. The work of the special units received national and international recognition in 2012. All psychologists have specialized as forensic psychologists and all social workers have received specialist training in social inquiry. The network of promoters and volunteers has been expanded, with 4,080 trained in prevention and victim support at 162 of the Special Police Units for Women and Children. In 2014, a new model of mobile police units for women, staffed by multidisciplinary teams of experts, was implemented to expand access to justice for victims of domestic and sexual violence.

55. The comprehensive care for domestic and gender-based violence model has provided women with effective access to justice since 2007. The following prevention

and awareness-raising campaigns have also been run: “Homes are not made with violence”; “Love your family”; “The Special Police Unit for Women and Children will welcome you, listen to you and support you”; “Break the silence, report the violence”; “If you see something, hear something or realize what’s going on ... do something”; “Together we can prevent violence”; “You are worth it: you can restore your rights and together we can prevent it. NO MORE VIOLENCE!”.

56. In 2015, the Special Police Unit for Women, Children and Adolescents merged with the Legal Cooperation Directorate. This led to closer coordination within the system in terms of providing care, protection and swift and immediate access to justice, capitalized on the specialization of institutions and technical staff, and has prevented secondary victimization. The National Directorate of the Special Police Unit for Women, Children and Adolescents<sup>11</sup> has legal, investigative and operational departments to combat gender-based violence and trafficking in persons.

57. The Human Trafficking Prevention Act (No. 896) was promulgated in 2015. The national police developed and carried out campaigns, plans and policies aimed at preventing, investigating, prosecuting and punishing trafficking in persons and providing support to victims.

58. In 2013, the national campaign “Live cleanly, healthily, happily and well” was launched, and in 2014, the strategy on citizen and human security was formulated, aimed at achieving relations of equity and social justice. As a means of supporting the national strategy to combat domestic and gender-based violence, from 2014 to 2016 family and community-based counsellors were introduced to encourage the recovery of family values.

59. Nicaraguan legislation provides for maternity protection through the Responsible Parenthood Act of 2007 (No. 623), which regulates a child’s right to have first and last names and to their prompt registration; a child’s right to the establishment of paternal or maternal filiation, or both; and the right to request the settlement of disputes over child maintenance and visits through administrative and judicial mechanisms that are efficient and free of charge.

60. In 2014, the family law regime was updated with the enactment of the Family Code (Act No. 870).<sup>12</sup> Articles 79 and 261 of the Code enshrine the right to take maternity and paternity leave upon the birth or adoption of a child. The spouse or partner in a stable de facto union is entitled to five days of paid leave following the birth, with no loss of social benefits. In the case of adoption, the mother is entitled to 12 weeks and the father to five days of leave, regardless of the age of the adopted child. Single male adopters are entitled to a paternity allowance equivalent to that of the mother.

61. The comprehensive care for women programme run by the Ministry of Health promotes safe motherhood through the provision of obstetric services during pregnancy, childbirth, puerperium and the newborn period. It aims to reduce the number of high-risk pregnancies and obstetric complications and the perinatal and neonatal mortality rates. Standards and protocols for handling obstetric complications have been established to reduce maternal deaths through timely clinical management. The national sexual and reproductive health strategy emphasizes family planning to prevent unwanted and risky pregnancies.

62. The Nicaraguan Social Security Institute provides a milk allowance for two years under the multiple birth policy, regardless of whether the parents are insured.

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<sup>11</sup> Act No. 872 on the organization, functions, career and special social security regime of the national police, Special Police Unit for Women, Children and Adolescents.

<sup>12</sup> Official Gazette No. 190, 8 October 2014.

63. The Labour Code protects the right of pregnant women to work and to receive maternity benefits. Under article 140 of the Code, women are prohibited from working while pregnant in jobs or on tasks that may be dangerous, with no loss in salary or position.

## **Article 5**

### **Modification of social and cultural patterns**

64. From 1990 to 2006, three different Governments were in power, and their political agendas and actions did not include women's rights. Rates of illiteracy, non-attendance at school, malnutrition, morbidity, poverty, unemployment and lack of access to credit, technology and property were all high.

65. In 2007, the gender policy was established to guide the adoption of measures, mechanisms and affirmative action as needed to encourage equitable participation in all areas of public administration, and the concept of "buen vivir" (good living) was promoted. The campaign "A home is built with love ... because in love there is no fear" was launched in 2015 and the "Good hope, good heart" campaign was launched in 2016. The aim of both campaigns is to make families stronger and prevent violence against women and girls by promoting values, gender equity and complementarity and by encouraging the participation of men and boys in caregiving and household tasks.

66. From 2007 to 2018, the Ministry of Women's Affairs developed strategies to promote equitable and complementary relationships and family values. Women's role, leadership, empowerment and participation in all spheres were strengthened among 154,623 people (128,867 women and 25,756 men).

67. Since the adoption of the State policy on strengthening Nicaraguan families and preventing violence in 2014, the Ministry of Family, Youth and Children's Affairs has been promoting family well-being through values workshops.<sup>13</sup> Tools for reducing violence and promoting gender equity were shared with 135,925 parents. Family counsellors supported families in communicating more assertively, in the practice of values and in modifying parenting styles, which contributed to building safer, stronger and violence-free homes. A total of 76,857 parents were assisted during the period 2015–2018. Through the Programa Amor ("Love for the Littlest Ones" programme), families with children under 6 years of age receive support in areas such as raising children with values, child development, hygiene and early stimulation.

68. Since 2007, the Ministry of Education, as part of its curricular reform, has mainstreamed gender in the training of children, young people and adults, with the aim of unlearning unequal attitudes and behaviours between men and women so that they may enjoy equal opportunities through the promotion of values. The course "Growing up with values" was also rolled out in preschool, primary and secondary education, and was completed by 1,279,647 students. Sex education and the prevention of HIV/AIDS and sexually transmitted infections have also been incorporated. A total of 44,304 teachers have received further training in comprehensive sexuality education, meetings have been held with 460,828 parents and campaigns on respect and non-discrimination towards women in the educational community, in which 347,964 people participated, have been run.

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<sup>13</sup> Decree No. 43-2014, State policy on strengthening Nicaraguan families and preventing violence.

## **Article 6**

### **Suppression of the exploitation of women**

69. The Government of Nicaragua operates pursuant to the laws established and passed in accordance with procedures laid down in the Constitution, which has a separate legal status. Article 40 of the Constitution establishes that no one shall be subjected to servitude and prohibits all forms of slavery and trafficking.

70. Agreements and treaties relating to international declarations have been incorporated into Nicaraguan law. These include the Convention on the Elimination of All Forms of Discrimination against Women; the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women; the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others; the Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography; the International Labour Organization (ILO) Worst Forms of Child Labour Convention, 1999 (No. 182); the United Nations Convention against Transnational Organized Crime; the ILO Equal Remuneration Convention, 1951 (No. 100); the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Declaration on the Elimination of Violence against Women; the Beijing Declaration and Platform for Action; the Fourth World Conference on Women: Action for Equality, Development and Peace; the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights; the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the Second Optional Protocol to the International Covenant on Civil and Political Rights.

71. The Civil and Criminal Codes have been amended since 2008 with regard to rape and other sexual crimes. The Code of Civil Procedure (Act No. 902) was published in 2015 and established oral proceedings in civil cases, respect for constitutional principles and guarantees, and the fundamental right to equal treatment, respect for the adversarial principle and a defence for those taking part in proceedings.

72. The Criminal Code (Act No. 641) gives legal recognition to injuries resulting from psychological harm, makes domestic violence a separate offence, punishes sexual exploitation, pornography and paying for sex with adolescents, prohibits and punishes all forms of sexual exploitation, including tourism for purposes of sexual exploitation, punishes procuring and pandering as separate offences and prohibits the use of mediation, suspended sentencing and other benefits in cases where a sexual offence has been perpetrated against children or adolescents. The Comprehensive Prevention of Violence Against Women Act (No. 779), amending the Criminal Code (Act No. 641), was passed in 2012. It was the first standard to clearly address and define violence against women and to incorporate the perspective of support, punishment and prevention.

73. The Human Trafficking Prevention Act (No. 896) entered into force in 2015. It regulates prevention and victim support as well as investigation, prosecution and punishment of the offence from a human rights and gender-based perspective. Trafficking in persons is a priority for prosecutors, as are migrant smuggling, kidnapping, sexual exploitation, pornography and paying for sex with adolescents. The national police is responsible for drawing up operational plans and measures to prevent, investigate and prosecute this crime, coordinating its efforts with related institutions and bodies.

74. The National Coalition against Trafficking in Persons is composed of the ministers or experts in the field as designated by the following institutions: 1. Ministry of the Interior, which chairs and coordinates it; 2. the Supreme Court; 3. the Public

Prosecution Service; 4. the Ministry of Foreign Affairs; 5. the Ministry of Family, Youth and Children's Affairs; 6. the Ministry of Labour; 7. the Ministry of Health; 8. the Ministry of Education; 9. the Ministry of Youth; 10. the Ministry of Women's Affairs; 11. the Ministry of Transport and Infrastructure; 12. the Counsel General's Office; 13. the Office of the Human Rights Advocate; 14. the national police; 15. the Nicaraguan Army; 16. The Office of Migration and Alien Affairs; 17. the Nicaraguan Tourism Institute; 18. the Nicaraguan Telecommunications and Postal Institute; 19. the Customs Directorate; 20. Family, Community and Life Offices; 21. the Association of Municipalities of Nicaragua; 22. the Autonomous Regional Councils of the Nicaraguan Caribbean Coast; 23. the National Council of Universities; 24. the Federation of Associations of Persons with Disabilities; and 25. the Nicaraguan Coordinating Federation of Non-Governmental Organizations. Local representatives also participate in committees chaired by the Ministry of the Interior. It is a forum in which national strategic plans for the prevention, assistance, investigation, prosecution and punishment of trafficking in persons are drawn up.

75. Nicaragua continues to invest in the human and financial resources of the various institutions to ensure that they are able to offer victims of trafficking in persons appropriate and priority care, namely, meet them and provide them with transportation, medical care, shelter, food, psychological care, economic assistance and legal advice as needed. The authorities that specialize in tackling violence receive ongoing training to ensure that their decisions reflect the provisions of the national and international legal instruments that protect the rights of victims and defendants. The State has invested in suitable infrastructure for approaching and tackling this offence, including modern court facilities and technology to prevent re-victimization, such as screens and the Gesell Chamber in the Institute of Forensic Medicine. The national police has a single national register of information on trafficking in persons.

76. Nicaragua has joined the Regional Action Group of the Americas for the Prevention of Sexual Exploitation of Children and Adolescents in Travel and Tourism.

## **Article 7**

### **Equality in political and public life at the national level**

77. Women in Nicaragua have had the legal right to hold government office since 1955 but only in 1974 did the first women enter such positions. The victory of the Sandinista people's revolution in 1986 resulted in the drafting of a Constitution that enshrines the rights and obligations of Nicaraguans and State bodies. Articles 4, 27 and 48 of the Constitution establish the real and unconditional equality of all Nicaraguans and the State's obligation to remove obstacles to absolute de facto equality between Nicaraguans and to their effective participation in the country's political, economic and social life.

78. On 10 January 2007, the Government announced its first Cabinet, which included women as heads of ministries and government institutions. It was the first step towards Nicaraguan women holding positions of political power.

79. The Equal Rights Act provides for equality in the exercise of political rights, including the right to elect and be elected to public office. It also establishes the need for a proportional percentage of women and men in elected positions at the national, regional and municipal levels and in the Central American Parliament. To that end, political parties must include women candidates in their lists to ensure greater democratic participation.

80. To give effect to women's political rights, article 82 of Act No. 790 of 2012, amending the Electoral Act (No. 331), provides that political parties or alliances must

propose candidates in accordance with the principle of gender equality. The 2011 elections brought significant progress in terms of gender balance in the National Assembly, as the proportion of women parliamentarians increased from 22.6 per cent to 40.2 per cent. In the Central American Parliament, 6 out of the 20 incumbent deputies were women.

81. By 2013, half of local governments had women mayors or deputy mayors as a result of the amendments to the Electoral Act and the Municipalities Act. During the period 2011–2014, 50 per cent of ministers and 25 per cent of Supreme Court judges were women.

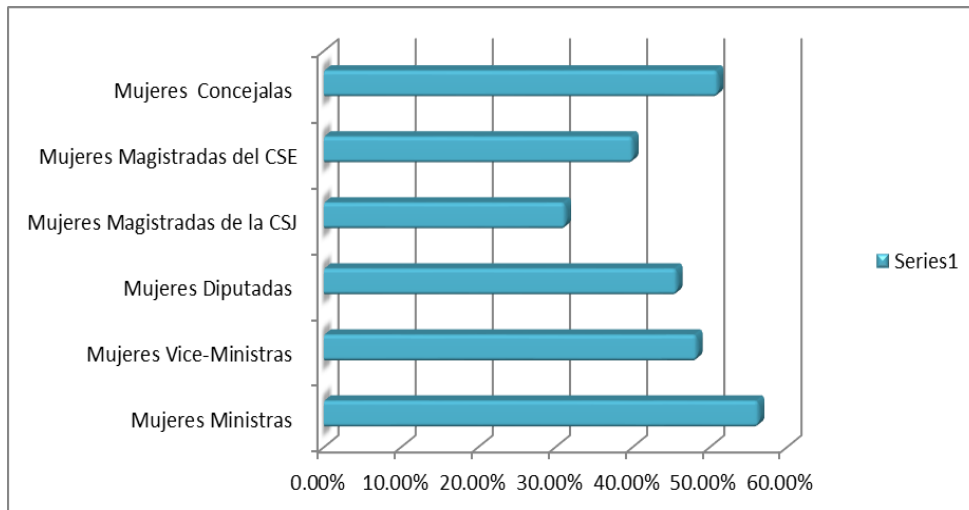
Período	Alcaldes y Alcaldesas					Vicealcaldes y Vicealcaldesas				
	Total	Hombres		Mujeres		Total	Hombres		Mujeres	
		Total	%	Total	%		Total	%	Total	%
2000-2004	150	137	91	13	8.7	150	119	79	31	21
2005-2008	152	136	90	17	11	152	128	84	24	16
2009-2012	153	130	85	23	15	153	60	39	93	61
2012-2016	153	89	58	64	42	153	63	41	90	59
2017-2021	153	87	57	66	43	153	67	43	86	57

Fuente: Instituto Nicaragüense de Fomento Municipal (INIFOM).

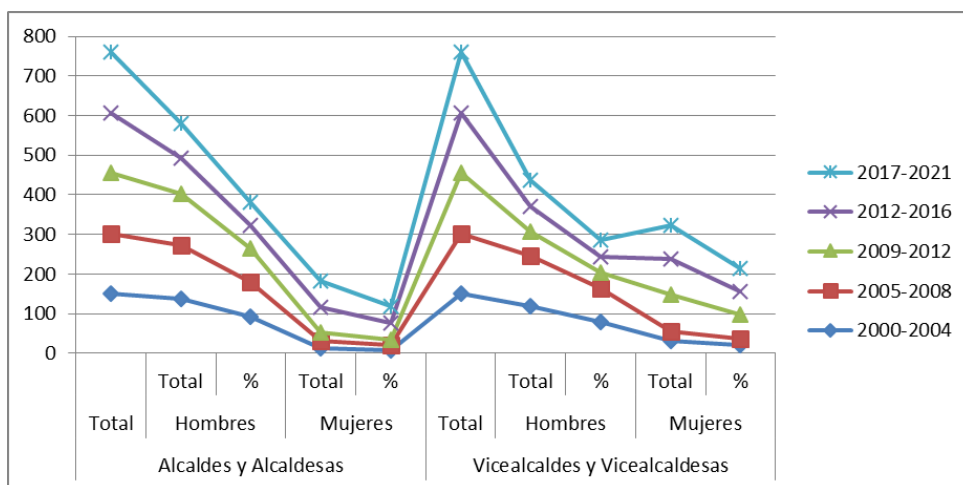
82. In 2013, Nicaragua was ranked tenth for gender equality by the World Economic Forum, which deemed it to be the most gender-equal country in Latin America. That same year, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) classed Nicaragua as one of the countries in the world with the highest percentage of women in ministerial and legislative positions, ranking it ninth and fifth, respectively.

83. The Constitution was amended in 2014 to give constitutional status to gender parity and equity in elected office. Under article 131, lists of candidates put forward by political parties for elected positions must consist of 50 per cent of women and 50 per cent of men. Article 178 refers to the mayor-deputy mayor pairing, which must be formed according to the principle of gender equality and equity in the exercise of local power.

84. Today, thanks to the political will demonstrated by the Government, Nicaragua is a country with high participation and gender equity indices, as has been recognized internationally. The number of women in leadership positions has increased proportionally: in the executive branch, 56.3 per cent of ministerial posts are held by women (in the ministries of Education, Health, the Interior, Labour, Family, the Environment, Family Economy, Women's Affairs and Defence); in the Supreme Electoral Council, 40 per cent of judges are women; and in the legislature for the period 2017–2021, 45.7 per cent of parliamentary seats are held by women. Women account for 57 per cent of the members of the Governing Board of the National Assembly. In the judicial branch, 59.7 per cent of the judges, court secretaries and conciliators are women, while 31 per cent of judges in the Supreme Court and 47 per cent of judges in the courts of appeal are women.



85. In local government, for the period 2017–2021, 43 per cent of mayors and 57 per cent of deputy mayors in the 153 municipalities are women. Fifty-one per cent of councillors are women; of that number, 52 per cent are young women in decision-making and managerial posts or positions of responsibility at the local level. In the boards of directors and general secretariats of social, trade union and labour movements, 50 per cent of leaders are women. Elections were held in the regional governments on the Caribbean Coast in 2019, and 517 of the 1,035 candidates listed were women.



86. Nicaragua ranked sixth in the Global Gender Gap Index in 2017. It also ranked fifth with regard to the number of women serving in parliament and first with regard to the number of women occupying ministerial posts. The *Global Gender Gap Report 2018*, published by the World Economic Forum, places Nicaragua among the top five countries with the smallest gender gap, and Nicaragua joined a select group of 10 countries around the world that have closed over 80 per cent of their gender gap.

87. Under article 49 of the Constitution, urban and rural workers, women, young people, agricultural producers, artisans, professionals, technicians, intellectuals, artists, members of religious orders, the communities of the Caribbean coast and the general population have the right to form organizations for the purpose of realizing their aspirations in accordance with their own interests and to participate in the construction of a new society, without discrimination of any kind. The constitutional



right to freedom of association is upheld, as evidenced by the existence of 7,227 duly registered not-for-profit organizations, 3,276 of which were registered during the reporting period.

88. There are more than 60 women's organizations, including Asociación de Mujeres Nicaragüenses Luisa Amanda Espinoza (AMNLAE), Puntos de Encuentro, Centro Dos Generaciones, Sí Mujer, IXCHEN, Acción YA, Nimehuatzín, Movimiento de Mujeres María Elena Cuadra, FUNDEMUNI, Xochiquetzal, Colectivo de Mujeres, Cantera, INPRUH, Movimiento Autónomo de Mujeres de Nicaragua, REMO, Asociación para los Derechos de las Mujeres en el Desarrollo, Colectivo de Mujeres, Proyecto Miriam, Congreso Permanente de Mujeres Empresarias, Asociación De Mujeres Consuelo Buitrago, Asociación para la Promoción y Desarrollo de la Mujer, Fundación Luciérnaga, and Fundación Fénix.

## Article 8

### Equality in political and public life at the international level

89. Exercising effective and democratic leadership among the various regional and global actors is part of sustainable development, which Nicaragua is pursuing by building a modern, fair and supportive society, in which peace and respect for human rights are guaranteed.

90. Nicaraguan citizens have the right to participate on an equal footing in the conduct of public affairs and the administration of the State. The Constitution guarantees the right to the effective participation, at the national and local levels, of individuals, families and communities in the formulation, implementation, evaluation, monitoring and follow-up of public and social policies and public services. This right is also guaranteed by specific laws on equal rights.

91. In accordance with equal rights legislation and the Foreign Service Organic Act, entry to the diplomatic service is free from discrimination. The selection process for future diplomats consists of an open nationwide competition that is administered exclusively by the Ministry of Foreign Affairs. By way of illustration, the number of women representing the country in the embassies has risen from 6 to 16. Those women consuls are based in El Salvador, Guatemala, the Dominican Republic, Jamaica, Brazil, Chile, Colombia, Peru, Uruguay, Venezuela, Germany, France, the United Kingdom, Italy, the Russian Federation and the Holy See.

Año	Embajadas	Embajadoras
2018	38	16
2017	38	13
2011-2016	37	11

Fuente: Datos MINREX 2011-2018

92. In 2008, for the first time in 15 years and for the second time in its history, the Central American Parliament was presided over by a woman and achieved gender parity, with six women and six men on the Board. For the period 2018–2019, the president is a woman and 5 of the 12 members are women.

93. In 2008, the Government ratified the Convention establishing the Council of Central American Ministers for Women's Affairs, a body that makes proposals, conducts analyses and makes recommendations on political, economic, social, environmental and cultural matters of common interest, in order to advance and coordinate the development of the member countries by initiating, drafting and proposing policies aimed at transforming the situation, position and status of women in the region. Nicaragua also participates in the Inter-American Commission of

Women of the Organization of American States, and the Presiding Officers of the Regional Conference on Women in Latin America and the Caribbean, a subsidiary body of the Economic Commission for Latin America and the Caribbean. It is also a member of the Bureau of the Commission on the Status of Women, the Association of Electoral Bodies of Central America and the Caribbean, the Inter-American Institute of Human Rights and the Forum of Women in Political Parties.

94. Nicaragua considers it imperative to continue the joint work on the gradual and progressive construction of a Central American and Latin American union. To that end, in fulfilment of its international commitments, it is working actively within the Human Rights Council, the Inter-American human rights system, the Movement of Non-Aligned Countries, the Community of Latin American and Caribbean States, the Bolivarian Alliance for the Peoples of Our America – Peoples' Trade Agreement, the Central American Integration System, the Ibero-American Summit of Heads of State and Government, the Summit of the Americas and all bodies of the United Nations and the Organization of American States.

## **Article 9**

### **Equality under the law with respect to nationality**

95. Article 16 of the Constitution provides that that any son or daughter of a Nicaraguan father or mother, whether or not they were born on national soil, is a national of Nicaragua. It also sets forth the right to retain one's nationality, establishing that no one may be deprived of it, even if they decide to acquire another nationality, since the holding of multiple nationalities is permitted. Foreign individuals can become naturalized citizens if they meet the legal requirements. Nicaragua protects the right to form a family either by marriage or by stable de facto union; once a bond is established, no acquired rights, including nationality, may be renounced.

96. In accordance with the international human rights instruments to which Nicaragua is a party, humanitarian visas may be granted to persons whose human rights have been violated and to victims of trafficking in persons, particularly women and children.

97. Nicaragua became a party to the Cartagena Declaration on Refugees in 1984 and in 2008 passed the Refugee Protection Act (No. 655), which provides that any person, without discrimination of any kind, has the right to apply for recognition of refugee status in Nicaragua if they have a well-founded fear of persecution for reasons of race, religion, nationality, gender, membership of a particular social group or political opinion, are outside the country of their nationality and are unable or unwilling to avail themselves of the protection of that country. This status extends to the spouse or partner in a stable de facto union and to the minor children of the person recognized as a refugee. It is also extended to other members of the family group who are dependent on the refugee.

98. The General Migration and Aliens Act (No. 761) of 2011 contains a series of measures for acquiring Nicaraguan nationality. Foreign nationals with Nicaraguan children who were born in the country and those who marry or enter into a stable de facto union with a Nicaraguan inside or outside the country may acquire resident status by virtue of the marriage or stable de facto union. If the union is dissolved, this immigration status will be lost; however, they are entitled to acquire another immigration status provided that they meet the legal requirements. Those who have resident status owing to family ties must fulfil their responsibilities in terms of child maintenance, and their immigration status may be revoked if they fail to do so. This protects children's right to State care and protection. In the event of the death of the

spouse or partner in a stable de facto union, the foreign national will not lose their resident status, unless they have been convicted in a final judgment of the death of the spouse or partner in a stable de facto union. However, if they have children that are Nicaraguan by birth, they may opt for residency on the basis of family ties.

## **Article 10**

### **Equal rights in the field of education and training**

99. The Government is implementing an education strategy to improve coverage, quality and gender parity at all levels of education. Basic and secondary education are administered by the Ministry of Education, technology education by the National Institute of Technology, which is an independent entity, and higher education by the National Council of Universities.

100. Enrolment in basic education increased from 1,627,661 students in 2007 to 1,813,244 students in 2018. The rate of enrolment in preschool education was 69.5 per cent in 2018. Retention rates improved at all levels, rising from 85.5 per cent in 2007 to 89.4 per cent in 2018. The percentage of women in the different education modalities is as follows: 49.7 per cent in preschool education, 40.2 per cent, 53 per cent in literacy, in special education, 74.4 per cent in teacher training, 48.4 per cent in basic and multi-grade primary education, 52.3 per cent in primary education for young people and adults, 50.1 per cent in secondary education, 50.8 per cent in secondary education for young people and adults, and more than 50 per cent in vocational training.

101. Nicaragua is engaged in a permanent battle against illiteracy. In 2007, it ran a national literacy campaign, entitled “From Martí to Fidel”, that led to a reduction in the illiteracy rate from 22 per cent in 2006 to 3 per cent in 2010. As a result of this historic achievement, the United Nations Educational, Scientific and Cultural Organization declared Nicaragua free of illiteracy. From 2007 to 2018, 717,583 women, mainly from rural areas, were taught to read and write.

102. The study plan has been enhanced with the inclusion in the curriculum of the following courses: “Growing up with values”; “Learning, entrepreneurship and prosperity”; “Art, culture and tradition”; chess in the third grade; and English as a second language in public primary schools. Educational community councils, made up of 160,000 volunteers from among the students, teachers, school directors and parents, have been formed. The use of information and communication technologies in urban and rural schools began to be encouraged and 35,000 teachers were trained.

103. The school meals programme contributes to food security and school retention. It covers all children and adolescents in regular primary, multi-grade and distance-learning schools in rural areas and has provided 1.809 billion daily meals to 1,013,382 students in public schools and subsidized private schools. As at 2018, a total of 4,255,452 students had been provided with school support kits.

104. In 2014, a single student registration system was implemented, enabling each participant to be registered by name. In 2016, a national survey of the condition of schools was carried out using georeferencing, with the aim of identifying school infrastructure priorities and preparing pre-investment projects. A total of 6,203 coordinators of pedagogical exchanges attended workshops on educational evaluation, planning and training.

105. Nicaragua has eliminated gender stereotyping from all levels and forms of education, and has formulated inclusive training proposals. It has developed professionalization programmes for 9,430 women teachers in various subjects and has

updated the knowledge of 44,275 women. A total of 10,603 female community educators have been trained.

106. A total of 2,277,289 participants from the Usura Cero and Hambre Cero programmes have been trained in personal development, stronger entrepreneurship, food sovereignty, values and gender equity. A total of 46,976 participants have improved their skills in enterprises related to family economy, production, trade and tourism for the benefit of family prosperity.

107. A total of 52,186 experienced but unqualified workers from the industrial, construction, agricultural and hotel sectors have received professional skills certification. Skills-development programmes have been designed to boost the productivity of 55,801 at-risk young people and persons with disabilities.

108. The Augusto C. Sandino national programme for technical education in rural areas has been in operation since 2014. In coordination with the national production, consumption and trade system, it has trained 42,979 women, who accounted for 50 per cent of those enrolled. In coordination with the mayors' offices, the "Municipal Trade Schools" strategy was launched. A total of 151,106 women have been trained, representing 60 per cent of total enrolment.

109. The use of technology for educational purposes has been incorporated to boost learning. A total of 279 mobile digital classrooms and 363 information and communications technology (ICT) classrooms in 439 primary and secondary schools have been connected to the Internet, and 46,486 primary and secondary school teachers and 280,000 students have been trained in the use and management of educational technologies, enabling them to develop skills in the use and integration of technologies. A total of 22,165 girls and adolescents are participating in the "Learning to Program, Programming for Learning and Enterprise" strategy. In addition, 17,610 young people and adolescents are learning about the use of social networks, 11,388 teachers and mothers are actively participating in forums on educational technologies, and 169,412 participants from urban and rural areas are taking part in courses on ICT. A total of 18,620 people have participated remotely in technical training courses, and wireless Internet connections are available to students and teachers in 45 technology centres around the country.

110. At the university level, women are taking the lead: they account for 89 per cent of teachers and 56 per cent of educational directors and leaders, and they enjoy the right to equal pay for equal work. The Open and Online University of Nicaragua was set up in 2017. A total of 71,246 participants have followed 19 free courses, 13 advanced technical courses, 8 undergraduate courses and special courses. All the students enrolled received tuition grants, and students with limited economic resources and high academic performance also received direct financial support from the State budget. The number of grants in 2017 was 27,209, of which 15,079 were awarded to women.

111. Since 2007, priority has been given to women in greater poverty. Some 258,000 grants have been awarded to young people with limited economic resources to study for university degrees and in specialisms abroad and in national universities, and 1,680,000 grants have been awarded for technical and technology studies, giving priority to women in all municipalities.

## **Article 11**

### **Equality in labour and employment**

112. Nicaragua, through its proactive employment policies, ensures that the whole economically active population enjoys equal rights and opportunities to work and

employment. With regard to gender issues, the Office of Equality and Non-Discrimination in Employment was established in 2007. It works actively with women and persons with disabilities.

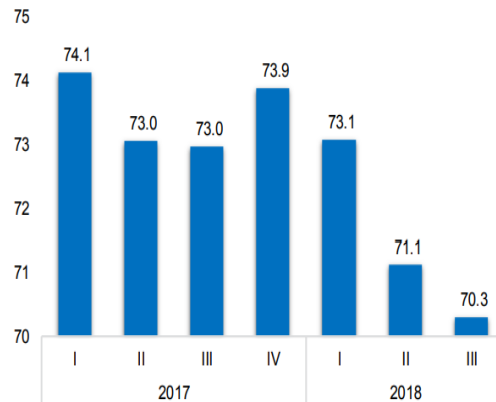
113. The elimination of discrimination against women in work is enshrined in law and has been further institutionalized through the adoption and amendment of a range of legislation concerning labour issues, including: the General Occupational Health and Safety Act; the Equal Rights and Opportunities Act; the General Labour Inspection Act; the Act amending and supplementing Chapter VIII of the Labour Code; the Professional Qualification for Women Labour and Social Security Attorneys Act; Ministerial Agreement No. JCHG-005-05-07 on workplace medical examinations, with emphasis on the prohibition of tests for pregnancy and HIV/AIDS; amendments to the Constitution adopted in 2014; the Executive Branch (Organization, Powers and Procedures) Act, as amended in 2013; the Labour and Social Security Procedural Code of 2012; the Rights of Persons with Disabilities Act of 2011; and Decree No. 39-2013 of 2013 amending Decree No. 975 regulating the Social Security Act.

114. The Ministry of Labour conducts workplace inspections. Between 2007 and 2018, 127,956 such inspections were carried out to monitor and protect the labour rights of 1,153,969 women. The salaries of 21,669 women, who had been earning less than the legal minimum wage, were adjusted accordingly. Of the total number of inspections conducted specifically in free trade zones, 1,250 covered 145,569 women. Overall, those actions led to wage increases for 1,026,522 women who had been earning less than the legal minimum wage.

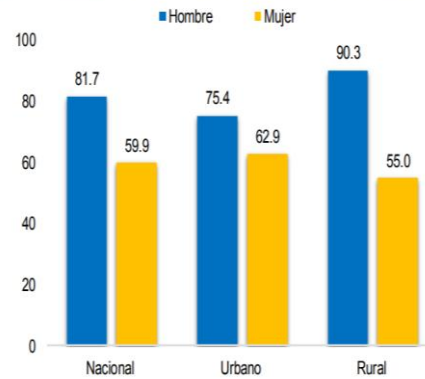
115. The Occupational Health and Safety Directorate ensures stable and safe working conditions and gender equality for employees. Between 2007 and 2018, 39,265 inspections were carried out, covering a total of 3,473,318 workers, of whom 1,667,192 (48 per cent) were women. A total of 536 inspections, covering 164,694 women, were conducted in free trade zones. A total of 15,908 joint occupational health and safety committees have been set up at the national level, benefiting 129,249 women, who account for 34 per cent of representatives on the committees. Training has been given to 71,273 women across a range of sectors in the economy and 3,031 working women from around the country have been instructed in the area of labour rights using a manual on women's substantive labour rights and how to defend them.

116. On the subject of collective rights and the right of association, 862 agreements were signed between 2007 and 2018 allowing for more generous social benefits than those provided for under labour laws; 716,865 women were able to benefit from those agreements. Aided by gender-specific initiatives under the national labour market access programme, 35,793 women have found work through the Public Employment Service (Labour Exchange) and self-employment projects run by the Ministry of Labour. The National Commission on Minimum Wages, half the members of which, by law, are women, carries out analysis and approves legal salary adjustments. By 2018, minimum wages had been increased by more than 40 per cent in real terms.

117. As at 2010, the participation of women in the workforce had risen by 11.9 per cent, with higher growth rates in urban than in rural areas. This contributed to growth of 16.1 per cent in the size of the economically active population. In rural areas, the increase was more marked still, at 29.7 per cent for the same period. In 2018, the rate of workforce participation was 70.3 per cent; 81.7 per cent for men and 59.9 per cent for women.

Tasa global de participación laboral a nivel Nacional  
(porcentajes)

Fuente: Encuesta Continua de Hogares, INIDE.

Tasa global de participación por área de residencia  
(porcentajes)

Fuente: Encuesta Continua de Hogares, INIDE.

118. In 2018, the net national employment rate was 93.8 per cent; 93.9 per cent for men and 93.6 per cent for women. The proportion of persons working as employers increased by 17 per cent; women make up 45.1 per cent of self-employed people, 14.7 percentage points higher than their male counterparts. The opposite is true in the case of wage-earners, with men exceeding women by 10.5 percentage points. Underemployment affects 54.9 per cent of the active population, in particular women. Rural areas have the highest levels, with 58.3 per cent of the active population underemployed.

## Article 12

### Equal access to health care

119. The national health system in Nicaragua, which has public and private components, is organized in 19 local comprehensive health-care systems. They promote and provide preventive care, treatment and rehabilitation to individuals, families and communities and monitor their living conditions. They also carry out programmes on early childhood (Programa Amor), for persons with disabilities (Todos Con Voz), on the reduction of maternal and infant mortality, and for fee-free surgery (Operación Milagro).

120. As at 2018, the public health network comprised 72 hospitals, 144 health centres, 1,299 clinics, 5 specialist units, 178 maternity homes, with 2,351 beds, and 84 homes for persons with special needs. A total of 399 ambulances and 6 water ambulances are available for patient transport and 66 mobile clinics provide health-care services to individuals and families living in remote areas. There are 67 pain management clinics. Access is available through the network, free of charge, to laparoscopic surgery and mammography, ultrasound, cytology, cryotherapy, chemotherapy, laboratory testing, electroencephalogram, electrocardiogram, remote X-ray, magnetic resonance and tomography services. Under the Traditional Medicine and Complementary Therapies Act of 2011, which provides for the respect for and the protection and promotion of the natural and ancestral medical traditions of indigenous peoples and ethnic communities, 66 pain management clinics and 186 natural medicine and complementary therapy clinics set up in health-care units provide people with alternative treatment options. Demand for those services comes predominantly from women.

121. Throughout the country, there are 5,657 *casas bases* (community health centres), organized in 2,766 sectors, in which 48,255 members of the community network work. They include brigade members, midwives, volunteers, *sobadores* (traditional massage therapists), shamans and traditional doctors from the Caribbean coast. At present, 72 per cent of the members of the community health network are women, with midwives and brigade members totalling 32,854. Women make up 65 per cent of staff in the Ministry of Health, two thirds of them in management positions.

122. In 2006, 9,205 women received care in 50 maternity homes previously run by religious bodies and institutions. In 2018, 178 maternity homes were renovated or built to care for 343,602 pregnant women from remote rural areas, providing them with safe conditions during and after childbirth and thereby reducing the maternal mortality rate by 15 per cent, from 121 deaths in 2006 to 47 in 2018. In 2006, 87,350 women gave birth in health facilities. In 2018, 107,400 women, accompanied by family members, received medical attention under the humanized childbirth plan.

123. A total of 222,361,653 medical services were provided in health facilities, at health fairs, in mobile clinics and by medical brigades between 2011 and 2018. Medical care was thus made more accessible to people living in poverty or extreme poverty, especially in the remotest areas, such as along the Caribbean coast. Women obtained access to surgical sterilization, cancer prevention tests and general health care, and 1,766,706 women of childbearing age received medical attention, bringing the rate of teenage pregnancy down by 12 per cent by 2018.

124. Testing for the early detection of HIV in pregnant women has been improved. In 2006, 18,000 women were tested and 55 per cent of mothers tested positive for HIV. By 2018, 2,694,945 rapid tests had been performed on pregnant women. Those who tested positive were ensured treatment, which led to a 96 per cent reduction in the rate of mother-to-child transmission between 2011 and 2018. With a view to preventing the spread of HIV, 39,790,570 condoms have been distributed to the general public.

125. A total of 1,214,121 births in health facilities were recorded by the Ministry of Health between 2007 and 2016. The proportion of assisted births rose from 51.5 per cent in 2006 to 96 per cent in 2018. Key to that improvement has been the promotion of antenatal care and the increased capacity of public health facilities to provide childbirth care. In 2014, a childbirth plan was launched in rural areas and 72,000 women had been assisted by 2018. A total of 1,199,282 post-partum check-ups were carried out in the reporting period.

Comportamiento Indicadores en Salud 2011-2018.								
Variables	2011	2012	2013	2014	2015	2016	2017	2018
Planificación Familiar	204225.00	210969.00	237280.00	228245.00	236344.00	232116.00	233761.00	215294.00
Atenciones Prenatales	631137.00	639322.00	673463.00	675216.00	664953.00	598485.00	589878.00	592862.00
Nacimientos Institucionales	89.70	91.20	92.40	93.40	94.00	94.10	94.10	96.00
Atención al puerperio	116916.00	118798.00	137778.00	138221.00	142047.00	138905.00	145207.00	150728.00
Exámenes de Papanicolaou	308147.00	303164.00	406877.00	443065.00	548919.00	579242.00	635279.00	766766.00
Mortalidad Mujeres por 10,000	28.60	28.50	29.50	31.40	32.30	32.30	33.00	30.60
Mortalidad Hombres por 10,000 hab	37.80	39.70	40.30	41.20	43.00	42.80	43.00	40.80

126. The national Pap smear testing network has been strengthened and priority given to early detection of cervical cancer. By 2018, 3,991,459 such tests had been carried

out on women to detect precancerous cells. Cancer mortality rates among women decreased from 18.3 per cent in 2014 to 14.3 per cent per 100,000 women in 2018. The capacity to diagnose breast cancer has been reinforced, with 17 mammography units.

127. Child health care is a priority for the Government, which has committed itself to protecting and providing effective and efficient care for children. Under the Programa Amor, which provides guidelines on bringing up children based on values that contribute to comprehensive human development, visits have been made to 1,130,087 families, as well as 1,477,023 follow-up visits. Infant mortality decreased from 29 per 1,000 live births in 2006 to 13.9 per 1,000 live births in 2017. Children, adolescents and women with disabilities receive special assistance under the Todos Con Voz programme. By 2018, 1,557,057 visits had been made to that population group and 17,402 disability aids had been provided.

128. Efforts are being made to improve the professionalism, training and recruitment of staff in order to ensure good quality health-care services for the public. The number of nursing staff, including nurses, assistants and surgical technologists, increased from 4,329 in 2006 to 11,208 in 2018. The majority are women. Among them are 495 nurses specialized in obstetrics and perinatology, 1,303 family and community assistants, who come from the communities in which they work, and 712 nurses and assistants with neonatology qualifications. Some 3,168 doctors trained in various specialized areas of medicine and surgery work in Ministry of Health hospitals. Some 11,067 health workers, including doctors, nurses and social services technicians, have been trained at the Institute of Natural Medicine and Complementary Therapies since its establishment in 2014.

129. The statistics on maternal mortality along the Caribbean coast have improved with broadening coverage and the higher quality of health-service infrastructure, including with regard to primary care hospitals, health centres and clinics, and training for local specialists and general practitioners. After training, they return to the various clinics to cover basic gynaecology, pediatric and surgical requirements.

## **Article 13**

### **Economic and social security**

130. Nicaragua has signed and ratified international instruments in which the rights of the family are enshrined and protected. They include: the Universal Declaration of Human Rights, in article 16 of which it is stipulated that the family is the natural and fundamental group unit of society,<sup>14</sup> that everyone has the right to form a family, without any limitation due to race, nationality or religion, and that it is entitled to protection by the State; the International Covenant on Economic, Social and Cultural Rights, under article 10 of which the family is recognized as the natural and fundamental group unit of society and the protection and rights of children while in the care of their parents is provided for;<sup>15</sup> the American Convention on Human Rights (Pact of San José), in article 17 of which the family is recognized as the fundamental group unit of society,<sup>16</sup> the right of men and women to form a family is enshrined and the adequate balancing of responsibilities of the spouses as to marriage is provided for; and the Convention on the Rights of the Child, in which the family is defined as

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<sup>14</sup> <https://www.un.org/en/universal-declaration-human-rights/>.

<sup>15</sup> <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>.

<sup>16</sup> <https://www.cidh.oas.org/basicos/english/basic3.american%20convention.htm>.



the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children.<sup>17</sup>

131. The rights of the family enshrined in the national legal system are based on the Constitution, article 4 of which stipulates that the State recognizes the individual, the family and the community as the origin and purpose of its activity and that it is organized to ensure the common good, which it does by promoting the human development of all Nicaraguans, drawing inspiration from Christian values, socialist ideals, solidarity, democratic and humanistic practices, as universal and general values, as well as from the values and ideals of Nicaraguan culture and identity.<sup>18</sup>

132. The individual, family and community are at the heart of the national human development plans for the periods 2008–2012, 2012–2016 and 2017–2021, whereby families are viewed as collective subjects of rights and agents of transformation and socioeconomic development.

133. Prior to 2014, the rights of the family in Nicaragua were codified in various specific laws on, inter alia, family relations, filiation, maintenance, family assets, marriage, dissolution of marriage, adoption and parental responsibilities. At present, the right to spousal maintenance is set forth in the Family Code (Act No. 870), the aim of which is to guarantee the protection, respect and restoration of the human rights of all families. It has constitutional status, brings together the content of all the earlier family legislation and stipulates a new model of responsibilities shared by both spouses, whereby marital relations are founded on mutual respect, solidarity and the absolute equality of rights and obligations.

134. Spousal maintenance constitutes a necessary financial benefit provided to enable a person to subsist. The amount payable is calculated based on the relation between the financial capacity of the person obliged to pay and the needs of the recipient. Under article 307 of the Code, the right to maintenance is strictly personal, not subject to statutes of limitations, inalienable, unequivocal and non-transferable. Maintenance payments may neither be seized nor set off against any form of debt. They shall, without exception, override and take priority over any other obligation that the payer may have and may not be seized by his or her creditors. The duty to provide maintenance and the right to receive it are based on the family, as set forth in article 315. All able adult members of the family are obliged to contribute to its maintenance, either financially or in household work, according to their abilities and possibilities.

135. With the promulgation of the Family Code, institutional capacities were also strengthened in order to ensure its effective implementation and access by families to specialized, oral, expeditious and straightforward justice free of charge. The 29 family courts established around the country have resolved 143,784 cases.

136. With regard to child support, the care and upbringing of children, and contact and visiting arrangements, the Ministry of Family, Youth and Children's Affairs has trained 361 civil servants as family conciliators. As a result, 55,776 children and young people have recovered their right to child support payments.<sup>19</sup> An automated single maintenance payments system serves to expedite those payments. It currently processes 29,820 child support payments. In 2018, accession to the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance was approved.

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<sup>17</sup> <https://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx>.

<sup>18</sup> Political Constitution of the Republic of Nicaragua, as amended. Published in the Official Gazette, No. 32-2014.

<sup>19</sup> Ministry of Family, Youth and Children's Affairs, 2014–2018.

137. Access to credit in Nicaragua was extremely limited and no provision was made in the national development plan for the period 2000–2007 for options enabling women to obtain finance. The Government thus opted to foster competition with the private sector. Since 2007, Government policies have changed radically. Starting with the national human development plan for the period 2008–2012, policies on women have been focused on the recovery of rights, empowerment and leadership.

138. With a view to fostering economic development and providing banking and financial services, primarily credit, to stimulate economic and productive activities in the country, Act No. 640 of 2007 establishing the Development Bank and Act No. 684 of 2009 amending Act No. 640 were passed to channel finance towards small and medium-sized producers and other high-priority sectors of the economy. In 2011, the Microfinance Development and Regulation Act (No. 769) was passed with a view to stimulating the economic development of the country's low-income sectors. Similarly, regulations were drafted to implement Act No. 717 establishing a fund for land purchases with gender equity for rural women, which sets forth the rights to property, equality and decent housing. Act No. 645 of 2008 on the promotion and development of micro, small and medium-sized businesses mandates the promotion and comprehensive development of such businesses as a critically important sector for the country's economic development.

139. Nicaragua has promoted a range of strategies and programmes to stimulate entrepreneurship, generate access to credit and foster the ingenuity, creativity and productive capacity of Nicaraguan women. They include: the Hambre Cero plan to achieve zero hunger; a food production programme; the Patio Saludable (“healthy yard”) programme to encourage home-grown produce; a special support plan for small-scale producers; a programme on adapting agriculture to climate change; a programme designed to improve the organizational and productive skills of cacao producers in the mining triangle; a plan to foster the development of and promote entrepreneurship; a programme to support increased productivity and food and nutrition security in the Caribbean coastal region; a programme on adaptation to market changes and the effects of climate change; a programme to support the development of production, agricultural, fishing and forestry systems in indigenous territories in the North and South Caribbean Coast Autonomous Regions; a programme to support the national livestock value chain; a programme to support female artisans who make products derived from the tuno tree in the Sakalwas community of the Mayangna Sauni As territory, located in the North Caribbean Coast Autonomous Region; a programme supporting the development of the dairy sector in the south-eastern livestock farming region in the Río San Juan and Ruta Santo Tomas-El Rama Basin; a sustainable development programme focusing on the livelihoods of rural families in the Nicaraguan dry corridor; and a programme supporting the inclusion of small-scale producers in value chains and their access to markets. Possibilities have been opened up for participation and the exchange of good practices regarding the production and marketing of their goods.

140. Women are eligible for microcredit, personal loans, consumer loans and loans for home improvement and repairs from the Caja Rural Nacional savings and loans cooperative. It offers low interest rates and currently has more than 50,000 members. With 34 branches and 30 affiliated savings and credit cooperatives, it has a total of 65 customer service and product distribution branches nationwide.

141. According to the Food and Agriculture Organization of the United Nations, those programmes enabled Nicaragua to meet the Millennium Development Goal target on hunger in advance, reducing the prevalence of undernourishment by 37.8 per cent. It has also successfully implemented programmes to combat poverty.

142. Under article 65 of the Constitution, Nicaraguans have the right to practice sport and to engage in physical education, recreation and leisure. The State plans to encourage organized and mass public participation in sport and physical education in order to provide Nicaraguans with a rounded education. Special programmes and projects will be put in place to that end. The Government acknowledges the right to create and enjoy all forms of art and culture. The national human development plans for the periods 2008–2012 and 2012–2016 contain guidelines for public institutions on fostering the preservation and promotion of all features of our national identity and culture, supporting and developing expressions of local and national culture, and encouraging the widespread practice of all sporting disciplines.

143. Article 28 of the Equal Rights and Opportunities Act stipulates that the State and regional and local governments shall promote culture, ensuring equal opportunities for women and men, by funding the development of art, culture and sports, fostering creativity and artistic talent, and promoting the preservation of culture and the recognition of diversity. The thrust of the national policy on culture is, through the Nicaraguan Cultural Institute, to strengthen the country's multi-ethnic and diverse national identity by preserving and promoting ancestral cultural practices; preserving historical and cultural heritage; and promoting an appreciation of and access to historical and cultural sites through the provision of cultural, art education and information services. In 2018, 648,235 women were actively involved in activities relating to the preservation of national culture and identity.

144. The goal of the Comprehensive Youth Development Act (No. 392) of 2001 is to promote the human development of young men and women through the exercise of their rights and obligations and through policies on young people. The need for places of recreation and spaces in which to socialize and practice sport and other physical activities in order to provide young people with a fully rounded education is acknowledged in article 17 of the Act. It is also noted that sports and culture programmes in education institutions must be developed. In 2018, a process of consultations involving different sectors began with the aim of gauging public opinion on how best to align the Act with people's current interests and needs.

145. In 2013, Act No. 832 amending and supplementing the Executive Branch (Organization, Powers and Procedures) Act (No. 290) was passed. In a reaffirmation of the leading role played by women and young people in policy and programme development and planning, it provides for the elevation of the Nicaraguan Women's Institute and the Youth Institute to the status of ministries. Youth development policies are carried out in conjunction with the national human development plans, thereby ensuring access to recreation through sports and cultural activities that contribute to their well-being. Accounting for half of the membership of national youth sports and cultural movements, women are actively involved in promoting and popularizing culture, art and sports. Between 2011 and 2014, 515,621 women were mobilized to perform voluntary work and a further 685,625 to take part in recreational, sports, cultural, environmental and communication activities.

146. In 2007, the Ministry of Education updated school curriculums for human development through the roll-out of an education model comprising inclusive and complementary strategies, programmes and campaigns, in which physical education forms a basic building block in students' overall education. The Institute of Sport promotes the development of sport, physical education and physical recreation across the nation and abroad by boosting participation and competitiveness and creating spaces to nurture the physical and mental health of children, young people, men, women, persons with disabilities and older persons. Between 2011 and 2018, 11,262 national and international sports events were held, with 312,274 women participating in national events and 21,847 in international events. Some 100,481 women received sports, physical education and recreation training.

## Article 14

### Rural women

147. For the Government, the eradication of extreme poverty, with the emphasis on sustained economic growth and fair and equitable redistribution of resources, is a policy priority. In 2006, the general rate of poverty was 48.3 per cent. That was reduced to 29.6 per cent in 2014 and 24.9 per cent in 2018. The level of extreme poverty, which in 2006 stood at 17.2 per cent, fell significantly to 8.3 per cent in 2014 and to 6.9 per cent in 2018.

148. In Nicaragua, women in all sectors, but mainly in rural areas, generate more than one third of national exports through primary sector activities (farming and fishing) that account for more than half of GDP.<sup>20</sup> The rural population, which in 2010 numbered 1,177,725, is currently estimated at 2,860,280.<sup>21</sup> About 70 per cent lives in poverty, compared with 30 per cent of the urban population.<sup>22</sup> A key challenge for the Government is to ensure equality between women and men in order to make non-discrimination a reality. It has therefore put in place a gender policy with guidelines on measures, mechanisms and affirmative action to foster equal participation in all areas of public administration. A policy on women's development was also incorporated in the national human development plan for the period 2012–2016.

149. Since 2007, a package of policies, initiatives and programmes has been created to reduce poverty, especially in rural areas, in accordance with the Food and Nutrition Sovereignty and Security Act (No. 693) and the sectoral policy on the same subject, which forms an integral part of the national human development plan.

150. Act No. 717 was passed in 2010 to ensure women's access to the means of production and work. By opening the way for rural women to become legally eligible for credit, the Act helps to improve quality of life among families and ease access to finance, with priority going to women who head households. Community land titles have also been granted to indigenous peoples and people of African descent, especially women, in recognition of their communal and individual property rights.

151. Under the national social welfare system, 1,182,396 people had their right to drinking water met between 2007 and 2018. They were provided with new connections and services, taking coverage from 65 per cent of the population in 2006 to 91.8 per cent in 2018. In the same period, 430,125 people recovered their right to sanitation, with coverage rising from 33 per cent to 45.2 per cent. Some 151 municipalities have set up rural water and sanitation information systems in their water and sanitation departments. With regard to electricity supply, coverage at the national level was 54 per cent in 2006. By 2018, it had risen to 95.6 per cent, with more than 6.1 million Nicaraguans having access.

152. In 2006, only 88 municipalities were accessible by road. By 2018, 143 municipalities had access roads and were connected by either paved or hydraulic cement roads. The road network grew from 19,642 km in 2006 to 24,680 km in 2017, making Nicaragua the top ranking country in Central America for the quality of its roads and the fifth best throughout Latin America and the Caribbean. Those investments have facilitated access to health, education and security services for women and their families. They also make producers, traders and other economic actors significantly more competitive.

<sup>20</sup> According to the Central Bank of Nicaragua ([www.bcn.gob.ni](http://www.bcn.gob.ni)).

<sup>21</sup> National Institute for Development Information, *Nicaragua: Estimaciones y proyecciones de población 1950–2050* (2007 revision).

<sup>22</sup> National Institute for Development Information, *Anuario Estadístico 2017* (statistical yearbook).

153. At the heart of the system of production, consumption and commerce are rural families, in which women participate actively on an equal basis in the various production chains, which in turn contributes to their empowerment and economic independence.

154. Since 2007, the food production programme has helped to make more food available and to provide impoverished farming families with capital for equipment and technological support. The key to the programme is the so-called food production voucher programme, whereby women are provided with vouchers for animal and vegetable goods, construction materials or technical assistance and training. To date, 82,797 such vouchers have been issued to women nationwide.

155. Since 2012, the Bono de Patio (“yard voucher”) and Patio Saludable (“healthy yard”) programmes have helped to build the capacity of urban and peri-urban households to produce healthy food in their own yards as a means of contributing to food security. The main beneficiaries are women, most of them heads of families, who are given plants and tools to manage their yards. A total of 262,317 women have benefited thus far.

156. The aim of the Procacao project is to support cocoa producers by easing access to credit, technology (mainly quality seeds) and working capital, promoting the planting and marketing of cocoa and achieving added value for it. Some 105 women are benefiting from credit and 567 are capitalizing on their production.

157. The aim of the Christian socialist solidarity special scheme for the production of staple grains (Crissol) is to foster conditions allowing small and medium-sized coffee producers to gain access to finance and technical assistance with a view to increasing their output and income. Between 2013 and 2018, 6,184 women received funding and 15,920 women were provided with technical assistance.

158. A water harvesting programme has been developed for production in the country’s dry areas. Some 62 per cent of the 432 farm plans to benefit from such access to water thus far belong to women. The water is used in various ways, for raising small farm animals, watering fruit and vegetable gardens and processing produce. Such farms are thus technologically equipped to cope with climate change.

159. Under a support programme to increase productivity and improve food and nutrition security, the participation and empowerment of women is encouraged through access to technology, investment plans, training and the exchange of experiences. The programme builds on the results of the food production programme, creating a trust enabling rural families to go into business. Some 19,987 loans have been made, 13,974 of them to women under the programme.

160. The participation and inclusion of women in investment plans and the creation of micro-businesses is being promoted under a programme on adaptation to market changes and the effects of climate change, in which 2,367 women coffee and cocoa producers are currently taking part.

161. The aim of the programme for the development of production, agricultural, fishing and forestry systems in Caribbean coastal indigenous territories is to promote productive investment and capacity-building for economic empowerment. Of the beneficiary families, 43 per cent are headed by women, and all the organizations receiving support from the programme have women members; 5,998 indigenous women from Caribbean coastal communities are involved.

162. The programme for sustainable development among rural families in the dry corridor is designed to build resilience among rural families and indigenous peoples by promoting the links between economic diversification, productive transformation, environmental protection and family nutrition. It works proactively with rural

households headed by women. Of the 4,839 people who took part in the creation of family plans in 2018, 2,998 were women, who gained access to capital and organized themselves in associations.

163. Efforts are being made under national marketing support programmes to raise the profile of businesses run by women through fairs at the national and department level. Since 2013, 18,299 such fairs have been held, in which 176,620 women have taken part.

164. Since 2012, 175,407 persons running micro-, small and medium-sized businesses have received training to help them to improve the quality of and market their products and to develop markets.

165. In 2007, with a view to ensuring food security, promoting exports and providing finance for micro-, small and medium-sized businesses, the Government passed Act No. 640 establishing the Development Bank (also known as Banco Produzcamos). The intention is for the bank to encourage production, the provision of technical assistance and technology transfer by providing financial facilities and related services. It also serves as a financial agent for organizations offering rural welfare programmes, provides support to individuals, groups and productive entities, and has policies focusing specifically on women and young people.

166. Small-scale producers and businesses are being helped to organize themselves better through a programme for the promotion of cooperatives and other forms of association. They receive technical assistance and training to make their associations sustainable. By 2015, 552 cooperatives had been set up by women and women accounted for half of the membership of a further 1,609 cooperatives.

167. The aim of the microcredit programme is to promote financial inclusion and access to credit for rural and urban women. In 2017 and 2018, 13,884 rural women received funding. Women living in Caribbean coastal areas, representing 47 per cent of beneficiaries, have access to finance and take the lead in implementing investment plans.

168. Under the enterprise programme for small rural businesses, 6,424 beneficiaries, of whom 69 per cent are women, are being provided with funding and technical assistance in the areas of primary production, gastronomy, commerce and services, agro-industry, handicrafts, timber products, textiles and fishing.

169. Between 2014 and 2017, 51,983 women entrepreneurs received training in accreditation, standardization and methods for building technical competence. In that time, 194 co-financing agreements were signed, 114 advisory services were provided, and 8,155 tax exemptions were granted for local purchases, with a focus on tapping intellectual resources.

170. Under the family and community health-care model, free access to good quality, comprehensive and humanized health-care services has been extended to remote areas by means of health fairs, mobile brigades and specially equipped mobile clinics. To date, 178 maternity homes have provided 61,648 pregnant women in rural areas with accommodation and a balanced diet, and held prenatal classes for 76,305 women. Comprehensive strategies are being followed to ensure that pregnant women receive prenatal care early on and to monitor them for potential risk factors.

171. The integrated intercultural health groups, the members of which include integrative medicine specialists, have been key in reviving popular and traditional medicine, in particular along the Caribbean coast, for prevention and day-to-day health care.

172. The Government is promoting secure legal property ownership and to that end has issued land titles for 118,892 rural properties. Under the Plan Techo Solidario,

which provides beneficiaries with roofing supplies, the physical living and hygiene conditions of 354,540 Nicaraguan families have been improved.

173. Since 2014, 584,063 people, 67 per cent of them women, have benefited from a rural technical education programme. Under the distance learning strategy for secondary education in rural areas, which was launched to promote the human right to continuity in education, 15,643 students have been enrolled and 80,039 teachers have been given professional training.

174. On the Caribbean coast, classes are held in students' native languages, in accordance with Act No. 162 on the official use of the languages of the communities of the Atlantic coast of Nicaragua. Under the Act, the use of the Miskitu, Creole, Mayangna, Garifuna and Rama languages is regulated, discrimination in education on the basis of language is prohibited and respect for cultural identity is stipulated.

## **Article 15**

### **Equality in legal and civil matters**

175. Since 2007, Nicaragua has, through the institutions of the State, applied a policy promoting equal rights and non-discrimination with regard to the exercise and enjoyment by women of their civil, economic, social and cultural rights. The corresponding national legal framework is in line with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará), the American Convention on Human Rights, and the International Covenant on Civil and Political Rights and its Optional Protocol.

176. The equality of all Nicaraguans before the law is enshrined in article 27 of the Constitution. Their rights to have their legal capacity recognized, to move freely and to take up residence anywhere in the country are established in articles 25 and 31.

177. Under a series of legal reforms, women are entitled to enjoy their rights without any form of discrimination, on equal terms and under the protection of the State.

178. Under the Civil Code, which has been in force since 1904, women have equal legal capacity to enter freely into contracts, including with their spouses, administer their own property and represent themselves in court. Under the Code of Civil Procedure, as amended in 2015, oral proceedings are encouraged in civil cases. Respect for constitutional principles and guarantees and the imperative right of persons taking part in court proceedings to equal treatment and legal defence are enshrined in the Code, which also incorporates the provisions of human rights treaties relating to the civil rights of individuals. The Code facilitates access to justice for people living in poverty, ethnic groups and women. Access to justice is also improved by the provision for mediation prior to and during legal proceedings, which facilitates the speedier resolution of disputes.

179. As a matter of policy, the legislative branch is focusing on mainstreaming gender equality and dignity in legislation. To that end, amendments were passed in 2015 to its Organic Law, under article 2 of which its mission is to represent Nicaraguans by adopting an intercultural, generational and gender equity approach to legislation and incorporating inclusive language when drafting such laws, as well as legislative decrees and resolutions.<sup>23</sup>

<sup>23</sup> Organic Law (No. 606) of 2015 on the legislative branch of the Republic of Nicaragua, as amended.

## **Article 16**

### **Matrimonial and family law**

180. According to article 73 of the Constitution, family relations are founded on respect, solidarity and absolute equality of rights and responsibilities between men and women. Parents share the same rights and responsibilities and have a common duty to maintain the family home and raise their children properly. Under article 72, marriage and stable de facto union are defined as a voluntary agreement between the parties that may be dissolved by mutual consent or by the will of one of the parties.

181. The Family Code stipulates that society and the State have an obligation to protect, develop and strengthen the family through the bonds of love, solidarity, assistance and mutual respect. It addresses the best interests of the child, female heads of households, the protection of the family home and the equal rights and responsibilities of men and women.

182. The Code provides for the establishment of the Office of the Special Advocate for Families, empowered to take part in family court proceedings, and of family courts to hear and expeditiously resolve matters regarding marriage, the dissolution of marriage or stable de facto unions, protection of older persons, adoption, claims for maintenance, paternity and maternity testing, property and the family home. By 2018, 29 specialized family courts had been established throughout the country, making justice more broadly accessible.

183. The Code contains a chapter on rights and duties in marriage and stable de facto unions. Under the Code, women and men share responsibility for the upkeep of the family and for running its affairs, and should respect and help one another and treat each other with dignity and on equal terms. They are equally entitled to choose the family's place of residence and to determine the number of children they will have and the intervals between their births. To that end, they should be informed and educated in a way that allows them to exercise those rights judiciously and have the wherewithal to do so. The Code stipulates that children should be educated on equal terms and provides for shared parental responsibility for their upbringing, as well as a fair division of housework and allocation of food between spouses, regardless of sex.

184. Family property, which is not liable for attachment and is exempt from any form of taxation, is protected under article 71 of the Constitution. According to the Family Code, the family home consists of a property, owned by either or both spouses, used to house all family members. Family property includes anything required to meet a family's needs, in particular housing, food and tools for work, and, among other things, to make it stable and secure. Article 82 of the Code stipulates that spouses must cover family expenses in proportion to their financial resources. Where a spouse has no assets, the performance of housework or childcare shall be deemed to be, and valued as, an effective contribution to the coverage of expenses and the financial upkeep of the family.

185. Under the Code, any person who has reached the age of 18 years may legally enter into marriage or a de facto union. Men and women have equal rights and obligations in that regard and legal inequalities embodied by differences in the marriageable age of women and men have been eliminated. Marriages must be registered with the Civil Registry Office within 30 working days. One or both parties may, without the need to cite any grounds whatsoever, request the dissolution of the marriage or de facto union.

186. In Nicaragua, persons under 16 years of age may not marry or enter into a stable de facto union. Similarly, under the Human Trafficking Prevention Act (No. 896), a



series of provisions is set forth impeding, limiting or totally prohibiting marriage or stable de facto unions between adolescents or between an adult and an adolescent, whereby such unions are deemed to be servile, forced or sham marriages. The penalty for performing such marriages includes prison sentences ranging from 10 to 20 years. The consent of the victim in such cases does not mitigate against liability.

### **Violence against women**

187. Nicaragua has made it a priority to prevent and address gender violence, with a values-based focus on changing attitudes, behaviour and power relations. The aim of legislation and public policy on the subject is to foster new sociocultural norms that address grievances relating to gender and to fully protect women. Under an ongoing process of law reform, institutional machinery is being modernized and updated, in particular with regard to access to justice.

188. A number of laws have been passed in that connection: the Comprehensive Prevention of Violence against Women Act (No. 779), amending the Criminal Code (Act No. 641); Act No. 846 amending article 46 and supplementing articles 30, 31 and 32 of Act No. 779, and amendments to the regulation governing that Act; the Human Trafficking Prevention Act (No. 896); and Act No. 872 on the organization, functions, career and special social security regime of the national police.

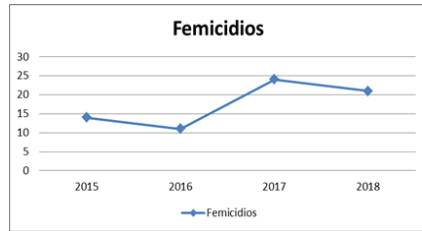
189. In 2012, a policy on combating violence against women, children and adolescents and its corresponding national action plan were launched with a view to protecting their rights and taking action to prevent violence in all its forms, in line with national regulations and international instruments ratified by Nicaragua. In 2014, a policy was launched to strengthen the family and prevent violence.<sup>24</sup> The aim of the policy is to promote, protect and restore the human rights of families, women, children and adolescents and to guarantee them a life free of violence in which their development and well-being may be nurtured, in line with the principles of equality and non-discrimination. In 2017, a campaign was launched to develop national partnerships encouraging families to live together with mutual respect and in harmony, dignity and safety.

190. In 2012, the national police issued a handbook of police investigation procedures for criminal offences and misdemeanours, which includes specific procedures for addressing and investigating crimes of domestic and sexual violence against women, children and adolescents. A total of 153 specialized units for victims of domestic and sexual violence have been set up.

191. Criminal investigations in cases of violence against women, femicide and gender-related murder are conducted by the national police, which handles reports of such crimes, assigns specialized personnel to deal with them and facilitates access to justice, all the while working to prevent revictimization. According to its statistical yearbooks and maps detailing the incidence of violence against women, the national police received reports of 75 cases of femicide, mostly involving women aged between 25 and 45 years, between 2015 and 2018.

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<sup>24</sup> Executive Decree No. 43-2014 of 30 July 2014, published in the Official Gazette (No. 143) of 31 July 2014.



Año	Total Femicidio	18 a 25 años	26 a 45 años	Mayor de 45
2015	16	6	4	6
2016	11	4	3	4
2017	25	12	11	2
2018	23	7	13	3
<b>Totales</b>	<b>75</b>	<b>29</b>	<b>31</b>	<b>15</b>

192. The Supreme Court's gender violence observatory collates, analyses and regularly disseminates information specifically on the subject of gender violence. An annual budget of C\$36,796,196.25 ensures the proper running of 22 courts that specialize in gender violence and the interdisciplinary teams assigned to them.

### Part Three

## Difficulties and challenges affecting the implementation of the Convention on the Elimination of All Forms of Discrimination against Women

193. Over the past 12 years, Nicaragua has made great strides towards achieving gender equality in all areas of life. Nicaraguan women have acquired more power and are actively involved in Government policymaking and action. They take effective part in political life and in the economy and are helping to transform society and culture in such a way that families may live in peace, security and prosperity.

194. As it strives to continue reducing gender inequality gaps, Nicaragua has before it the following tasks:

- To make the instruments and regulations in which women's human rights are enshrined more widely known.
- To further raise awareness among the media and institutions of the importance of using inclusive language.
- To strengthen the capacity of national information systems to provide comparative statistical data disaggregated by time, sex, geographical location and age groups.
- To boost community campaigns promoting fairer, complementary relationships in the home, based on shared responsibility and mutual respect.
- To extend the reach of courts specialized in family affairs and in violence at the national level.
- To consolidate strategies to further empower women and secure their economic independence.

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