



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

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Eighth session

SUMMARY RECORD OF THE 139th MEETING

Held at the Vienna International Centre, Vienna,
on Friday, 24 February 1989, at 9 30 a m

Chairperson Ms EVATT

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The meeting was called to order at 9 35 a m

SOLEMN DECLARATION BY A NEW MEMBER OF THE COMMITTEE

1 Ms Schopp-Schilling made a solemn declaration as provided for in rule 10 of the rules of procedure of the Committee (A/38/45, annex III)

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

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

2 At the invitation of the Chairperson, Ms PEREZ-ALEMAN (Nicaragua) took a place at the Committee table

3 Ms PEREZ-ALEMAN (Nicaragua), responding to points raised by the members of the Committee, said that she would first answer the questions put in connection with article 1 of the Convention, concerning laws still in force which conflicted with Nicaragua's Constitution and the Government's plans for amending them. She explained that as a result of the revolution, the former Constitution had been replaced by two statutes, one being the basic law of the State, the other enshrining the fundamental rights of Nicaraguan citizens. Since the new Government had not emerged from elections, but from armed struggle, new laws were initially adopted by the Council of State, representing all the organized sectors of society. Elections followed on 4 November 1984, and the new elected National Assembly had to engage, as its primary task, in the drafting of the new Constitution. Existing codes of law had then to be adapted to the Constitution.

4 It had been asked what timetable was planned for the amendment of existing laws. The task of amending codes of law had just begun, for example, a new Labour Code was now being prepared, and drafts had been submitted by three political parties. The revision of the legal codes could not be as rapid as the Government would wish, because further elections were due in early 1990, but she hoped that Nicaragua's next report would record some progress in that area. As for reforming the Penal Code, a matter raised by one member of the Committee, it was obviously important to remove from the Code all discriminatory labels referring to women, such labels conflicted with the provision in article 27 of the Constitution guaranteeing equality before the law.

5 It had been asked whether women played any part in drafting the Constitution. Women had been extremely active and successful in that process, which during the two years it had lasted had received maximum publicity and had involved all sectors of society. There had been four clearly defined stages. The first had consisted of gathering information, both on the international level, in order to learn from the experience of other countries, and on the national level, in order to enable the various political parties and organizations to present their views on what the new constitution should contain. At that stage, women had given voice to their own expectations and hopes. The second stage had consisted of preparing the first draft of the Constitution, on the basis of the information obtained. At the third stage, the draft constitution had been submitted to public consultation in the form of open meetings or cabildos. The draft had been printed in 750,000 copies in the Spanish, English and Miskito languages, the two latter versions to cater for communities on the Atlantic coast. The entire country, for a while, had been one vast school of government, the new Constitution being studied and discussed in

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homes and work places and wherever citizens gathered. Members of parliament had attended the cabildos to listen to the views expressed. The process of law making had been made accessible to the less well educated among the people. The fourth stage had consisted of producing an opinion of the draft, on the basis of the contributions made by the citizens, for presentation to the National Assembly. At the fifth and final stage, the draft constitution had been debated and adopted in the Assembly.

6 One member of the Committee had commented that women made great progress in time of war or revolution, but lost ground in peacetime. For several reasons, that was unlikely to happen in Nicaragua. In recent years, much effort had been expended on making women aware of their subordinate position, and of their need to organize themselves in order to bring about a real change in the relations between men and women. For example, women now constituted 40 per cent of the organized agricultural work-force, and many women in the agricultural sector were now preparing for leadership and undergoing technical training, as well as organizing child-care centres. Since the war, women on the land had refused to be considered a substitute labour force, and it would be difficult to turn the clock back. On the other hand, women were well aware that it was only by organized collective participation in all fields of endeavour that their emancipation could be guaranteed. The position of women in Nicaragua was, moreover, considerably influenced by developments in the women's movement throughout the world, and especially in Latin America. Nicaragua's signature of the Convention constituted a moral undertaking on its part towards women and towards the international community, that undertaking must be honoured, in view of the significance which Nicaragua attached to the United Nations as a channel of recourse against aggression by neighbouring countries.

7 It had been asked what kind of movement could change outdated legislation, what impact the legal seminars had had, and how women could exercise pressure on judges whose decisions were faulty. It had also been asked how women were organized in Nicaragua, and whether they were actively aware of and involved in the progress in women's affairs. She explained that Nicaragua's history contained many examples of women who had struggled successfully against exploitation, but it was only in 1977 that women had begun to participate actively in the struggle for national revolution. They had since been able to translate many of their aspirations into reality. The Association of Nicaraguan Women (AMNLAE) had the responsibility of transforming the traditional role of women in society while a war of aggression was in progress and the revolution itself was continuing. The movement had decided in 1987 to adopt certain basic aims: to integrate women into national tasks, to combat discrimination against women within all institutions and organizations, and to publicize the achievements and problems of Nicaraguan women. The structure of the women's movement had to be sufficiently flexible to enable women to be integrated into trade unions, co-operatives, professional associations and student and other organizations. Members of the Association therefore played a leading role in the various sectors of society, pursuing shared goals in order to achieve greater impact. Drawing on their experience of the constitution-making process, women were now submitting three draft laws, on physical abuse of women, on rape, and on de facto unions, and they were also presenting a demand for the decriminalization of abortion. The first three proposed measures would be discussed in the National Assembly during 1989. That was the kind of movement which could change laws. Women were certainly aware of the gains made, since they had won them by their own efforts. Fifty-one per cent of the population were women, many men supported their aims, and there could be no

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complete transformation of society without the participation of women. As for the impact of the legal seminars, they had sparked off research and debate and had generated proposals for reform. New draft laws were already in preparation, and there had been considerable media coverage of the seminars. The President of the Republic had taken part in a public discussion entitled "Face the people", at which women had expressed their views on the seminar topics. Members of Parliament were likewise invited to consider women's views. There were two ways in which women could influence judges who misapplied or misinterpreted the law. First, in a practical way, they could send letters or telegrams, publish newspaper articles, give radio or television interviews, make personal visits or send written documentation. Secondly, through the juridical channel, they could enter a plea of unconstitutionality, or make use of the amparo appeal system if a constitutional norm such as fundamental equality of men and women had been breached.

8 The question concerning participation in non-governmental organizations and participation by women in rural areas was highly relevant, since one of the essential features of the current process in Nicaragua was the organization and mobilization of the population to improve their situation. Since the Revolution a great number of organizations representing various sectors, such as rural, agricultural and urban workers and teachers' and students' organizations had been established and women were participating in them. At the urban level, for example, their membership was more than 80 per cent in the organization of health workers (especially nurses), 80 per cent in teachers' organizations, 40 per cent in the professional organization, 33 per cent in the Sandinista workers' trade union and 65 per cent in the local committees dealing with community problems such as health, water, and education. At the rural level women's membership was only 7 per cent in the various farming co-operatives, but 70 per cent in school committees, 50 per cent in rural community organizations and 40 per cent in the agricultural workers' trade union. Thus women had a significant presence, but it varied according to the organization. A study had shown that women tended to take part more in organizations dealing with community and domestic matters and less in organizations concerned with production - clearly a sex division.

9 Experience had shown that participation in the various groups helped women to broaden their experience of public and political life, although such participation was not without conflict, because it was subject to considerable opposition from husbands and was the cause of tension and disruption in relationships. It opened up the opportunity for women to increase their awareness and to recognize that others faced similar problems, and it strengthened women's action.

10 With regard to women's part in the war and in the armed forces, their participation in the armed forces presented no problem and they already held positions from commanding officer downwards. The head of the national police was a woman - as far as she knew, the only woman in such a position in the world. Women also played a very important part in anti-aircraft defence and communications.

11 Military service was compulsory for men between the ages of 17 and 25 but not for women. Efforts to make it compulsory for women had been rejected on the ground that not all women wished it to be. Women participated as professionals in the armed forces but there were of course fewer women in service than men.

12 In connection with article 3 of the Convention, a question had been asked regarding the legal status of the Nicaraguan Women's Institute (INIM), the functioning of women's groups, co-operation between INIM and the "Luisa Amanda Espinoza" Association of Nicaraguan Women (AMNLAE) and whether the Government gave financial assistance to those bodies.

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13 The Nicaraguan Women's Institute had been set up by decree law in 1982, following the meeting of high-level experts of non-aligned countries in 1981 which had recommended the establishment and strengthening of government machinery to deal with the situation of women. At the time it had been set up as an office for women, but in 1987 it had been raised to the legal status of an institute and placed under the office of the President in order to give it greater political power at the State level. The purpose of the Institute was to co-ordinate and support all Government effort in respect of the formulation and strengthening of policy designed to change the situation of women and eliminate all forms of discrimination. To that end, the Institute took part in the tasks of formulating policy, reshaping policy that discriminated against women, research, and development of external co-operation policies. The Institute had a documentation and information centre. It co-ordinated directly with AMNLAE. The Institute was the only body to receive government finance.

14 In connection with article 5, the question of making the Convention known to women had been examined, and the Institute was planning a programme to publicize it. It was deemed particularly important to bring it to the attention of members of Parliament, the Supreme Court of Justice, the courts, the electoral council and the Government. It was also important to make it known to mass organizations.

15 On the question of the important role of television and radio in forming public opinion and the possibility of organizing courses on the subject, she said that there already existed two programmes with precisely that objective. The Institute was always seeking access to the media. It had a chair on women in society at the faculty of sociology and hoped that that would be a focal point for drawing attention to the status of women. It also had a programme on women in rural areas. It was endeavouring to secure greater involvement of women in the agricultural economy and greater awareness among women of the political and social situation in their country.

16. In connection with article 6, concern had been expressed at the increase in prostitution and its relationship with the deteriorating economic situation. It had been asked whether the law provided for the prosecution of men involved in prostitution. It had also been asked what was being done about AIDS.

17 Article 40 of the Constitution prohibited prostitution, but only the proprietors of brothels were prosecuted, not the clients.

18 With regard to AIDS, Nicaragua had organized an intensive preventive campaign which had been recognized by the Pan American Health Organization (PAHO) as one of the best in Latin America. It consisted of a programme for educating the public through television and leaflets and included direct contact with high-risk groups such as prostitutes and homosexuals, and the distribution of contraceptives in schools. To date there had been only fourteen known cases of the disease.

19. In connection with article 7, it had been asked how many women there were in the superior courts and what was the percentage of women in the governing political party.

20 In the Supreme Court of Justice women represented 28 per cent. In the governing party, the FSLN, 24 per cent of the members were women and 43 per cent of members of the regional committees, the highest co-ordinating authorities, were women. There were no women in the national directorate.

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21 A number of questions had been asked concerning article 10 whether literacy was restricted to reading and writing, whether the campaign involved volunteers and whether that had helped towards its success, whether younger or more specialized people had been involved in the campaign and how illiteracy had been reduced from 50 per cent to 12 per cent in such a short time

22 In 1980 an intensive national literacy campaign had been carried out over a six-month period by mobilizing 80,000 students No specialists had been involved Nicaragua had won the UNESCO prize for its achievement with voluntary work and meagre resources An adult education programme had now been organized in order to consolidate that success

23 Under article 10, one member of the Committee had found the Nicaraguan report's statistics on women's enrolment in education programmes confusing The figures in fact showed that whereas in 1987 54 per cent of all students enrolled had been women, there was a higher proportion of women at the primary and secondary level, in higher education, the percentage was as low as 48 per cent

24 In reply to a question regarding the types of employment to which women were restricted in Nicaragua, she said that in traditionally female occupations such as the garment trade, foodstuffs, the service sector, nursing and secretarial work, women still predominated, and there was still a lower proportion of women than men in university education Efforts were being made to combat that problem by developing training programmes for women, in consultation with the Ministries of Industry, Agriculture and Energy Approaches had also been made to trade union leaders with a view to encouraging more women to enrol in technical training courses, and efforts were being made to persuade directors of businesses to recruit more women What was important was to change traditional attitudes, so that so-called "women's work" would no longer be undervalued Meetings had been held with the Ministry of Labour and with other Ministries with a view to securing reforms in the Labour Code which would help to bring that about

25 With reference to article 11, more specific data had been requested on women's contribution to the economy, their income, and their position in the labour market She did not have the relevant figures to hand, but she would make them available to the Committee at a later stage

26 In relation to article 12, she had been asked what was the Government's policy on family planning, and what results had been achieved by the family planning centres Responsibility for family planning and sex education was at present split between various Ministries, on the one hand, and private institutions on the other, and the women's movement was therefore pressing for an integrated family planning and sex education policy, which would eventually include abortion on demand The problem was not one of access to contraceptives, which were already widely available at family planning centres the problem was rather one of increasing public awareness, so that women would gain better knowledge of how to use contraceptive methods and men could be made less reluctant to adopt them Work was currently being done on a proposal for a sex education programme, which she hoped could be launched in the near future

27 Under article 12, she had been asked what was being done in Nicaragua to reduce infant mortality The Government was making great efforts in that direction and had launched a campaign to enable local authorities in the different regions to provide immunization against diarrhoeal diseases, tetanus and polio, as well as the

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usual childhood diseases. Community participation was vital to the success of that campaign, which also had the support of UNICEF. Although she could not provide exact statistics, there was no doubt that child mortality had in fact been reduced.

28 In reply to the question concerning penalties imposed for rape and for abuse of women, she said that those crimes carried prison sentences of between six and 12 years under the Penal Code. However, because such offences were difficult to prove, sentences tended to be imposed only in cases of extreme cruelty, and for that reason proposals were being put forward for reform of the relevant legislation.

29 A further question had been concerned with ill-treatment of children. As well as the Child Welfare Institute, there was also a Centre for the Care of Minors which had specific responsibility for children who had suffered ill treatment. The offence was punishable under the Penal Code, and, on proof of ill-treatment of a child by his father, the latter could lose his paternal authority.

30 On the question as to why advertising of milk was prohibited, she explained that there was no ban on the advertising of milk as such, however, under an Act designed to promote breast feeding, the advertising of breast milk substitutes was prohibited.

31 It had been suggested that the law on abortion was restrictive of the rights of women in Nicaragua. Article 23 of the Constitution laid down that the right to life was inviolable and was inherent in every human person. In the debates that had preceded the drafting of the Constitution, the more conservative elements had argued that life began with conception, thus precluding any discussion of the possibility of abortion, while the more progressive elements had opposed that view. The women's movement was now pressing for abortion to be regulated by law and no longer regarded as a criminal offence.

32 In reply to the request for information on the action being taken in Nicaragua to deal with the drug problem, she said that since the Revolution strong measures had been taken against drug "pushers", while consumers had not been penalized. As a result of that policy, drug abuse had decreased, and no longer represented a problem in the country. Early that month, a proposal had been submitted to a meeting of Presidents of Central American States for an agreement establishing regional co-operation in the eradication of drug trafficking. On the question of care for battered women, she said that refuges had been set up in three regions of the country where such women could receive treatment and, in particular, psychological counselling.

33. Under article 14, she had been asked how the rights of ethnic minorities were safeguarded. The Autonomy Act, which gave effect to articles 180 and 181 of the Constitution, empowered indigenous communities to elect their own governing bodies, decide their own system of land tenure, and to live in accordance with their own traditions. Such communities also enjoyed freedom of expression and freedom to preserve their own language, art and culture.

34 One member of the Committee had asked how the war had affected Nicaraguan women, particularly in the rural areas. One of the main effects had been the "feminization" of the work-force because so many men had been mobilized, women had entered the labour market in large numbers, and still made up a large proportion of the work-force. Whereas in the past women had tended to be confined

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to part-time work, they now filled a greater proportion of full-time posts. The war had meant that the majority of women had to take on employment, in addition to performing their household duties, and that had often subjected them to both moral and physical strain. Although much of the social infrastructure built up in the early years of the Revolution, such as schools and child-care centres, had been destroyed in the war, the co-operatives were now taking over the role of providing such facilities. In general, the war situation, while it had made greater demands on women, had also helped to increase women's awareness and to encourage the movement to improve their status, notably in the rural areas.

35 Despite the large part women now played in agricultural production, their participation in the co-operatives was still limited, because of the leading role traditionally played by men in that area. It was hoped that that situation could be remedied by increasing the number of women members of co-operatives. The agrarian reform had helped to improve the situation of women in that titles to land were no longer the sole prerogative of men, as the heads of families, but could also be held by the wife. She would provide relevant figures at a later stage.

36 Under article 16, she had been asked whether husbands were obliged by law to share in the performance of household tasks. While the law governing relations between mother, father and children in fact required that domestic responsibilities be shared, that requirement was obviously difficult to enforce in practice. The majority of men still tended to regard the sharing of such duties as a surrender of their right to a "warrior's rest" on their return home from work.

37 In reply to a question on unilateral divorce under article 16, she said that an act based on article 72 of Nicaragua's Constitution made the spouse seeking divorce responsible for ensuring the care and maintenance of the children of the marriage and for making an equitable division of the property. The spouse who was awarded custody of the children was also awarded the right to remain in the marital home.

38 There was no specific regulation governing de facto unions, although under the Social Security Act such unions were recognized if they were of five years' duration (or less if there were children). The status of orphan and widow in de facto unions was also recognized for social security purposes.

39 On the matter of divorce and cohabitation, there had in fact been a very high rate of divorce in the first three years after 1979, although the rate had subsequently fallen. The practice of cohabitation, or of de facto unions, was very widespread, not only in Nicaragua but in Latin America as a whole, and had been recognized under the Constitution in a number of countries.

40 In conclusion, she thanked the members of the Committee for the interest they had shown in the report of Nicaragua, and promised that her Government would provide the Committee with a supplementary report containing the statistical data which had been requested. Nicaragua was committed to continuing its efforts towards achieving the full emancipation of women.

41 The CHAIRPERSON, commending the Nicaraguan representative for the full and frank replies she had given, said she hoped that the discussion had thrown light on issues relevant to the status of women in Nicaragua and had helped to suggest areas where advances had still to be made.

42 Ms LAIOU-ANTONIOU said the replies given had clearly shown that there was the political will in Nicaragua to achieve improvements in women's status. She asked the representative of Nicaragua to convey to her Government the support and solidarity of the women of Greece, who had also made great strides forward after the fall of a dictatorship.

The meeting rose at 11 a.m.