NICARAGUA

1. Discriminatory family code

In Nicaragua, the **legal age of marriage** is 18 for women and 21 for men. However, with parental authorisation, girls aged 14 and boys aged 15 are allowed to marry.\(^1\)

Indigenous minorities make up 5% of Nicaragua’s population, most of whom are located within the country’s Autonomous Zones.\(^2\) UNICEF’s 2014 State of the World’s Children reported that 41% of women 20 to 24 years of age were first married or in union by age 18 (10% of them by age 15); no information was available on government efforts to address or prevent forced and early marriages, and some advocates claimed the government did not enforce the law effectively.\(^3\)

The Nicaraguan Constitution states that family relations should be based on respect, solidarity and the absolute equality of rights and responsibilities for men and women. There is no Family Law in Nicaragua.\(^4\) The Parent Child Relations Act grants mothers and fathers equal rights with regard to **parental authority** and to the education and care of their children.\(^5\) However, according to the government’s 2005 report to the United Nations Committee on the Elimination of Discrimination against Women (CEDAW), the Civil Code still contains provisions naming the father as head of household and representative of the family.\(^6\) It appears that women can pass Nicaraguan citizenship onto their children.\(^7\)

As for **inheritance**, both the Constitution and Civil Code grant Nicaraguan men and women the same rights to inherit family-owned properties.\(^8\) However, children’s ability to inherit is based on the status of the parents, with illegitimate children unable to inherit. Further, according to data gathered by the FAO,

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\(^1\) CEDAW (2005), p. 49
\(^2\) Minority Rights Group (2008)
\(^3\) UNICEF (2014), p. 81
\(^4\) Article 73 of the Constitution; CEDAW (2005), pp. 48-49
\(^5\) CEDAW (2005), p. 49
\(^6\) CEDAW (2005), p. 49
\(^7\) CEDAW (2005), p. 20
\(^8\) CEDAW (2005), pp. 10, 21, 49
in practice (legitimate) sons and male family members are more likely to inherit land than wives and daughters, who, in many cases inherit only the family home while the men inherit agricultural land.9

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The law establishes that both women and men have the right to initiate divorce.10

2. Restricted physical integrity

In 2012, Nicaragua issued a new law on violence against women. The Comprehensive Violence against Women Law (Law 779) adds and revises several articles from the Criminal Code and sets responsibilities for public action. In 2013, proposed revisions to the law in the National Assembly came under heavy criticism from women’s rights groups who accused the government of weakening its protection for victims of domestic violence by introducing mediation.11 This law covers sexual harassment, rape and domestic violence and sets responsibilities for action for the government and public authorities to protect women from all forms of violence. This includes education programmes working with men and boys to challenge social norms around violence.

Domestic violence is most recently covered under Nicaragua’s Comprehensive Law against Violence against Women (Ley Integral contra la Violencia hacia las Mujeres), which went into effect in 2012.12 The definition in the new law includes physical and psychological violence.13 As of July 2013, it was unclear whether the law, which includes comprehensive measures to “prevent, punish and eradicate violence, and assist female victims of violence,”14 had resulted in a decrease in violence against women or an increase in convictions against offenders. Women’s rights organisers have criticised the law for lack of substantial funding for implementation.15 The law foresees the establishment of call centres, victim centres and public awareness-raising about domestic violence (Art. 22).

Although Nicaragua is a signatory to the Belem do Para Convention on the Prevention, Punishment and Eradication of Violence against Women, it did not submit a report to the Organization of American States for inclusion in its second hemispheric report on the implementation of the convention.16

Rape is covered under the 2012 Comprehensive Violence against Women Law (Law 779) which adds and revises relevant articles in the Criminal Code.17 Spousal rape is not included in these laws even though rape of a woman who is married or in a stable relationship is recognised as lack of consent. Penalties for rape range from three to six years depending on the severity of the incident: aggravating factors include age of the victim (less than 14 or over 70), relationship to the victim (e.g. position of trust), if the victim

9 FAO (n.d.)
10 Article 1 of the Law No. 38 of 1988
12 McCarthy, Monica (2012)
13 McCarthy, Monica (2012)
14 Ley 779, Ley Integral contra la Violencia hacia las Mujeres; Herrera, Carmen (2012)
15 Latin American Data Base (2012)
16 OAS (2012), p. 116
17 Codigo Penal, Capitulo VIII (Art. 195-200) http://www.oas.org/juridico/mla/sp/nic/sp_nic-int-text-cp.html; Ley 779, Ley Integral contra la Violencia hacia las Mujeres; see also OAS (2012), p. 116
has a disability, or if the victim is married or pregnant. The new law includes the establishment of six courts specialised in violence in departments that have reported higher rates of violence against women: Managua, Masaya, Matagalpa, León, Granada and Puerto Cabezas in the Autonomous Region of the Northern Atlantic. The law also foresees working with health professionals to support victims of violence, including rape.

**Sexual harassment**, workplace violence and discrimination against women in public institutions are all included under Nicaragua’s recently enacted Comprehensive Law against Violence against Women (*Ley Integral contra la Violencia hacia las Mujeres*). Additionally, the Labour Code (Law 85/96) stipulates that women may not be discriminated against in the workplace. The 2012 law introduces programmes and measures to raise awareness about sexual harassment in the workplace.

There is no evidence of **female genital mutilation** practices in Nicaragua.

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In Nicaragua, rates of **femicide** are not as high as elsewhere in the region, although reported incidents have been rising over the past decade. According to the Latin American and Caribbean Women’s Health Network (LACWHN), there was a 68% increase in femicides from 2007 to 2008. In 2011, there were 76 reports of femicide and, in the first few months of 2012, 26 women were killed (9 more than in the same period in 2011), according to the NGO Catholic Women for the Right to Choose.

After pressure from women’s rights organisations, the updated Violence against Women Law, which went into effect in 2012, included femicide.

Under Articles 143 and 145 of the revised Penal Code, introduced in 2008, **abortion** is illegal in all instances, even in cases of rape or incest, or to save a woman’s life. Prior to that, abortion had been legal in Nicaragua for more than 100 years. In its study on the laws criminalising abortion in 2009, Amnesty International found that this law disproportionately affects women under 17 years of age, since they make up a large portion of rape cases; in December 2008 alone, 77% of rape cases reported involved girls under 17 (295 of 379 cases).

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18 Herrera, Carmen (2012)
19 McCarthy, Monica (2012)
20 FAO (n.d.)
21 LACWHN (2010)
22 McCarthy, Monica (2012)
23 Herrera, Carmen (2012)
24 Herrera, Carmen (2012)
25 UN DESA (2013)
27 Amnesty International (2009), p. 22, citing data from the Nicaraguan Forensic Institute
3. Son bias
The male-to-female sex ratio at birth in 2013 is 1.05 and for the working age population (15-64 years old) is 0.93. There is evidence to suggest that Nicaragua is a country of low concern in relation to missing women.

4. Restricted resources and assets
Recent advances have improved women’s ownership rights in Nicaragua, but discrimination remains. A bill on gender equality for land purchase was adopted by parliament in 2010 to address the situation of women farmers and land ownership. The bill established a fund to enable women to purchase land with instalment loans for up to 15 years. In practice, women’s plots are generally smaller than those owned by men and, despite contributing to the production of various crops, 64% of women do not own land.

Since the Civil Code was adopted in 1904, Nicaraguan women have had the same capacity as men to gain access to property other than land. Women are entitled to sign contracts and to administer property. A 1997 amendment to a law on property stability allowed couples to own joint property, thereby improving women’s access to property other than land.

Regarding financial services, there is no legal restriction on women’s access to bank loans, but discrimination does occur. Access to bank loans is low for the population as a whole, but women have more difficulty borrowing and are typically granted smaller sums than men. According to the latest data from the World Bank, 12.8% of women in Nicaragua had accounts at formal financial institutions in 2011, compared to 15.7% of men.

Women are the majority of borrowers from microfinance institutions in Nicaragua: 56.14% in 2012. Pro Mujer, is one example of a microfinance institute that facilitates women’s access to credit. Its objective is to lift women out of poverty through a mix of services: Pro Mujer provides business and leadership training, preventive health education and primary healthcare services to women.

5. Restricted civil liberties
Article 31 of the Constitution guarantees women freedom of movement, but the Civil Code states that married women must live in the residence of their husbands’ choosing.

29 IPS (2010)
30 FAO (n.d.)
31 FAO (n.d.)
32 CEDAW (2005), pp. 45-47
33 CEDAW (2005), pp. 40-42
34 CEDAW (2005), pp. 40-42
35 World Bank (2013)
36 Microfinance Information Exchange (2013)
37 Learn more about Promujer at: http://promujer.org/
38 CEDAW (2005), p. 48
There have been documented cases of the murder of transgender people in Nicaragua and, in 2009, a Special Prosecutor for Sexual Diversity was created and tasked with the monitoring and implementation of rights for lesbian, gay, bisexual, transgender and intersex (LGBTI) people.  

There is no information on whether women’s access to public space is limited in the Autonomous Zone. 

Women and men enjoy the same right to vote and stand for election in Nicaragua. According to the 2005 CEDAW report, the main political parties have introduced quotas to increase women’s representation; however, there are no quotas legislated at the national or sub-national levels in Nicaragua. The CEDAW report notes that women wishing to enter politics still face prejudice and a lack of support from party structures. As of 2011, however, women made up 40% of the National Assembly, or lower house. 

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Women have poor representation in Nicaraguan media. According to a 2010 report by the Global Media Monitoring Project, 86% of news stories reinforce gender stereotypes, while only 8% challenge them. Women are also only 25% of the subjects quoted in newspapers and make up 30% of news reporters. 

The Labour Code (Law 85/96) stipulates that women may not be discriminated against in the workplace. Nicaraguan law also prohibits dangerous work for pregnant women and compels employers to transfer them to positions that would have no effect on their pregnancies. In addition, women who are pregnant or on maternity leave cannot be fired without a valid reason related to their work and are guaranteed their former jobs upon return from leave. 

Nicaragua offers women 12 weeks of total paid maternity leave that pays 100% of their average earnings in the last four weeks before childbirth. Sixty percent of their benefits are paid from a national social security system, with the remainder provided by their employers. 

Despite these legislated protections, the national Social Security Institute only covers about 10% of the national population. In particular, women working in the informal economy have no access to social security benefits, and women working in the maquiladoras are often unable to enjoy their labour rights, and are forced to work in difficult and dangerous conditions.

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39 REDLACTRANS and International HIV/AIDS Alliance (2012), p. 31
40 The Quota Project (2013)
41 CEDAW (2005), p. 17
42 The Quota Project (2013)
43 GMMP (2010), p. 105
44 GMMP (2010), pp. 89, 67
45 FAO (n.d.)
46 ILO (2011)
47 ILO (2011)
48 CEDAW (2005), p. 40
49 CEDAW (2007), p. 6
Sources


