



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

Distr.: General  
31 October 2023

Original: English

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## Committee on the Elimination of Discrimination against Women Eighty-sixth session

### Summary record of the 2020th meeting\*

Held at the Palais des Nations, Geneva, on Monday, 23 October 2023, at 3 p.m.

*Chair:* Ms. Peláez Narváez

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Consideration of reports submitted by States parties under article 18 of the Convention  
(*continued*)

*Combined seventh to tenth periodic reports of Nicaragua*

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\* No summary record was issued for the 2019th meeting.

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*The meeting was called to order at 3.05 p.m.*

**Consideration of reports submitted by States parties under article 18 of the Convention** *(continued)*

*Combined seventh to tenth periodic reports of Nicaragua (CEDAW/C/NIC/7-10; CEDAW/C/NIC/Q/7-10)*

1. **The Chair** said that she found it regrettable that Nicaragua had not sent a delegation to present its report and engage in a constructive dialogue with the Committee, despite the repeated attempts made by the Committee and the secretariat to cooperate with the State party. Nicaragua had been invited to present its combined seventh to tenth periodic reports at the eightieth, eighty-fourth and eighty-fifth sessions of the Committee but had failed to respond to those invitations. During the preparations for the current session, the Committee had again invited the State party to present its report. Between 21 June and 14 September 2023, the secretariat had sent a number of invitations and reminders to the State party in preparation for the constructive dialogue. On 18 September 2023, the secretariat had sent a note verbale to the Permanent Mission of Nicaragua to the United Nations Office and other international organizations in Geneva, informing it that the Committee would review the combined seventh to tenth periodic reports in the absence of a delegation, in line with a decision taken at the Committee's eighty-fifth session.
2. On 11 October, she and Ms. Bonifaz Alfonzo had requested a meeting with the Permanent Representative of Nicaragua but no response had been received. On 19 October, the secretariat had sent a note verbale inviting the Permanent Representative to attend the constructive dialogue in the event that the State party did not send a delegation. To date, the secretariat had not received any response to its official correspondence. The Committee wished to remind Nicaragua that the ratification of the Convention entailed a number of international obligations with respect to the Committee. The doors for cooperation were open and the Committee looked forward to receiving the State party for a dialogue at a forthcoming session.
3. *At the invitation of the Chair, the Permanent Representative of Nicaragua joined the meeting.*
4. **Ms. Bohorquez Palacios** (Nicaragua) said that the Government of Nicaragua wished to reaffirm its total rejection of the Committee's malicious and biased list of issues and questions in relation to the combined seventh to tenth periodic reports of Nicaragua, a document that clearly reflected the Government's commitment to restoring the rights of Nicaraguan women.
5. The Government would continue to denounce the harmful actions of the Committee and the slavery-supporting, male-dominated countries of the West. The Committee's intention was to reproduce partial, biased and subjective information whose only purpose was to deter the Government from its goal of achieving peace and the common good, the two fundamental pillars of women's rights.
6. Nicaragua rejected all biased, partial and politically motivated attempts to use human rights as a tool for interfering in its domestic affairs. The malicious questions formulated by the Committee were based on information provided by certain groups that were seeking to manipulate Nicaragua and subject it to the political interests of imperialist countries, which belittled and attacked Nicaragua in order to maintain their interventionist positions.
7. Since 2007, the Government had promoted a solid model of gender equity and complementarity, taking measures to improve the lives of Nicaraguan families and ensure social justice and respect for human rights. The Government recognized the strategic role played by women in human development in Nicaragua and promoted their empowerment, autonomy and entrepreneurial creativity by providing them with comprehensive support.
8. The legal and regulatory framework of Nicaragua guaranteed women's human rights and provided for the ongoing development of plans, programmes and projects to empower them. The Government would continue making efforts to restore rights to more women on the basis of coordination, communication and institutional and regional partnerships, in order to close the gender gap by 2030.

9. On the basis of the Constitution, national laws and international agreements on gender and human rights, the Government implemented a gender policy that promoted women's participation in the construction of a fairer society characterized by socioeconomic development. Efforts were being made to amplify their leadership role in sustainable human development through education and training that developed their talents and autonomy in the fight against poverty. Under the "Zero Usury" (Usura Zero) programme, loans for the development of businesses were made available to citizens. Women were given leadership training to increase their influence in community, political and trade union forums and efforts were being made to promote and consolidate a culture of coexistence based on positive values and non-violence.

10. Measures were taken to improve institutional management mechanisms that mainstreamed gender in the workplace, the family and the community and to train officials at the local and national levels in the development, implementation and monitoring of policies, plans, programmes, projects, budgets and instruments that contributed to gender equity.

11. Nicaragua had the highest level of gender equality in Latin America and the seventh highest in the world, according to the Global Gender Gap Report 2022 of the World Economic Forum. Since 2022, there had been 47 women deputies in the National Assembly, four of them members of the seven-person Executive Council. A total of 82 of the 153 recently elected municipal authorities were headed by women mayors elected by the popular suffrage.

12. The Committee needed to accept its responsibilities and respect the right of women to make their own decisions and live in peace, free from interference. Its actions violated article 1 (2) of the Charter of the United Nations, which stated that the United Nations should develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples. Nicaragua called on the United Nations to cease betraying its ideals by becoming a tool of the Powers and return to its founding values. Nicaragua demanded respect for its national sovereignty, its self-determination and its freedom from interference in its internal affairs. The Government would continue to condemn the politicization and double standards of the Committee, which should base its work on the principles of universality, impartiality, objectivity and non-selectivity.

13. Nicaragua found it regrettable that the report submitted in compliance with its obligations under the Convention had not been taken into account in the evaluation of its efforts to combat discrimination against women. Such a biased approach did not contribute to the construction of genuine dialogue and cooperation between the parties.

14. She wished to draw attention to the preamble to the Convention, which stated that the eradication of neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States was essential to the full enjoyment of the rights of women. Nicaragua was, and would remain, committed to combating discrimination against women and restoring the rights of all Nicaraguans as enshrined in the Constitution.

15. *The Permanent Representative of Nicaragua withdrew.*

16. **The Chair** said that she was deeply concerned at the Permanent Representative's comments regarding the work of the Committee. It was regrettable that the Permanent Representative had decided to leave the meeting. However, the Committee would continue its work in fulfilment of its obligations and responsibilities. Accordingly, she invited the members of the Committee, following their normal procedure, to ask questions relating to the articles of the Convention. The representatives of the State party were welcome to reply at any time if they wished to do so.

#### *Articles 1–6*

17. **Ms. Bonifaz Alfonzo** said that she shared the Chair's concern about the Permanent Representative's claim that the Committee based its work on partial and biased information. In fact, the Committee conducted its reviews of States parties by weighing up the various pieces of information that it received. The current situation was truly exceptional as

Nicaragua had submitted its previous report in February 2007 and the Committee had received very little information from the State party since then.

18. The Constitution of Nicaragua established that it was a democratic, participatory and representative republic. In practice, however, power rested largely in the hands of the executive, which had been re-elected four times. In the most recent election, the incumbent President had been the sole candidate. The judiciary had endorsed all the measures taken by the executive since that election. On 19 November 2023, Nicaragua would be leaving the Organization of American States on the grounds that the other member States did not recognize the legitimacy of that election.

19. Article 27 of the Constitution established that all persons were equal before the law and that there must be no discrimination on grounds of birth, nationality, political beliefs, race, sex, language, religion, opinion, origin, economic status or social condition. In the last constitutional reform, however, provisions protecting citizens against all forms of exploitation, discrimination and exclusion had been removed and amendments had been made to establish that the origin and purpose of the State inhered in the person, the family and the community on the basis of Christian values, socialist ideals and solidarity.

20. It was on the basis of Christian values that laws had been amended to promote conciliation between perpetrators and victims in cases of domestic violence. Although legislative measures had been taken to address the problem of gender-based violence, femicide had not been established as a separate offence and its definition was limited to the killing of a woman in the context of an intimate partner relationship. The law also provided for mediation between victims and perpetrators, which increased the risk of impunity and exposed victims to re-victimization and reprisals. Although the legal reforms carried out in 2017 had increased the penalties for a series of offences involving violence against women and girls, the figures provided by non-governmental organizations (NGOs) showed that violence against women was on the rise.

21. Three laws adopted in 2020 and 2021 – Acts No. 1040, No. 1042 and No. 1052 – were in breach of international human rights instruments and had been used to persecute civil society organizations, activists, political parties and journalists. In addition, Act No. 1055 on the Defence of the Right of Peoples to Independence, Sovereignty and Self-Determination had been used to restrict women’s civil and political rights, including their right to freedom of expression and association. Also under that Act, women deprived of their liberty had been denied access to the lawyer of their choice and had been forced to accept the public defenders assigned to them.

22. In view of the widespread lack of trust in the judiciary and in the public prosecutor’s offices around the country, the Committee would be interested to know what measures would be taken to guarantee the independence of the three branches of government and to ensure access to justice for all victims, including Indigenous women and women of African descent living on the Caribbean coast.

23. **Ms. Manalo** said that she found the behaviour of the State party regrettable. Since 2007, it had done little to advance the protection of women’s human rights in Nicaragua. In her view, Nicaragua was not worthy to be considered a State party to the Convention.

24. **Ms. Tisheva**, speaking on behalf of Ms. Ameline, said that the Committee was very concerned at the weakening of the international human rights framework in Nicaragua and wished to know whether the State party intended to strengthen its cooperation with United Nations human rights mechanisms and entities in order to accelerate its implementation of the Convention. She would be interested to know the status and content of a workplan that had been proposed by the Ministry of Women’s Affairs to strengthen the model of reconciliation, a culture of peace, dignity and non-violence. In particular, it would be helpful to know whether the workplan covered all forms of violence, including femicide, and, in view of the persistently high rates of violence against women, what its political and legal scope was. What budget was allocated for its implementation?

25. She would welcome information on the functioning of the State party’s human rights mechanisms and the measures taken to strengthen their role in implementing the Committee’s recommendations. Similarly, she would be grateful to know the mandate and membership of

the Peace, Defence, Governance and Human Rights Commission of the National Assembly. She wondered what measures to promote women's rights were being taken in remote areas of the country, such as the Caribbean coast.

26. **Ms. Bethel** said that, according to reports, women human rights defenders were under siege in the State party. Since the entry into force of the Act on the Defence of the Rights of the People to Independence, Sovereignty and Self-Determination for Peace, the political participation of women had been hindered by incidents of gender-based violence against women human rights defenders, who reportedly lived in fear of imminent arrest and arbitrary detention, and were subject to threats and defamation campaigns. She wished to know what steps the State party was taking to provide protection, reparation, rehabilitation and compensation to victims of such aggression and to investigate violent attacks against women human rights defenders, including those perpetrated by State agents.

27. Women human rights defenders and feminist organizations were reportedly branded as traitors. Pursuant to Act No. 1040 of 2020 on the Regulation of Foreign Agents, the legal status of hundreds of NGOs, including women's rights organizations, had been revoked, purportedly for failure to comply with legal and statutory obligations. A number of women human rights defenders had been forced to go into hiding or exile, which also had a negative impact on their children and family members. She would like to know what measures the State party was taking to ensure the political participation of women and their representative organizations; restore the legal status of those women's rights organizations that had been closed down and provide them with restitution; stop threats against the life and integrity of women human rights defenders; lift the restrictions on the exercise of the right to defend women's human rights; and guarantee the political autonomy of women, including by ensuring their substantial participation in decision-making processes and access to positions of leadership. Lastly, she wondered what steps the State party was taking to comply with the protection measures granted by the Inter-American Court of Human Rights to almost 40 women human rights defenders.

28. **Ms. Tisheva** said that she would appreciate information on the State party's legal and policy framework for the implementation of temporary special measures, which were intended to accelerate de facto equality between women and men in various spheres of life, and on the mechanism in place for monitoring their implementation. It would be interesting to know what specific temporary special measures had been taken or were envisaged by the State, in which domains they were applied and how their implementation at the national and the local levels was monitored.

29. **Ms. de Silva de Alwis**, noting that, under the Vienna Convention on the Law of Treaties, a State party could not invoke provisions of national law as justification for its failure to implement a treaty, said that the Nicaraguan Civil Code apparently contained provisions that perpetuated stereotypes, for example defining the father's role as the head of the family. In addition, the cultural ideal of femininity known as *marianismo* reinforced traditional gender roles and the unequal status of women in family and public life. She wished to know what measures the State party intended to take to prevent negative stereotypes of women being reinforced by State institutions in law and in practice.

30. She wondered whether the State party might consider reviving the National Commission to Combat Violence against Women, Children and Adolescents and review its decision not to accept the recommendations made in 2019 following the Human Rights Council universal periodic review, on adopting immediate measures to address high rates of femicide, sexual violence and domestic violence against women and girls. She would be interested to know whether the Government would reconsider its decrees ordering the release of certain prisoners, since those prisoners were men who might pose a danger to survivors of violence against women; and what measures had been taken to address gender-based violence against specific groups of women, including women journalists and lesbian, bisexual and transgender women. She would also like to know what guarantees had been put in place to ensure the independence of the judiciary, including in cases of domestic violence, where women reportedly faced challenges in gaining access to justice and obtaining protection from arbitrary arrest and prosecution.

31. She would be interested to know whether legal aid and protection orders were available to Indigenous women in the North and South Caribbean Coast Autonomous Regions, in the light of an upsurge of violence against them and what measures the Government was taking to address homicides and attacks perpetrated in the context of territorial disputes and conflicts over mining rights. In what way was the criminal justice system able to help address political violence against women, for example by issuing protection orders, providing rehabilitation services for women and re-educating male perpetrators of violence?

32. The Committee had been extremely perturbed by the findings set forth in the reports of the Group of Human Rights Experts on Nicaragua, describing violence in the penitentiary system and police violence, including sexual violence and gender-based violence against opponents of the Government, and violence against students and protesters. She would like to know what training was provided to public defenders and by what means the criminal justice system was able to ensure that the perpetrators of such violence did not enjoy impunity. In general, how did the State party uphold the rule of law?

33. **Ms. González Ferrer**, speaking on behalf of Ms. Leinarte, said that migration had contributed to a worsening of the situation of trafficking in women and girls in the State party. According to information received by the Committee, before the coronavirus disease (COVID-19) pandemic, hundreds of Nicaraguan migrants had been crossing the border into Costa Rica daily and thousands had been granted refugee status in that country. They often ended up living on the street, where they were at high risk of being exploited or trafficked. Many other Nicaraguans who migrated or were forcibly displaced to other Central American countries reportedly became victims of trafficking for sexual or labour purposes. In Nicaragua itself, foreign victims of trafficking found to have entered the country in an irregular manner, or who were staying in shelters run by women's organizations, were allegedly deported, sometimes by force, without regard for their protection needs, as victims or witnesses.

34. She wished to know what steps the Government had taken to reduce trafficking in persons in the context of migration and what legal measures were in place to protect foreign victims and witnesses of trafficking in Nicaragua. Noting that, with no State-run shelters or services for victims of trafficking, victims were often placed with families, thereby putting them at risk of revictimization by persons who might have been complicit in their exploitation, she said that she would like to know whether the Government had plans to establish a robust system of protection for victims.

35. According to reports, drug traffickers in Nicaragua forced children, including girls, to participate in illegal drug production and transportation or to work in the artisanal mining and quarrying sectors, while persons with disabilities and children were forced into begging. The country was apparently also a destination for child sex tourists. She asked what measures the State party was taking to protect children, including girls, from forced illicit labour and to combat sexual tourism.

#### *Articles 7–9*

36. **Ms. Manalo** said that, although the amendments made to electoral law had resulted in an increase in the number of women in public positions, progress had been more quantitative than qualitative and no significant change could be observed in the empowerment of women and guarantees of their rights. No female public official had issued any statement on the serious violations denounced by women; indeed, there were reports that women in institutions such as the Ministry of Health and the Supreme Court were responsible for actions that harmed women's rights. Female officials with some commitment to human rights lacked the power to promote strategic gender interests. At the regional level, lack of funding meant that public officials were unable to promote agendas to improve the conditions of women.

37. Notwithstanding the legal provisions on equal representation, women were still underrepresented in the National Assembly, where only 18.5 per cent of members were women, and in public life generally. She asked what measures the State party was taking to

expand their representation in the public and political spheres and ensure that their presence effectively led to the drafting of public policies and legislation supportive of women.

38. The communal Governments of the Afrodescendent and Indigenous populations had been recognized, but parallel communal bodies had also been imposed, in which female leaders faced violent attitudes and discrimination based on gender stereotypes and racism.

39. A survey of the Nicaraguan lesbian, bisexual, transgender and intersex community conducted in 2021 had revealed relatively low levels of political participation by members of that community. She would like to know what measures the State party had taken to increase the participation of lesbian, bisexual, transgender and intersex women in public life and to eradicate hate speech and stigmatization.

40. **Ms. Bethel** said that, according to alternative reports, women human rights defenders and others who actively opposed the Government had encountered violent retaliation and many had been deprived of their nationality on grounds of treason, in violation of the Nicaraguan Constitution, which guaranteed the right to criticize the Government and engage in peaceful assembly. She would like to know what steps the State party was taking to protect the nationality rights of Nicaraguan women activists and guard against them becoming stateless. Recalling the case of Madelaine Caracas, a prominent human rights defender who been forced to flee the country to avoid arrest, she said that she would welcome information on the measures the State party was taking to ensure that women could express dissenting opinions without facing threats to their nationality or their freedom to leave the country and hold a passport.

41. It would be useful to know what steps the State party was taking to prevent women and girls who were stateless falling victim to gender-based violence and trafficking. According to alternative reports, many of those expelled were parents, whose children had been left behind in Nicaragua. She would like to know what immediate action the State party intended to take to restore the nationality of the women affected. She also asked whether the State party would commit to complying with its obligations under the United Nations Convention relating to the Status of Stateless Persons and how it was complying with the 1961 Convention on the Reduction of Statelessness, which provided that States might not deprive persons of their nationality on political grounds.

#### *Articles 10–14*

42. **Ms. Gbedemah** said that the Committee noted the achievements in the area of education described in the State party's report, such as the reduction of illiteracy, the school meals programme, the increase in enrolment in basic education and improvements in retention, as well as the ban on corporal punishment. Even so, 40 per cent of Nicaraguan children were not enrolled in education. In the northern Caribbean region, attrition in primary and secondary schools was over 40 per cent, while 70 per cent of high school graduates did not go on to university, which was an indication of the intersectional discrimination faced by Indigenous people. Noting that mothers with many children tended to prioritize the education of boys over girls, she asked what assistance the State party provided to such families, with a view to improving girls' enrolment and retention in school and how that situation was monitored. What was the enrolment rate among minorities, including Nicaraguans of African descent?

43. Referring to the legislation protecting young pregnant girls from discrimination, including exclusion from school, she asked how the State party ensured their reintegration after giving birth and what the re-enrolment rate was. It would be useful to know how the State party prevented girls from dropping out of private education at the primary and secondary levels, and whether it had statistics on attrition by age and geographical location. Did the State party intend to bring the General Education Act into line with the Act on the Comprehensive Development of Young People, in order to ensure that young people received scientific sexual education in schools?

44. Act No. 648 on Equal Rights and Opportunities stipulated that vocational training should not reflect traditional gender patterns and indeed mandated the elimination of stereotypes in the educational system, yet, in 2016, the proportion of women in technical education programmes had been less than half that of men. She asked whether the State party

could provide statistics on the areas in which women had received training. Given that similar trends could be seen in university courses, she would be interested to know whether any temporary special measures had been put in place to address the situation. She also wished to know where responsibility lay for the enforcement of the Act and what results it had achieved.

45. Information would be welcome regarding the measures put in place to address educational deficits following the COVID-19 pandemic, such as institutionalizing and improving e-learning, particularly for disadvantaged groups. How did the State party address the digital divide and ensure that older women who were illiterate participated in literacy programmes?

46. It would be useful to know the types and prevalence rate of violence against girls in schools and what measures were in place to prevent it. She would also welcome information on measures taken to improve school infrastructure and improve professionalism among teachers. She asked if gender was covered by the teacher training curriculum. Information would be welcome concerning how many schools had been renovated and to what extent they complied with disability needs.

47. Noting the impressive figures given in the State party's report on the use of technology for educational purposes, she said that she would like to know how accessible such technology was in the different areas of the country, as well as to persons with disabilities, ethnic populations and disadvantaged groups. Lastly, she would be interested in hearing about any programmes in place to provide intercultural bilingual education in the North and South Caribbean Coast Autonomous Regions, including for Nicaraguans of African descent.

48. **Ms. Bonifaz Alfonso** said that poverty, particularly in the North Caribbean region, led people to believe that girls, particularly adolescent girls, should work or perform domestic tasks to help their parents support the family. It would be useful to have up-to-date figures on the number of girls who were currently working, and what was being done to eradicate child labour.

49. Given that, by law, job vacancies should be advertised without reference to gender or pregnancy, she would like to know whether those provisions were applied in practice and how successful the special procurator for women had been in ensuring that men did not receive preferential treatment in employment. She would like to know how the Ministry of Labour enforced the legal provisions on equal pay for equal work, including by investigating and prosecuting cases of non-compliance, whether any penalties had been imposed and whether the equality gap had narrowed.

50. The Committee was aware that women working in the maquila sector faced situations of violence and ill-treatment. They were highly vulnerable, since such work was their only alternative to unemployment: they could be dismissed for the smallest of errors, they were subjected to racism, harassment and assault and they could be barred from attending doctors' appointments. She asked what was being done to protect women from violence, harassment and ill-treatment in the workplace, and to improve conditions in the maquila industry. Were complaints followed up?

51. Given that 40 per cent of women in urban areas, and 55 per cent in rural areas, were in unpaid care work, she asked what the State party was doing to create a better balance in the distribution of care tasks between men and women and to bring women into the formal economy. More generally, how was women's employment recovering in the wake of the COVID-19 pandemic and hurricanes Eta and Iota, which had left many families and thousands of children in precarious conditions?

52. It would be useful to learn what the State party intended to do to accelerate programmes that guaranteed employment and food security for Afrodescendent and Indigenous communities in the North Caribbean Coast Autonomous Region.

53. **Ms. Hacker** said that she wished to express her disappointment at the State party's decision not to send a delegation to engage in dialogue with the Committee. That failure was in itself a cause for severe concern over women's right to equality in Nicaragua in general, and their right to health free of gender bias in particular.

54. There appeared to be a gap between the health-care goals set forth in the State party's Constitution and legislation – whereby comprehensive services were to be provided to all without discrimination, programmes were to be put in place to reduce maternal mortality and education on responsible sexual practices was to be made accessible to all – and its actual health-care provision. Women in the North Caribbean region in particular, where malaria and dengue fever prevailed, were impacted by a lack of accessible care, high transport costs and shortages of medicines in hospitals. She would welcome information on the steps the State party intended to take to improve health coverage for women, and specifically women from Indigenous and Afrodescendent communities. She would also welcome information on how the State party intended to shorten the distances to health services, how it would reverse the spread of HIV/AIDS cases, and how it would improve medicine supply.

55. Experts agreed that maternal mortality remained a serious human rights problem in the State party, one that mainly affected women who were marginalized in some way and typically had the least access to necessary health services. However, a significant number of deaths were incorrectly reported and consequently recorded as non-maternal. She wished to know what measures the State party planned to put in place to ensure accurate reporting, not least by ensuring that maternal mortality was properly defined in its classification system, and to minimize the phenomenon. Noting that Nicaragua still had the second highest adolescent fertility rate in Latin America and that the relative rate of births among adolescents was on the increase, she said that she would also like to know what measures the State party would adopt to reduce the pregnancy rate among girls and adolescents.

56. Recalling that, because the State party had criminalized abortion in all circumstances, girls, adolescents and women were often forced to give birth against their will, exposing them to the physical, physiological and socioeconomic risks associated with unintended pregnancy and unsafe abortion, she asked whether the State party intended to change its legislation on abortion, at least to allow access to abortion for minors and in cases involving sexual violence or in which the woman's health and life were at risk. What medical, psychological, and economic assistance was provided to women and girls forced to give birth against their will? It would be useful to know what the State party was doing to reduce unintended pregnancies, how it addressed shortfalls in sex education for adolescents and whether contraception of various kinds was available free of charge. Did girls have access to contraception without obtaining parental approval?

57. She would like to learn what information the State party had regarding the harm caused to girls and women who sought illegal abortions and on the relationship between its strict anti-abortion policy and the rate of maternal mortality. What measures had the State party taken to establish a trustworthy database to document the circumstances of unintended pregnancies and the outcomes of forced births?

58. She wished to know why the State party had shut down NGOs that were crucial for safeguarding and promoting women's right to health and persecuted their activists, and whether it planned to stop such persecution and allow them to reopen.

59. **Ms. Akia** said that the Committee commended the State party for its efforts to implement article 13 of the Convention. Noting that the State party recognized that women's access to credit was still extremely limited, she asked what specific measures it was taking to effectively implement its legislation and policies aimed at promoting women's economic empowerment, to increase access to credit and loans, without barriers, for all women including Indigenous and Afrodescendent women and women with disabilities, and to ensure that all women were able to meaningfully participate in the formulation and implementation of economic empowerment projects.

60. The Committee also acknowledged the State party's promotion of women's and girls' right to practice sports, culture and the arts. She said that she would like to know what steps the Government had taken to ensure an environment free of violence and abuse for all women in sports, to investigate abuses and to hold perpetrators accountable for violations of the rights of women and girls taking part in sport. What legal redress had the State party offered to women and girls, including women with disabilities, who had been subject to abuse in sports?

61. **Ms. Reddock** said that, in view of the extremely high rate of deforestation in the Bosawás Biosphere Reserve, which local and international sources attributed to the granting

of concessions by the State to individuals and large corporations for indiscriminate logging, mining and ranching, she would be interested to know how the State party understood its custodial role as protector of the Reserve. How did it plan to urgently address deforestation and protect the ancestral lands of the Indigenous and Afrodescendent peoples from illegal settlement and logging and cattle farming? Did the State party intend to sign the Paris Agreement?

62. According to information received, 5 members of the Wilú Indigenous community had been killed in a violent attack and 40 families forced to seek refuge in other communities. She would like to know whether the attack had been investigated and, if so, with what results. In general, what mechanisms existed to protect Indigenous women and girls from assaults on their lives and human rights?

63. Referring to the Treaty of 1905 between the United Kingdom and Nicaragua regarding the Mosquito Territory, she said that the Indigenous and Afrodescendent peoples of the Caribbean coast of Nicaragua had for more than a century struggled to assert their right to live in their own territories, observe their own customs, and use the natural resources while respecting the land. Their human rights situation had worsened in recent times with incursions into their land and systematic violence against women, girls and adolescents in the form of murders, massacres and forced displacement, in a context of impunity that had coincided with increasing authoritarianism in the State party. Many of those affected had sought international protection or gone into exile.

64. She would like to know what mechanisms existed to address the legitimate land rights under the Treaty of the women and people living in that part of the country. She asked how the State party guaranteed the free, prior and informed consent of Indigenous and Afrodescendent women to large-scale projects on ancestral lands, with a view to ensuring their access to and control of Indigenous lands and involve them in territorial government.

65. She would like to know whether the State party planned to legislate to ensure the independence and autonomy of the Office of the Human Rights Ombudsperson, in keeping with the Paris Principles, and to grant it enhanced resources to safeguard the rights of all citizens. What redress was available to Indigenous and Afrodescendent women in cases of racial discrimination by public authorities or private actors? Would the State party consider implementing the Committee's general recommendation No. 39 on the rights of Indigenous women and girls?

66. There were more than 350 women political prisoners in Nicaragua, who suffered multiple human rights violations, including illegal detention and torture in clandestine centres, prisons and police stations. Transgender women detainees were held in men's centres and reportedly forced to undress in front of their cellmates, while one high-profile lesbian woman arrested during the 2021 election period had been held in the men's section of a detention centre. Visitors, many of them women, were apparently subjected to sexual abuse and invasive body searches. She would like to know whether the State party planned to institute the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) and the Rules for the Treatment Of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules). Could the State party repeal or modify all special rules and regulations that limited human rights?

67. She asked what mechanisms existed to protect the rights of lesbian, bisexual and transgender women in Nicaraguan prisons. She would also welcome information on the situation of lesbian, bisexual and transgender women in the State party in general, in the light of the revocation of the legal status, and the confiscation of the assets, of their representative organizations. Calls had been made for the State party to ensure access to specialized health services and to review the Family Code to include diverse forms of family including the families of Afrodescendent and lesbian, bisexual and transgender women.

68. She would appreciate receiving information on the situation of women and girls with disabilities, particularly those residing in institutions and psychiatric hospitals. The Committee had no information on accessibility in respect of transport, public buildings and roads, and sanitation facilities, or on any special arrangements for women with disabilities in prison or detention. Had there been any consultation with, or programmes for, the

Afrodescendent, Indigenous and rural communities on accommodations for women and girls with disabilities?

69. **Ms. Bonifaz Alfonzo** said that she would welcome information on the provision made for migrant women travelling through Nicaragua en route to the United States.

*Articles 15 and 16*

70. **Ms. González Ferrer** said that one of the purposes of the Family Code was to promote equality and to protect the family, notably in female-headed households where the mother was the only breadwinner. The Code provided for protection from intrafamily violence and promoted shared parental responsibility. It also recognized the right of all individuals to form a family, accorded parental authority to the de facto head of the family, whether a single parent, a widowed or divorced person or a grandparent, and recognized the right of Indigenous and Afrodescendent peoples to form families according to their own traditions.

71. Nevertheless, the basis of the Family Code remained the union between a man and a woman, thereby reaffirming sexist roles and stereotypes and excluding same-sex couples from exercising their civil and political rights, such as joint ownership of property, child maintenance and social security.

72. The Committee would like to know what measures the State party was taking to ensure recognition of the rights of lesbian, bisexual and transgender women in the civil and family sphere.

73. Although the Family Code established the age of marriage as 18, the legal representatives of adolescents aged between 16 and 18 were entitled to grant them permission to marry; 35 per cent of girls, the majority of them pregnant, married before the age of 18, while, in 2021, 29 pregnant girls aged between 10 and 14 had married. Over 1,000 minors were in de facto unions and in some cases girls had disappeared, to be found later living with adult men, whom they subsequently married.

74. She would like to know how it was possible for marriages of minors under the age of 16 to be registered. She asked whether the State party had any plans to prohibit the marriage of minors without exception and what measures had been taken to effectively prevent early marriage and early de facto unions.

75. Noting that the competence granted to the Family, Community and Life Offices under the Family Code to intervene in situations of family violence had apparently been challenged in the Supreme Court as unconstitutional, she requested the State party to update the Committee on that matter. She also noted that recourse to the family reconciliation procedure was not permitted in cases involving violence in the family, whereas mediation was permitted in less serious criminal matters including physical, psychological or economic violence. Given that community mediation by judicial facilitators suspended criminal action and also had an impact on the women involved, she would appreciate hearing the State party's views on that practice. She would like to know whether the facilitators received proper training in questions of violence and on gender issues. What measures were in place to prevent situations of revictimization?

76. According to reports, the personal information of the women stripped of their citizenship had apparently been deleted from the civil registry, their property confiscated and their assets frozen. She would like to know whether that information was correct and, if so, how the State party ensured proper protection for the families concerned and whether it planned to restore those individuals' personal and property rights.

77. **The Chair** said that that concluded the Committee's consideration of the State party's combined seventh to tenth periodic reports. She wished to reiterate her deep disappointment and concern at the accusations levelled at the Committee and its members by the Permanent Representative of the State party to the United Nations Office and other international organizations in Geneva, which had impugned the dedication, honour, impartiality, genuine commitment and good conscience with which the Committee members carried out their work, in accordance with the responsibilities and duties to the Committee undertaken in the solemn declarations made on taking office.

78. The Committee's door was open and its hand outstretched to receive the delegation of the State party of Nicaragua, in what she hoped would be a not too distant future, in order to make further progress in the recognition of the rights of women and girls throughout the State party's territory.

79. She wished to thank the Country Rapporteur and the members of the Country Task Force for their conscientious and impartial review of the periodic reports of Nicaragua. The Committee would adopt draft concluding observations before the end of the current session and, in a spirit of cooperation in the implementation of the Convention, would transmit them to the Permanent Representative of the State party for comment. The Committee would then formally adopt its concluding observations at its eighty-seventh session in February 2024.

80. Lastly, she wished to thank the Permanent Representative of Nicaragua for her presence at the start of the meeting. The Committee had paid close attention to her opening statement. She trusted that, in the near future, the dialogue with the State party would be fully restored.

*The meeting rose at 5.10 p.m.*