



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

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### Committee on the Elimination of Discrimination against Women

Thirty-seventh session

15 January-2 February 2007

### Concluding comments of the Committee on the Elimination of Discrimination against Women: Nicaragua

1. The Committee considered the sixth periodic report of Nicaragua (CEDAW/C/NIC/6) at its 761st and 762nd meetings, on 17 January 2007 (see CEDAW/C/SR.761 and 762). The Committee's list of issues and questions is contained in CEDAW/C/NIC/Q/6, and Nicaragua's responses are contained in CEDAW/C/NIC/Q/6/Add.1.

#### Introduction

2. The Committee expresses its appreciation to the State party for its sixth periodic report, which follows the guidelines for the preparation of periodic reports and took into consideration the Committee's previous concluding comments, while noting that it did not incorporate sufficient statistical data disaggregated by sex. The Committee also expresses its appreciation to the State party for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarifications offered in response to the questions posed orally by the Committee.

3. The Committee commends the State party for its delegation, headed by the Adviser to the Executive Director of the Nicaraguan Institute for Women (INIM). It expresses its appreciation to the State party for the constructive dialogue and the efforts made by the delegation to respond to the questions raised by the Committee. It notes that the delegation did not include any representatives from other relevant ministries or offices, which limited the ability of the delegation to provide clear and direct answers to some of the questions raised by the Committee.

#### Positive aspects

4. The Committee commends the State party on its establishment of the National Coalition against Trafficking in Persons in 2004, as well as its accession to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women



and Children, supplementing the United Nations Convention against Transnational Organized Crime, also in 2004.

5. The Committee welcomes the Government's collaboration with civil society on women's issues.

#### **Principal areas of concern and recommendations**

6. **While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to its parliament so as to ensure their full implementation.**

7. The Committee is concerned that, although the Convention was ratified in 1981 without reservation, and despite the Committee's recommendations addressed to the State party in its concluding comments of 2001,<sup>1</sup> the Convention has not yet been fully incorporated into domestic legislation, and there is a lack of legal mechanisms to ensure compliance with the Convention. The Committee is also concerned about the long delay in the enactment of a comprehensive legal framework to eliminate discrimination against women and ensure women's enjoyment of their human rights. The Committee notes in particular the very extensive delays in the adoption of a family code and of the draft law on equal rights and opportunities.

8. **The Committee urges the State party to take all necessary measures to ensure that the Convention becomes fully applicable in the domestic legal system and to bring national legislation in line with the provisions of the Convention. The Committee urges the Government to work with the parliament to accelerate the adoption of pending legislation, including a family code and the draft law on equal rights and opportunities, within concrete timetables. The Committee also invites the State party to undertake a comprehensive review of its legislation, within an established time frame, aimed at identifying and eliminating all discriminatory laws without delay, including those that have discriminatory effects or impacts on women, and to put in place mechanisms for ensuring compliance with the provisions of the Convention, in accordance with its article 2.**

9. The Committee remains concerned that the national machinery for the advancement of women, i.e., INIM, does not have the visibility, human and financial resources, authority and capacity to effectively promote implementation of the Convention and support the use of the gender mainstreaming strategy across all sectors and levels of Government. It is also concerned about the limited coordination of different sectoral policies, programmes and plans with those focused on the promotion of gender equality, which may result in a fragmentation of efforts.

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<sup>1</sup> See *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 38 (A/56/38)*, part two, chap. IV, sect. B.7.

10. **The Committee calls on the State party to strengthen the national machinery for the advancement of women without delay so as to provide it with the authority, decision-making power and human and financial resources necessary to work effectively for the promotion of equality of women and the enjoyment of their human rights, as well as to strengthen its role in coordinating the use of the gender mainstreaming strategy across all sectors and levels of Government. The Committee further urges the State party to enhance coordination between the implementation of a range of sectoral policies, programmes and plans and those aimed at the promotion of gender equality, and to ensure effective monitoring and evaluation of results achieved.**

11. The Committee remains concerned about the persistence and pervasiveness of patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men within the family and in all spheres of society at large. The Committee regrets that, despite its previous recommendations,<sup>1</sup> no sustained, systematic action has been taken by the State party to modify and eliminate stereotypes and negative cultural attitudes and practices that discriminate against women and prevent them from fully enjoying their human rights.

12. **The Committee urges the State party to put in place, without delay, a comprehensive strategy, including clear goals and timetables, to modify and eliminate negative cultural attitudes and practices and deep-rooted stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention. It urges the State party to undertake such efforts in coordination with a wide range of stakeholders, and involving all sectors of society, so as to facilitate social and cultural change and the creation of an enabling environment that is supportive of gender equality. It also urges the State party to monitor such efforts and regularly assess progress made towards the achievement of established goals, and to include an assessment of results achieved in its next periodic report.**

13. While noting that the National Institute of Statistics and Censuses, in coordination with INIM, has designed an information system for monitoring the situation of women and men in Nicaragua, the Committee is concerned about the limited availability of data disaggregated by sex in a number of areas of the Convention. The Committee is concerned that the limited availability of such data may also constitute an impediment to the State party itself in designing and implementing targeted policies and programmes, and in monitoring their effectiveness in regard to the implementation of the Convention.

14. **The Committee calls the attention of the State party to its general recommendation 9, on statistical data, and requests that it give priority to the systematic collection of comprehensive data disaggregated by sex and of measurable indicators to assess trends in the situation of women and of progress towards the realization of women's de facto equality in all areas covered by the Convention. It encourages the State party to use these data and indicators in the formulation of laws, policies and programmes for the effective implementation of the Convention. The Committee requests the State party to include that information in its next report, disaggregated by age and ethnicity, as well as urban and rural areas, indicating the impact of measures taken and results achieved in the practical realization of women's de facto equality. It**

**invites the State party, as necessary, to seek international technical assistance for the development of such data-collection and analysis efforts.**

15. The Committee notes with concern that, while the Convention refers to the concept of equality, the terms “equality” and “equity” are used in the State party’s plans and programmes in such a way that they could be interpreted as synonymous.

**16. The Committee urges the State party to take note that, as the terms, “equity” and “equality” are not synonymous or interchangeable, they must be clearly distinguished from each other to avoid conceptual confusion. The Convention is directed towards eliminating discrimination against women and ensuring de jure and de facto (formal and substantive) equality between women and men. The Committee therefore recommends that the State party expand the dialogue among public entities, academia and civil society in order to clarify the definition of equality in accordance with the provisions of the Convention.**

17. The Committee expresses its concern about the inadequate recognition and protection of the reproductive health and rights of women in the State party, especially among poor, rural, indigenous and Afro-descendent women. It is also concerned about the high rates of teenage pregnancies, inadequate family planning services and the lack of age-appropriate sex-education programmes and information on sexual and reproductive health. The Committee is also concerned about the high maternal mortality rates, particularly the number of deaths resulting from illegal and unsafe abortion. It is further concerned about recent steps taken by the State party to criminalize therapeutic abortion, which may lead more women to seek unsafe, illegal abortions, with consequent risks to their life and health, and to impose severe sanctions on women who have undergone illegal abortions, as well as on health professionals who provide medical care for the management of complications arising from unsafe abortions.

**18. The Committee urges the State party to take concrete measures to enhance women’s access to health care, in particular to sexual and reproductive health services, in accordance with article 12 of the Convention and the Committee’s general recommendation 24, on women and health. It requests the State party to strengthen measures aimed at the prevention of unwanted pregnancies, including by increasing knowledge and awareness about family planning and services for women and girls, and to take measures to ensure that women do not seek unsafe medical procedures, such as illegal abortion, because of the lack or inaccessibility, including due to cost, of appropriate family planning and the contraceptive services. The Committee recommends that the State party give priority attention to the situation of adolescents and that it provide age-appropriate sex education, targeted at girls and boys, with special attention to the prevention of early pregnancies and sexually transmitted diseases. The Committee recommends that the State party consider reviewing the laws relating to abortion with a view to removing punitive provisions imposed on women who have abortions and provide them with access to quality services for the management of complications arising from unsafe abortions, and to reduce women’s maternal mortality rates in accordance with the Committee’s general recommendation 24, on women and health, and the Beijing Platform for Action.**

19. While noting steps taken to combat violence against women and girls and to enhance women's access to justice, the Committee remains concerned about the prevalence of all forms of violence against women and girls, and the lack of social awareness about and condemnation of such violence in the country. The Committee notes with concern the lack of enforcement of laws and prosecution and punishment of perpetrators, and women's lack of access to justice in cases of violence, especially women and girls from poor and rural areas, as well as indigenous and Afro-descendent women. It is also concerned about the lack of statistical data on violence against women, and of steps taken to assess the effectiveness of measures undertaken to address violence against women.

**20. The Committee urges the State party to accord priority attention to the adoption of a comprehensive and integrated approach to address violence against women and girls, taking into account the Committee's general recommendation 19, on violence against women. The Committee calls on the State party to put in place concrete prevention efforts, to fully and consistently implement and enforce laws on violence against women and to effectively prosecute and adequately punish perpetrators. It urges the State party to ensure that all women victims of violence, including poor, rural, indigenous and Afro-descendent women, have access to immediate means of redress, protection, support and legal aid. The Committee also urges the State party to establish, within a given time frame, a system for the regular collection of statistical data on violence against women, disaggregated by type of violence and by the relationship of the perpetrators and victims. It also calls on the State party to conduct research on the prevalence, causes and consequences of all forms of violence against women, including domestic and sexual violence, to serve as the basis for comprehensive and targeted intervention. It further recommends the implementation of ongoing gender sensitivity training for public officials and of awareness-raising efforts for the general public about violence against women, in particular domestic violence, and the unacceptability of all such violence, including in the media. It requests that the State party include information on the steps and measures taken, and their impact, in its next periodic report.**

21. While recognizing the efforts made by the State party to address trafficking in and sexual exploitation of women and girls, the Committee is concerned about the continued vulnerability of women and girls to traffickers, and about the inadequate measures to combat this phenomenon.

**22. The Committee urges the State party to intensify its efforts to address trafficking in and sexual exploitation of women and girls, and to step up the prosecution and adequate punishment of offenders. It recommends the introduction of measures aimed at improving the economic situation of women so as to eliminate their vulnerability to traffickers and education initiatives for vulnerable groups, including girls, as well as social support, rehabilitation and reintegration measures for women and girls who have been victims of trafficking. It requests the State party to compile data and systematically monitor the extent of trafficking and the effectiveness of measures, and results achieved with its efforts to combat this phenomenon.**

23. The Committee is concerned about the high levels of unemployment among women, and of the displacement of women into informal-sector work, resulting in

high levels of migration, and the lack of adequate and effective enforcement of labour laws. It notes with particular concern the continuing violations of the rights of women working in the free trade zones and maquiladoras, including their right to association and access to justice, their conditions of work and the lack of employers' compliance with safety and health standards. The Committee is also concerned about the lack of legal provisions on sexual harassment, and about the situation of domestic workers.

**24. The Committee calls upon the State party to increase women's opportunity to transition from informal- to formal-sector employment, including through the provision of training and capacity-building efforts. It calls on the State party to fully enforce existing labour legislation; put in place effective measures to prevent and punish violations of the rights of women working in the maquiladora industries; address the lack of adherence to safety and health standards in those industries; and enhance women workers' access to justice and legal assistance. It also calls on the State party to undertake awareness-raising efforts so that women workers can claim their rights, and to inform women of the potential risks of migration. It requests the State party to establish a concrete timetable for the adoption of legislative and policy measures to protect the rights of domestic workers, as well as on sexual harassment. It requests the State party to include in its next periodic report information on the impact of steps and measures taken to enhance compliance with article 11 of the Convention.**

25. The Committee regrets the lack of information about results achieved in the implementation of the first part of the national education plan, 2001-2015, and of data disaggregated by sex in the area of education, which makes it difficult to assess progress made over time towards the full implementation of article 10 of the Convention.

**26. The Committee encourages the State party to strengthen its monitoring of progress, for women and girls, in the implementation of its educational policies and programmes. It recommends that the State party take steps to ensure equal access for girls and young women to all levels of education, and to retain girls in school. The Committee recommends that the State party make every effort to improve the literacy level of girls and women, particularly poor, rural, indigenous and Afro-descendent women, including through adequate resourcing of comprehensive programmes at the formal and non-formal levels and through adult education and training, and invites the State party, as necessary, to seek international assistance for the development and monitoring of such efforts. It requests the State to include in its next periodic report information, including data disaggregated by sex and trends over time, on girls' and women's education and on the impact of measures taken in this field.**

27. The Committee is concerned about the recent decrease in the representation of women in political and public decision-making positions at all levels. It is concerned about the impact of negative stereotypes on women's participation in public life.

**28. The Committee calls upon the State party to accelerate the process of increasing women's full and equal participation in public life and decision-making at all levels, including through the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's**

**general recommendation 25. It suggests that the State party establish concrete goals and timetables and implement leadership training programmes to support women in leadership and decision-making positions. It urges the State party to carry out awareness-raising campaigns, for women and men, aimed at the elimination of stereotypes associated with men's and women's traditional roles in the family and in society at large and at enhancing women's full and equal participation in public life and decision-making.**

29. While noting efforts made by INIM through the Inter-Institutional Commission for Women and Rural Development, the Committee is concerned about the situation of rural women, including their persistent high levels of poverty and extreme poverty, lack of access to land, credit and basic social services, including health, education and training, and very limited participation in decision-making. The Committee is also concerned about the absence of a comprehensive strategy for rural development that addresses the structural nature of the situation of rural women and that, in practice, rural women may not benefit fully and equally from existing policies and programmes aimed at promoting gender equality.

**30. The Committee urges the State party to give full attention to the needs of rural women and ensure that all policies and programmes aimed at promoting gender equality reach the rural areas and are fully implemented at the county level. It recommends that the State party strengthen its efforts to implement nationwide effective health and educational programmes, including programmes in the areas of functional literacy, enterprise development, skills training and microfinance, as a means of poverty alleviation, and adopt measures to ensure women's equal access to credit. It urges the State party to increase rural women's participation in decision-making processes. The Committee also urges the State party to make the promotion of gender equality an explicit component of its national development plans and policies, in particular those aimed at poverty alleviation and sustainable development, and invites the State party to place emphasis on women's human rights in all development cooperation programmes with international organizations and bilateral donors, so as to address the socio-economic causes of discrimination against women, including those affecting women in rural areas, through all available sources of support. In particular, it recommends that the State party set clear benchmarks and timetables for the implementation of measures targeting rural women, and to report on the impact of its efforts in its next periodic report.**

31. The Committee is concerned about the situation of indigenous and Afro-descendent women and the multiple forms of discrimination they face, which limit their de facto enjoyment of their human rights and full participation in all spheres of life.

**32. The Committee encourages the State party to adopt concrete, targeted measures to accelerate the improvement of conditions of indigenous women and women of African descent in all spheres of life. It calls upon the State party to ensure that indigenous women and women of African descent have full access to appropriate education and health services and can fully participate in decision-making processes. It requests the State party to include information and data and trends over time on the situation of indigenous women and women of**

**African descent and on the impact of measures taken to overcome multiple discrimination against them in its next periodic report.**

**33. The Committee encourages the State party to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.**

**34. The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State Party to include information thereon in its next periodic report.**

**35. The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

**36. The Committee commends the State party for having ratified the seven major international human rights instruments.<sup>2</sup> The Committee notes that the State party's adherence to the seven major international human rights instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life.**

**37. The Committee requests the wide dissemination in Nicaragua of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

**38. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its seventh periodic report, which was due in November 2006, and its eighth periodic report, which is due in November 2010, in a combined report in 2010.**

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<sup>2</sup> The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.