



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

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## Committee on the Elimination of Discrimination against Women

Pre-session working group

Thirty-seventh session

15 January-2 February 2007

### List of issues and questions with regard to the consideration of periodic reports

#### Nicaragua

The pre-session working group examined the sixth periodic report of Nicaragua (CEDAW/C/NIC/6).

#### Constitutional, legislative and institutional framework

1. Please provide an update on the status of the draft law on equal rights and opportunities (para. 36) and the plans for a family code (see paras. 35, 39 and 202, as well as para. 209 indicating that it has been awaiting adoption by the National Assembly for the past 11 years). The response should include information regarding their respective content, steps undertaken to reach consensus towards their adoption, and the envisaged time frame for their adoption.
2. Please provide information on any temporary special measures called for under article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women that have been introduced during the reporting period. Attention is drawn to the Committee's general recommendation 25, on article 4, paragraph 1, and its statement that temporary special measures are part of a necessary strategy to accelerate the achievement of the goal of women's de facto equality.
3. In its previous concluding comments, the Committee expressed concern that the Nicaraguan Institute for Women was under-resourced and dependent on international financing, and thus constrained in effectively influencing gender equality (A/56/38, paras. 310-311). The sixth report notes (para. 227) a continued lack of resource allocation affecting the Institute's capacity to carry out its mandate. How does the State party intend to remedy that situation?
4. The report notes that the activities of the Special Procurator for Women, appointed in 2000 under the purview of the Office of the Human Rights



Ombudsman, have had “both direct and indirect effects on public institutions and civil society” (para. 34). Please provide further information on the mandate of the Special Procurator for Women, as well as activities undertaken and their effects.

5. The report draws attention to the 2000 Enhanced Economic Growth and Poverty Reduction Strategy, which also served as a basis for the national development plan. The plan also calls for the protection of the human rights of women (para. 49). Please provide further information about the Strategy and the plan. The response should indicate how those instruments integrate a gender perspective and contribute to the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, how progress towards achievement of established goals in regard to gender equality is monitored, and results achieved so far.

### **Stereotypes and education**

6. In its previous concluding comments (A/56/38, paras. 294-295), the Committee expressed concern about the persistence of stereotypes concerning the roles of women in the family and in society, and recommended that an assessment of the impact of measures be undertaken in order to identify shortcomings, and to adjust and improve such measures accordingly. Please provide further details about the steps taken by the State party in response to the Committee’s recommendation, and in particular regarding whether an impact assessment was undertaken, and about any findings of such an assessment.

7. The report refers to the limited availability of data and the related difficulty in assessing progress in girls’ and women’s education (see para. 95). How does the Government intend to improve the collection of data in the field of education, including disaggregation by urban and rural areas and different ethnic groups, so as to increase its ability to design and implement targeted policies and interventions?

8. The report highlights the high drop-out rate of girls in primary and secondary education (see paras. 99 and 104). Please describe the measures undertaken by the Government to retain girls in, and encourage their return to school. In particular, has the Government considered increasing the mandatory age for school attendance, which currently is 12 years of age?

### **Health**

9. What concrete steps does the State party intend to take to increase access for women to health care generally, and to reproductive health, including family planning and post-abortion care? The response should cover such access also in regard to women in rural areas, including information for indigenous women and other women of racial minorities in their languages.

10. Please provide an update on the status of reforms of the Penal Code regarding the practice of abortion (see para. 151).

11. Kindly provide further information on the concrete measures undertaken by the Government to reduce the high rate of teenage pregnancy; the high rate of maternal mortality and of mortality due to unsafe abortion; and the high mortality rate for breast cancer and cervical cancer.

### **Violence against women**

12. Please indicate whether any evaluation or research has been conducted concerning the effectiveness of the measures undertaken to prevent and address violence against women, including the impact of women's police stations (para. 215), and of the National Plan of Action for the Prevention of Domestic Violence (para. 217).

13. The report indicates that data on domestic violence is not disaggregated by sex and ethnicity, nor are data on violence in general (see table 5). What plans are in place to enhance the disaggregation, by sex of crime, of court and police data, and is there a time frame for putting in place such a system of data collection?

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

14. Nicaragua acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in October 2004. Please indicate legislative and other measures taken in preparation for, or in response to that accession. The response should include an update on the status of measures described in the report.

15. The report does not provide any indication of the prevalence of trafficking in women and girls, nor does it provide information on any court cases against traffickers. Please provide such information. The response should indicate the State party's efforts related to cross-border cooperation to prevent and eliminate trafficking.

16. The Committee, in its previous concluding comments, requested the Government to provide in its next report information on the migration of women and girls, including why the movements are occurring, the destination points and the extent to which these women and girls become vulnerable to sexual exploitation, including trafficking, prostitution and sex tourism. Please provide information on the steps taken in response to that request.

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

17. The report provides some statistical information about the number of women in elected office, at some levels. Please provide more detailed statistical information about women's representation at all levels of the Administration, including at municipal level, as well as in Government-appointed positions. Please reflect the participation of racial minorities in the information.

18. Does the Government intend to make use of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to achieve equal participation of women and men in political life, at the national, regional and local levels?

19. The report notes that the judicial branch is the area of Government where women are best represented. Has the State party undertaken an assessment of the factors that have made that achievement possible, and if so, how could lessons learned from that area be applied to other branches and levels of Government to accelerate women's equal representation?

**Employment and social and economic benefits**

20. What measures are in place to monitor adherence to, and ensure enforcement of labour legislation to enhance protection of the rights of women working in *maquiladora* factories and free trade zones, as well as their access to justice?

21. The report refers to the precarious situation of domestic workers and indicates that they are subject to legal provisions that make discrimination against them lawful (para. 123, see also para. 109). Please provide detailed information about the situation of domestic workers. The response should include information about the proportion of domestic workers in relation to the overall number of women in the formal and informal economy, type of employment and their citizenship status, as well as any recourse available to them against violation of their rights.

22. Has the Government taken steps to reform the current regulatory framework of microfinance and microcredit lending since the last reporting period, in order to grant special status to programmes and projects especially positioned to serve women, especially female heads of households in rural settings (see para. 180)?

23. What measures are in place to promote women's land ownership and to ensure women's de facto ability to manage their land when they are the sole land owner (see para. 190)?

24. In its previous concluding comments, the Committee expressed concern about the lack of information on the migration of women and girls, and requested that related information be included in the subsequent report (see A/56/38, para. 315). Please provide that information, including numbers of women and girls that migrate, their main destinations and measures in place to inform migrant women of potential risks.

**Rural women and poverty**

25. Please indicate how the 2001 Enhanced Economic Growth and Poverty Reduction Strategy specifically benefits rural women, in particular women in extreme poverty, including indigenous women and women of African descent. The response should indicate how implementation of the strategy is monitored.

**Marriage and family relations**

26. The report indicates (para. 200) the use of customary law as a basis for community mediation, in order to enhance women's access to justice. How does the State party ensure that such alternative dispute resolution services do not disadvantage women or limit their access to justice?

27. The report indicates that "in accordance with article 2 of the Children's and Adolescents' Code, a child is defined as a human being below the age of 13 years" (para. 205). However, according to the Convention on the Rights of the Child, ratified by the Government on 4 November 1990, "a child means every human being below the age of eighteen years". The Civil Code provides that "the minimum age for marriage with parental authorization is 15 for men and 14 for women" (para. 205). Will the Family Code, awaiting adoption by the National Assembly, raise the minimum legal age of marriage for girls and boys with a view to bringing it in line with the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women?

28. The report mentions that the Civil Code still contains discriminatory provisions in particular with regard to marriage and family relations (para. 204). Kindly indicate what obstacles prevent the Government from repealing such discriminatory provisions.

**Optional Protocol**

29. Please indicate any progress made with respect to the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

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