



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

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## Committee on the Elimination of Discrimination against Women

### List of issues and questions in relation to the combined seventh to tenth periodic reports of Nicaragua\*

#### Gender equality and the rights of women in the current political and socioeconomic context

1. In the light of resolution [40/2](#) adopted by the Human Rights Council at its fortieth session, held from 25 February to 22 March 2019, concerning the serious political and human rights crisis triggered in April 2018 in the context of social demonstrations and the impact of human rights violations on the promotion and protection of gender equality and the rights of women, please inform the Committee about measures taken to tackle all forms of gender-based violence against women, particularly those affecting women human rights defenders and social activists who were taking part in the protests, including physical and sexual violence, reprisals, harassment, the disproportionate use of force by the police, unlawful arrests and arbitrary detentions, ill-treatment and intimidation. Please provide information on the number of women subjected to detention in connection with the protests of 2018 or human rights advocacy and mechanisms to protect them against torture and ill-treatment. Please also provide information on prosecutions and convictions of perpetrators of human rights violations in connection with the social, political and human rights crisis, and redress provided for women victims of extrajudicial violence and women relatives of victims of extrajudicial killings, victims of torture and relatives of persons who died in the context of the protests of 2018, including women human rights defenders, journalists, and transgender women.

#### Women and peace and security

2. Please provide updated information on measures taken to adopt a national plan to implement Security Council resolution [1325 \(2000\)](#) on women and peace and security involving consultation with women's organizations at all levels. Please report on legislation and policies adopted to ensure access to truth, justice and reparations, including compensation for women victims of rights violations, in connection with the political crisis, and information on the implementation of the road map agreed upon by the Government and civil society for a peaceful resolution of the crisis (resolution [40/2](#), para. 6). Please indicate when the State party plans to resume the

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\* Adopted by the pre-sessional working group on 6 March 2020.



national dialogue with civil society, and report on mechanisms to engage women and human rights organizations in this dialogue.

### **Definition of discrimination and legislative and policy framework**

3. In the light of the State party report (CEDAW/C/NIC/7-10, paras. 16 and 22) and the Committee's previous concluding observations (CEDAW/C/NIC/CO/6, para. 7), and further to the adoption of the Equal Rights and Opportunities Act (No. 648) in 2008, please provide information about measures taken to ensure the direct applicability of the Convention and on whether the provisions of the Convention can be directly invoked before the courts. In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, please also indicate whether the definition of discrimination encompasses direct, indirect, multiple and intersecting forms of discrimination, in line with article 1 of the Convention. Please further inform the Committee whether the State party's legislation prohibits and establishes sanctions in cases of all forms of discrimination against women.

4. The State party indicates that the gender policy of 2007 and the Equal Rights and Opportunities Act are based on "complementary gender relations" (para. 16).<sup>1</sup> Please explain to the Committee what this entails and the implications for gender equality and women's empowerment in the State party. Please also report on impact assessments in respect of legislation and programmes for rural, indigenous and Afrodescendent women and women with disabilities implemented by the State party during the reporting period, such as the Rights of Persons with Disabilities Act of 2011 (No. 763) and the law on the decent and equitable treatment of indigenous peoples and persons of African descent (Act No. 757), and on measures, including policies and programmes, to address the situation of migrant, asylum-seeking and refugee women, older women, and lesbian, bisexual and transgender women.

### **Access to justice**

5. Please provide data on complaints received in the past five years, including by the Special Advocate for Women, disaggregated by age, location and disability. Please also provide information on the human, technical and financial resources of the units for victims of domestic and sexual violence within the police (para. 44) and update the Committee on the current status and number of the Special Police Units for Women throughout the country, as well as their multidisciplinary cooperation, including within their network of promoters and volunteers (para. 54). Please advise on training and awareness-raising programmes for police officers and the judiciary, and resources allocated to such programmes and to monitoring and evaluation. Please also report on the human, technical and financial resources of the courts specializing in family affairs, violence and adolescence (para. 46) and on the measures taken to ensure access by women to specialized courts, particularly in rural areas.

6. Please advise on measures to address attitudinal barriers and stigmatization of women facing gender-based violence and to ensure gender-sensitive procedures for the lodging of complaints by women, and on measures taken to build the capacity of judges in adjudicating cases of gender-based discrimination brought by women. Please indicate the measures taken by the State party to prevent the use of mediation in cases of gender-based violence against women, including with respect to crimes

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<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the combined seventh to tenth periodic reports of the State party.

punishable by penalties of less than five years, as established in the Comprehensive Prevention of Violence against Women Act (No. 779 of 2012). Please also describe measures to ensure legal and psychosocial counselling for women in the context of criminal and other court proceedings, including information on support available for women in cases of gender-based violence and measures taken to provide women with free legal aid.

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

7. Please indicate the human and technical resources and budgetary allocations for the Ministry of Women's Affairs and the gender units within government institutions, local government and the legislative and judicial branches of power over the past five years (paras. 31 and 32). Please also report on mechanisms for ensuring coordination between the Ministry of Women's Affairs and the Ministry of Family, Youth and Children's Affairs on issues related to the advancement of equality between women and men. Please report on the establishment and mandate of the National Council for Equality, in line with Act No. 648 of 2008, as well as the Council's impact on enforcing women's rights. Please also advise on the adoption of the national gender equality policy, the measures taken for its implementation, and impact assessments in respect of its achievements and the challenges in implementation since its inception.

### **National human rights institution**

8. Please provide information on the human, technical and financial resources allocated to the Office of the Human Rights Advocate for the promotion and implementation of gender equality, in particular information on the Office's competence to receive complaints in cases of gender-based discrimination and to prevent human rights violations against women in situations of risk, in particular women with dissenting opinions, indigenous and Afrodescendent women and those living in remote areas. Please indicate any measures taken to restore the independence of the national human rights institution, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

### **Stereotypes and harmful practices**

9. Please provide information on measures to address the impact of the constitutional amendments introduced in 2015, in particular with regard to the emphasis on stereotypical gender roles that limit the recognition of women's sexual and reproductive health and rights. Please also provide information on measures taken to combat and eliminate gender stereotypes and harmful practices, including child and forced marriage of girls under 18 years of age with parental consent, which often results in early pregnancies. Please provide specific information on measures to raise awareness of gender equality among adolescent girls in schools, in the media, in communities and in society, and measures to challenge traditional gender stereotypes of male domination in the family, besides the values workshops and courses carried out in schools (paras. 67 and 68).

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

10. The information available indicates the prevalence of several forms of gender-based violence against women, as well as forms of violence targeting specific groups

of women, such as women journalists, indigenous women, women whose children or other relatives have been killed during political protests, women deprived of liberty, women human rights defenders, and lesbian, bisexual and transgender women and intersex persons. Please elaborate on the measures taken to address the persisting root causes of gender-based violence against women and to combat all its forms, including physical, psychological and sexual violence, and the heightened number of killings of women in the North and South Caribbean Coast Autonomous Regions. Please also inform the Committee about specific measures taken to protect indigenous women against attacks, harassment, physical, psychological and sexual violence, disappearances and internal displacement in connection with illegal settlements on the ancestral lands of indigenous peoples on the North Caribbean coast. Please explain the types of remedies and redress available for indigenous women, including compensation, psychosocial redress and reparations. Please clarify the scope of the policy to strengthen the family and prevent violence launched in 2014 and how it promotes gender equality and prevents violence, and indicate the outcomes of the policy on combating violence against women, children and adolescents launched in 2012 (para. 189), in particular the impact at the local and community levels and in deprived communities.

11. With reference to the legislative framework relating to gender-based violence against women, please provide information on (a) measures to harmonize the definition of femicide with international standards; (b) measures taken to encourage and facilitate reporting of cases of gender-based violence against women, including sexual violence, by women with disabilities in institutions and women living in rural areas; (c) the implementation of precautionary measures, including protection orders; (d) the number and location of shelters for women victims of gender-based violence across the country and measures taken to ensure that such shelters are accessible by women with disabilities; and (e) redress and rehabilitation services for women facing all forms of violence. Please further provide updated statistical data on prosecutions and convictions of perpetrators of gender-based violence against women in the past five years, including femicides, disaggregated by the age of the victim, the relationship between the perpetrator and the victim, the types of sentence imposed on perpetrators and other relevant characteristics, and please provide information on the reparations, rehabilitation and compensation provided.

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

12. With reference to the Human Trafficking Prevention Act (No. 896) of 2015, please provide information on the current policy framework to address trafficking (para. 73), and on the human, financial and technical resources available to the National Coalition against Trafficking in Persons (para. 74) for the implementation of measures to address trafficking. The information available indicates that Nicaragua is a country of origin of trafficking; please provide information on measures taken to disseminate information and raise awareness about trafficking and exploitation among women and adolescent girls, including through the use of Internet-based media. Please provide information on the implementation of early warning, search and identification measures relating to women, including adolescent girls, who have allegedly disappeared. Please also provide data, disaggregated by sex, age, nationality and geographical area, on the number of victims and survivors of trafficking in the past five years and on the extent and forms of exploitation of women in prostitution. Please also advise on the number of prosecutions and convictions of perpetrators of trafficking, whether there are shelters for women victims of trafficking, and the health, psychosocial and legal services available to those women. Please provide information on strategies adopted to prevent the sale of girls through contractual marriages and the abduction, sale and trafficking of girls in intercountry adoptions,

as well as steps taken to ratify the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption of 29 May 1993. Please also provide information on measures taken to prevent exploitation of prostitution and on social services and exit programmes available to women in prostitution.

### **Participation in political and public life**

13. With regard to the constitutional amendments recognizing gender parity and equity in elected office (para. 83), please provide additional information on measures to achieve equal representation of women in elected positions, including measures to promote women's candidacies at local and national levels, provide them with support to build their constituencies, facilitate their fundraising for campaigns and empower them in leadership positions in political parties and in their communities. Please explain the measures taken to strengthen the capacities of women mayors, deputy mayors and councillors at the municipal level. Please further explain the measures taken to ensure equal representation of women in managerial positions in public and private companies. The State party has reported on constitutional provisions recognizing the right of women to form civil society organizations for the purpose of realizing their aspirations (para. 87). Please provide information on measures to ensure that Afrodescendent and indigenous women have access to elected positions at the national, local and community levels, that they are able to take up their positions once elected and that they are supported in their work.

### **Women human rights defenders**

14. Please provide information on:

(a) Measures taken by the State party to combat harassment, intimidation, surveillance and reprisals, including threats against the life and safety of women human rights defenders or members of their families, in particular women advocating for women's rights and social activists;

(b) Measures taken to restore the legal status and work of the nine civil society organizations whose legal registration has been revoked and to prevent harassment and disenfranchisement of women advocating for their rights and promoting gender equality at the community level, in particular in rural areas;

(c) The number of criminal investigations initiated since 2018 targeting women promoting sexual and reproductive rights and the guarantees of due process of law throughout these cases, and measures taken to remove the barriers preventing women's organizations from opening bank accounts and accessing financial resources for their operation;

(d) Measures taken to protect the residence status and prevent deportations of women human rights defenders and women participating in political protests.

### **Nationality**

15. Please provide information on measures taken to protect the right of women who are naturalized Nicaraguans, particularly feminist women and those expressing dissenting opinions, to retain their nationality.

## Education

16. Please provide additional information on (a) enrolment in primary, secondary and tertiary education of women and girls in urban and rural areas, the different geographical zones and the autonomous regions on the Caribbean coast; (b) the availability and infrastructure of schools in remote areas, as well as accessible transportation systems to ensure access to school, including for indigenous and Afrodescendent women and women with disabilities; and (c) measures to close the gap between the enrolment of boys and girls in preschool and secondary education and ensure retention in education. Please provide information on measures taken to encourage women to study science, technology, engineering and mathematics. With reference to the information provided on technical training and skills development programmes (paras. 107 and 108), please provide updated data disaggregated by sex, age and location (urban or rural). Please also advise on measures to prevent stigmatization of pregnant adolescent girls, allowing them to continue their education and to be reintegrated into classes after delivery. Please provide information on education on sexual and reproductive health and rights, including measures to review school curricula to include teaching materials on gender equality and eliminate sexist approaches to education.

## Employment

17. The information available indicates that women represent 74.2 per cent of the self-employed. Please provide additional information on measures taken to ensure women's equal access to formal employment across all sectors of the economy, including agriculture, industry and the tourism sector, and provide information on measures to address horizontal and vertical segregation in the labour market. Please provide additional information on measures taken to ensure equal pay for work of equal value besides workplace inspections (para. 114). Please report on measures to ensure social protection for women working in the informal economy, the recognition of maternity leave, paid sick leave, retirement pensions and protection against work-related diseases for those in the agriculture sector and in free trade zones. Please also report on measures to enforce the provisions of the Labour Code (Act No. 185) that prohibit pregnancy tests in relation to access to employment, including in free trade zones; sanctions imposed on employers for discriminatory practices against women; and redress provided to women facing discrimination in employment. Please provide information on measures taken to promote the reconciliation of family and work responsibilities for women and men, including affordable childcare facilities and allowances for women workers who are heads of household. Please indicate what measures have been taken to enforce the rights of women domestic workers since the ratification in 2013 of the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization.

## Health

18. Please provide information on measures adopted to develop adequate sexual and reproductive health-care services and facilities in rural areas and information on access of women and adolescents to sexual and reproductive health services in mobile clinics (para. 120), as well as the proportion of the budget allocated to health services in autonomous regions of the Caribbean. Please clarify whether free and informed consent of women is required to access community health centres known as *casas bases* and maternity homes (paras. 121 and 122) and advise whether sexual and reproductive health, including gynaecological health, is provided for rural women

outside these institutions. With reference to the information provided in paragraph 129 of the State party report, please provide information on the current maternal mortality rate, disaggregated by location (urban or rural), ethnicity and age, and indicate the measures taken to ensure the appropriate registration of maternal deaths. In the light of the information available on the high rate of early pregnancies and its connection to sexual abuse, rape and incest, please describe the measures taken to prevent early pregnancies and expand the coverage and availability of free or affordable family planning services for women and adolescent girls, including access to modern contraceptive methods and emergency contraception. With regard to the continued criminalization of abortion and information on pending constitutional reforms in relation to sexual and reproductive health, please report on measures envisaged to legalize abortion in cases of rape and incest, cases in which the life or health of the pregnant woman or girl is at risk, and cases of severe fetal impairment, and to decriminalize it in all other cases. Please also indicate existing or proposed measures to ensure access to emergency obstetric health care, to criminalize obstetric violence and to ensure access to safe post-abortion services to address the consequences of unsafe abortions.

### **Economic empowerment of women and social benefits**

19. Please advise on measures taken:

(a) To integrate a gender perspective into public policies to eradicate poverty and goals and programmes related to the economic empowerment of women, and to adopt a national development plan and strategies to advance gender equality;

(b) To ensure women's access to financial services, including bank accounts and loans, other than those available through microcredit programmes (para. 167), and strategies to promote enterprises run by women and entrepreneurship among women across the country;

(c) To increase the economic empowerment of women heads of household and women's access to social benefits, such as cash transfers, foster parent allowance, food subsidies and disability allowance;

(d) To develop a national policy on women's participation and leadership in sports.

### **Rural women**

20. Please indicate what measures have been adopted to increase access to land and other productive assets by rural women and ensure security of tenure and of livelihoods, including measures to implement Act No. 717 (2010) establishing a fund for land purchases with gender equity for rural women. Please provide information on access to technical assistance and credit for agricultural production. In the light of the information that 70 per cent of the rural population lives in poverty (para. 148), please provide updated information on policies and programmes currently being implemented to address deprivation among rural women, including women heads of household. Please provide further information on the outcomes and impact on development of programmes such as "Hambre Cero" (Zero Hunger) (para. 139), the "Bono de patio" voucher programme (para. 155) and the water harvesting programme (para. 158). Please indicate what measures are in place to ensure the participation of rural women in decision-making processes concerning land ownership and agricultural reform.

## **Disadvantaged groups of women**

21. Please provide information on the situation of the following groups of women:

### **Indigenous and Afrodescendent women**

Please provide information disaggregated by age, sex and location on access to social services by indigenous and Afrodescendent women, in particular their access to education, health care and employment. Please report on measures to provide redress to indigenous and Afrodescendent women in cases of racial discrimination, including by public authorities or private actors, and to protect indigenous and Afrodescendent women from illegal settlements, illegal logging and cattle farming on ancestral lands, in particular where these impact on communities on the Atlantic coast. Please indicate how the State party ensures the free, prior and informed consent of indigenous and Afrodescendent women to large-scale projects, including extractive activities, on ancestral lands. Please provide information on measures that are in place to involve indigenous and Afrodescendent women in decision-making processes related to the use of ancestral lands, to ensure their access to and control of indigenous property and to involve them in territorial government.

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

Please provide information on legislation and public policies that promote the inclusion of women and girls with disabilities and address discrimination against them, including with regard to their legal capacity and access to justice, mechanisms to prevent and combat gender-based violence against women, and access to inclusive education, employment, and sexual and reproductive health. Please inform the Committee about the situation of women with disabilities currently in institutions, including psychiatric hospitals and residential institutions, and on the progress made in establishing accessible facilities, including in relation to transportation, educational institutions, public buildings and sanitation facilities.

### **Migrant, refugee and asylum-seeking women**

Please provide information on cooperation with international and regional agencies aimed at addressing the vulnerability of women migrants, in particular those of Nicaraguan origin transiting to border countries as temporary workers, and ensuring the safety of Nicaraguan women and girls who have been returned from third countries.

### **Women deprived of liberty**

Please provide information on the number of women currently deprived of their liberty, disaggregated by age, place of detention, including prisons and police stations, and the number of women in detention and imprisoned. Please also report on measures taken to ensure that prison conditions are in line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and to prevent ill-treatment and torture in line with international human rights standards. Please provide information on women who are in detention owing to their participation in social protests and on measures taken to prevent, investigate and sanction cases of ill-treatment and torture, including alleged cases of arbitrary body searches, violations of the right to privacy, physical and psychological violence and lack of access to health care at the time of arrest and during prosecution.



## **Marriage and family relations**

22. With regard to the minimum legal age of marriage in the Family Code of the State party (para. 186), please provide information on measures taken to set the minimum age of marriage at 18 years for both women and men without exceptions and to eliminate child and forced marriage. Please advise on what type of redress has been provided to girls who have entered into child or forced marriage. Please also elaborate on measures taken to ensure that the legal framework concerning marriage and family relations guarantees that women and men have the same rights and responsibilities during marriage and at its dissolution and in all family matters, including inheritance, property rights and child custody, and that it is applicable to all women. With reference to the information provided in paragraph 182, please further advise on measures taken by the Office of the Special Advocate for Families to address and protect the rights of women upon the dissolution of marriage and on the legal framework applied by the family courts in such cases.

## **Climate change and disaster risk reduction**

23. In the light of the information provided concerning the impact of climate change and the situation in the dry corridor (paras. 158 and 162) and the Committee's general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, please provide information on measures to mainstream a gender perspective into national disaster risk reduction management and relief and recovery strategies. Please also report on the involvement of women in the formulation and implementation of disaster risk reduction, post-disaster management and climate change policies and programmes.

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