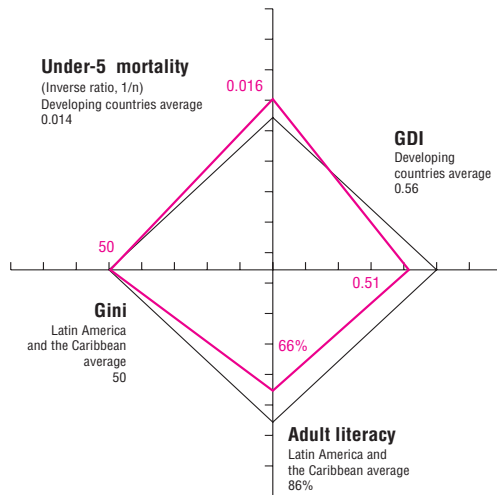


• MARÍA DOLORES OCÓN  
MYRA PASOS

## EQUITY, A WOMEN'S STRUGGLE



The Equity Diamond: National values in terracotta compared to regional ones in blue.

There is a wide gap between the texts of the Nicaraguan constitution and the international agreements and treaties that Nicaragua subscribes to, and the reality in which Nicaraguans live. This gap is particularly wide for women: respect for and full enforcement of women's rights will not be achieved until the material and ideological barriers are removed that prevent women from accessing the welfare conditions necessary for a decent life.

However, participation of women in the most important associations and unions in the country has grown. In the last few years, women's movements have started to link international instruments to the national situation, actively involving women in the preparation and follow-up of the latest world conferences.

### DECISION-MAKING

In Articles 27, 48 and 50, the Political Constitution of Nicaragua sets out **legal equality** for men and women. However, there are no laws that make these policies explicit. The implicit policy reproduces existing sexual discrimination.

In rhetoric, the importance of participatory and representative democracy is maintained. In reality, laws concerning political participation, such as the Electoral Law and Reforms to the Constitution, consecrate political space to the stronger political parties and exclude other forms of public management.

A few mechanisms for positive discrimination have been achieved. For 1994, the Sandinista Front approved a quota of 30% for women in internal management and nationally elected posts. In 1995, the Movement for Sandinista Renovation established a 40% quota for women in its internal posts and 30% for nationally elected posts.

In all state structures, women's participation is limited at upper hierarchical levels and increases at lower levels. In 1990 and 1996 presidential and local elections, contending parties

*With a per capita gross domestic product (GDP) of about \$430, Nicaragua is the second poorest country on the American continent. The programme for economic stabilisation, launched in 1990, has led to severe recession, with reduced standard of living for most of the population. The main human rights issue is the scant guarantee for basic economic and social rights. Also, constitutional regulations concerning equality and gender non-discrimination continue to be formal references alone.*

included proposals on women in their political platforms, but did not seek to eradicate subordination in an effective way. Conceptions of the traditional wife–mother role prevailed.

Data from the National Council of Political Parties show that for 1993, the national boards of directors of the 24 parties with legal status had 272 members. Of these, 24 (8.8%) were women distributed among 17 parties. We do not have 1996 data, but in general, except for the FSLN, which is attempting to apply the quotas mentioned above, no progress has been made in female participation on the boards of directors.

With regard to the legislature, in 1990 the parties submitted 1,632 candidates for official members and alternates for the National Assembly representatives. Of these, 404, less than 25%, were women. Among the total of 93 elected deputies, only 17% were women. In 1996, 36 parties took part in the elections. Of the 92 deputies elected to the National Assembly, only 10 women (11%) remained.

In 1990, 127 women were elected as official members and 161 as alternate members of the Municipal Councils in Nicaragua. These figures represent 14% of the official members and 18% of the alternate members. In 1994, there were 14 women mayors out of 143 mayorships. In 1996, 9 women were elected out of 145 mayorships (6.2%), and there were 24 women vice–mayors, that is to say 16.5%. In all cases, the percentage of women candidates was greater than the percentage of women elected, because women were placed at the bottom of electoral lists.

In the Supreme Court of Justice, in 1994 there was one woman out of eight magistrates, and in 1997 there were 3 women out of 12 members. In the Court of Appeals, there were 10 women out of 30 magistrates in 1997, that is 33%. Out of 218 district judges in the Court of First Instance, 35 were women (16%), and of the 170 local judges, 103 were women (60.5%).

In the 1990 elections, two women candidates ran for President of the Republic, one of whom was elected with 55% of the votes. When the Vice President of the Republic resigned in 1995, the Legislative Assembly elected a woman to this post. This administration did not include a gender vision in state policies. Nor did it tackle women's problems in depth or seek real alternatives to the negative impacts of structural adjustment policies on women. Nevertheless, throughout those years it was possible to make advances in some sectors and specific areas. An example is the granting of land ownership titles jointly (men and women) and the establishment of consultative mechanisms with civil society and women in particular.

Women have participated regularly in some government coordinating bodies. These include the National Commission for the Struggle against Maternal Mortality, National Health Councils, Commission for Rural Women, INIM Consultative Council, and Municipal Development Councils, among others. However, few women have held the top four public administration posts. There has been one women minister and three women

vice–ministers. In the new 1997 government, there were only one woman minister and two women vice–ministers.

## PARTICIPATION AND SOCIAL POLICIES

From 1993, the Organic Law of the Nicaraguan Women's Institute (INIM) was reformed and defined as a decentralised autonomous body, responsible for promoting the incorporation of a gender approach in public policies and equality of women in the various sectors of society. However, the incoherence of public policies in the country and the lack of a defined strategy and clear institutional objectives for INIM have limited the incorporation of the gender approach in the country's economic, social, cultural and political areas.

Because of pressure from the women's movement, and to comply with requirements of international cooperation agencies, the government has implemented actions to increase the access of women to resources and services in government institutions. However, these programmes and actions lack a national public or sectoral policy framework to orient processes aiming at equality and empowerment of women.

Poverty in Nicaragua has increased in the last few years. In 1993, 71.1% and 91.3% of urban and rural households respectively were below the poverty line; in 1996, the figures were 72.2% and 96.0%. Poverty is greater in rural zones, where 76.6% of households live in chronic poverty, vs. 36% of urban households.

In 1990, the government of Ms. Chamorro started implementing programmes for the reinsertion of persons living in poverty who were demobilised by armed conflict in the war zones. These programmes are carried out with international support and in cooperation with regional refugee and repatriation programmes. Since the establishment of the Social Agenda in 1993, the government has implemented programmes and projects whose main objective is to alleviate poverty.

Nicaragua has a constitutional juridical framework that provides the basis for women's progress by legitimising their participation in discussion of major national themes and in particular of matters concerning them directly, as a way of achieving equal rights and opportunities. However, this juridical framework is incomplete, and, in a society full of prejudice and discrimination towards women, institutional deficiencies in the law increase the difficulties in the struggle for equality. **The greatest difficulty, therefore, is the ideological transformation of values, customs and traditions that reproduce differential treatment and discrimination against women as they are incorporated into public life.**

Notwithstanding the above, Nicaraguan women are an emerging force. They form a dynamic and broad movement with a long history of struggle for participation in the country's public life and for the elimination of discrimination against

women in all spheres. This broad women's movement has a membership of about 200 organisations, which act at community, municipal, departmental and national levels. They work in different areas, such as health, education, organisation, agricultural production, environment, small industries, credit, micro-enterprises, legislation, and research. They have different organisational forms, such as production collectives, women's centers, cooperatives, women's secretariats in trade unions, women's homes, clinics, civil associations, foundations, NGOs, and committees.

## THE LABOUR MARKET

In 1996, a survey carried out by FIDEG revealed that women represent 42.3% of the national EAP, with differential participation according to whether they live in urban or rural areas. For every 100 women living in urban zones, 47 are economically active. In rural zones, 36 out of every 100 women are economically active.

From the above we may conclude that the incorporation of Nicaraguan women into economic activities makes them active agents in the country's economic processes. By the next millennium, they will constitute approximately half the labour force.

The employment structure of female EAP in 1995 showed a concentration in service and trade sectors (86.1%), with lesser participation in agriculture (0.4%) and in the industrial sector (13.5%). In 1996, the service sector continued to come first in female EAP, with 36.9%, followed by food processing with 28.1%. Crops accounted for 15.5%, artisan products 13.5% and trade, 1.9%.

**Lack of recognition of women's economic contribution by governments and economic policy-makers maintains and strengthens unequal opportunities for women.** Studies show that activities carried out by women in the informal sector are less dynamic than those carried out by men. This is associated to their having less access to credit, training and property. It is also a reflection of the smaller investments made to prepare women for active participation in the economic life of the country.

The government has ratified various agreements on social security, equal pay, protection of health, social benefits and basic services. These include ILO Agreements 3, 100, 102 and 103 (1919, 1952 and 1953, respectively). Nevertheless, under structural adjustment in the nineties, **social programmes for women workers were the first to be suppressed.** Social subsidies and benefits in public and private enterprises were eliminated to increase profitability. Furthermore, the high participation of women in the informal sector means fewer of them can access labour and social benefits. Additionally, adjustment programmes have established flexible labour conditions that enable employers to evade social benefits through temporary hiring.

Articles 50, 80, 82, and 86 of the Constitution of the Republic establish **«men and women's right to work, equal employment opportunities and free choice of profession and employment and equal pay for equal work.»**

Many women are already organised or they may organise to seek solutions to their employment problems. However, there are two major limitations to this: the unfavourable macro-economic context and the negative socio-cultural aspects that accentuate women's segregation. The government is not interested in identifying activities through which women can make economic contributions. Nor have they formulated policies to enable women to be fully integrated into the labour market on an equal basis with men.

The inequality between women and men in the formal and informal sectors is shown by the difference in income received for the same work. The average income for work by women in urban zones in 1995/96 was 32% lower than that received by men in the same sector.

There are no mechanisms to monitor or control salary inequities. An implicit economic policy exists that, for reasons of gender, reproduces inequality in pay. No measures have been taken to enforce the constitutional and labour regulation of equal pay for equal work.

Furthermore, with the high rates of unemployment (18%) and of poverty (85%), workers do not claim their rights. The situation is made worse by the high percentage of households headed by single women (28%).

Some progress in women's participation in the economic and social fields has been made, and the role women play in society has, to some extent, been recognised. However, since 1997, an observed trend is that the role of women is being linked to their biological condition and this role is being strengthened. This leads us to believe that it will be very hard to maintain the progress achieved.

## EQUITY OR EDUCATION?

Inequality between women and men in access to education has lessened over the last few decades. However, it is still considerable in vocational technical education and in rural areas. The average time spent in national education for the population aged over ten is 4.5 years. In rural zones this figure scarcely reaches two years (World Bank, 1994).

Despite international commitments and actions taken to achieve universal basic education, structural adjustment measures have negatively affected educational budgets. Expenditures for education decreased from 5.1% of the GDP in 1990 to 3.8% in 1995. The following chart shows that per capita expenditure has decreased at all levels of basic education. (Table 1)

TABLE 1.

PER CAPITA EXPENDITURE ON BASIC GENERAL EDUCATION 1993-1996 (in US dollars)				
TYPE OF EDUCATION	1993	1994	1995	1996
Pre-school education	21.77	20.86	16.44	12.26
Primary Education	42.84	36.70	39.56	34.64
Secondary Education	38.93	34.35	30.04	29.27
Teacher Training	186.22	183.98	154.83	128.46
Special Education	156.65	212.75	169.80	160.23
Expenditure per student	42.09	36.58	36.57	32.47

Source: *La descentralización de los servicios de educación en Nicaragua*. Melba Castillo, Consultora. Project CEPAL/ASDI(SWE/95/S61).

In 1990, Nicaragua began a process of transforming the educational system, based on the new concept that the state is not the only body responsible for providing educational services. Educational reform focuses on three aspects: a substantive aspect of curriculum reform; an organisational aspect of administrative decentralisation; and an axiological aspect that involves the teaching of values.<sup>1</sup>

Enrollment in the three educational subsystems has grown over the past 17 years, along with increased enrollment of girls. Girls have reached similar levels of schooling as boys in accordance with the demographics of sex, and in some cases, girls achieve higher levels than boys.

Equity is understood not only in terms of territorial distribution, but also to include equal opportunities of access and quality. In this sense, it is important to note the deep social inequity suffered by the rural population of the country. In rural areas, living conditions are marked by greater lack of basic services and income. Although primary education is fairly universal, it is not always possible to achieve full primary education in rural areas<sup>2</sup>. Most rural schools have only one teacher and although the children finish the first three grades of primary school, they often relapse into illiteracy because they are unable to continue their education. Furthermore, secondary education is far from reaching optimum levels of coverage.

Efforts towards decentralisation have concentrated on the development of «autonomous» schools. Managed by parent/teacher councils, these schools are responsible for most of their expenses.

The decrease in state expenditure for education and transfer of financial responsibility to the families may contribute to greater levels of inequity, particularly in localities with higher rates of poverty.<sup>3</sup> A recent study showed that annual contributions by families to basic public education in 1996 covered about 20% of the annual Ministry of Education budget for running expenses.<sup>4</sup>

Early education is only very partially covered. Out of 519 thousand children aged 0–6 in 1995, the Ministry of Education's formal pre-school programmes covered approximately 100 thousand. In general, attention to formal pre-school programmes has concentrated on urban areas. The Ministry of Education and Children and Family Fund has promoted ways of covering pre-school children through the communities and non-governmental organisations, mainly in rural and suburban areas. By 1996, communal pre-school programmes covered over 45 thousand children in 1,569 centers<sup>5</sup>. This is thanks largely to the voluntary contribution of mothers of families. Unfortunately, 56.3% of these teachers lack suitable training. (Table 2)

TABLE 2.

EVOLUTION OF INITIAL ENROLLMENT IN REGULAR PRIMARY SCHOOL BY SEX 1990-1996					
YEAR	TOTAL	GIRLS		BOYS	
1990	508,684	295,140	58.02%	213,544	41.98%
1991	674,045	356,607	52.90%	317,438	47.10%
1992	568,063	296,650	52.22%	271,413	47.78%
1993	625,012	314,986	50.39%	310,026	49.61%
1994	646,585	324,181	50.13%	322,404	49.87%
1995	585,310	293,744	50.18%	291,566	49.82%
1996	581,603	291,151	50.06%	290,452	49.94%

Source: Ministry of Education. *Diagnóstico Situacional 1990–1996. Proyección y Participación de la Mujer en la Educación*.

According to FIDEG, illiteracy is 26% at the national level, without important differences between women and men. However, the difference between the urban and rural populations is significant. **For example, 44.7% of rural women over ten years of age are illiterate, in comparison with 17.3% in urban areas.**<sup>6</sup>

Civil society organisations, especially the Women's Movement, are carrying out literacy programmes from a gender and

1 Castillo, Melba. *La descentralización de los servicios de educación en Nicaragua*, Mimeo. CEPAL–PNUD Nicaragua, Junio de 1997

2 Op. cit. (1)

3 Op. cit. (1)

4 Op. cit. (1)

5 UNICEF. *Análisis de Situación de la Mujer y la Niñez*. Octubre/Noviembre 1996.

6 María Rosa Renzi y Sonia Agurto. FIDEG. 1996. *La Mujer y los Hogares Urbanos Nicaragüenses. Indicadores Económicos y Sociales*.

sustainable development perspective. Within the Network of Women's Literacy, they exchange experience, material, methodologies and enhancement of teaching capacities.

### THE «MORALISATION» OF YOUNG MEN AND WOMEN

The Ministry of Education has not promoted programmes to counter discrimination in access to education or to eliminate sexism in education. Rather, it has strengthened the traditional roles of women through its policy of «Training in Values and Moralisation of Youth», which is part of the education reform.

Although the 1889 Constitution committed Nicaragua to secular education, a strong Catholic religious input has been introduced in the teaching programmes since 1990. This includes the teaching of morals intolerant of other forms of thought. The texts for morals and civics classes, which teach fundamental values, are similar to Catholic text books.

**The Policy for Sexual Education states that sex education should be based on natural law. The basic principles of this law are «that the sexual act is natural when it occurs between a man and a woman within marriage, and that sexual continence must be exercised, which is understood as abstinence or postponement of sexual activities by single people or until marriage.»<sup>7</sup>**

A 1994 study on secondary school texts found that texts reflected the image of under-valuation and discrimination against women and young people. While male protagonism is projected mainly in the public sphere, women are placed in the private one; their main role is linked to her belonging in the family and in domestic tasks. The qualities highlighted are generosity, submissiveness, simplicity and fidelity to her husband.<sup>8</sup>

### HEALTH

In the early nineties, national social policy was reformulated in the context of structural adjustment and the government's efforts to promote state modernisation. In practice, this translated into significant reductions in public expenditure, mainly through reductions in staff and privatisation of services that had traditionally been provided by the state. Knowledge of the magnitude of inequities in this sector is limited by the lack of health data broken down by geographical area and sex.

Between 1980–84 and 1990–94, national per capita expenditure on health fell from \$60 to \$37. The cuts came mainly from public expenditures; family expenditures were stable and increased between 1990 and 1994. While the per capita GDP fell by 32.1% between 1980–84 and 1985–89, public health expenditure fell by 7.3%. However, between 1985–1989 and 1990–1994, the per capita GDP fell by 25.4% and public health expenditures fell by 50%.<sup>9</sup> These reductions have had a negative impact on services, sharpening inequities between the urban and rural populations and between richer and poorer families.

### POLICIES TO ENCOURAGE WOMEN'S AUTONOMY IN DECISIONS AFFECTING THEIR SEXUAL AND REPRODUCTIVE HEALTH

During the 1990–94 period the Ministry of Health directed and implemented women's health programmes through the General Maternal–Child Office. These programmes, based on a conception of the mother–child binomial, linked women's health solely to human reproduction. They included prenatal and postnatal control, care during childbirth, family planning and detection of cervical and uterine cancer.

In 1995, as a result of the inputs by women's organisations and international technical assistance, the model of comprehensive health care for women that included the wider Cairo concept of reproductive health was introduced. A gender approach and dealing with violence as a public health problem were initiated. In spite of its dissemination and efforts by high-level officials, health units have scarcely implemented the new model.<sup>10</sup> The gender approach has not been incorporated and inequality in health care between men and women still goes unnoticed.

Along with lack of knowledge on sexual and reproductive rights, both in the public and private spheres, the sexual health of Nicaraguan women has been absent from the health policies and programmes of public institutions. Sometimes, it is also absent in the vision of alternative centres. The concept of family planning that prevails limits the objectives of contraception to reproduction and does not encompass sexuality or the right to pleasure.<sup>11</sup>

**The influence of the Catholic church is a barrier to the development of health policies that respond to the needs of the population. The Ministry of Health has taken scant initia-**

<sup>7</sup> op. cit. (10)

<sup>8</sup> Op. cit., (10)

<sup>9</sup> Espinoza, Jaime. *Nicaragua: Descentralización de los servicios de salud*. CEPAL. Mimeo. Febrero 1997

<sup>10</sup> Pizarro, Ana María. *Políticas de Salud para las mujeres. Jornada de Incidencia Política del Movimiento de Mujeres*. Mimeo. Junio 1997.

<sup>11</sup> Asociación de Mujeres Profesionales por la Democracia en el Desarrollo. *Los derechos de las mujeres en Nicaragua. Un análisis de género*. Noviembre 1996

**tive to promote sex education or improve access to contraceptive methods.**

The women's movement has promoted women's autonomy in decisions affecting their sexual and reproductive health by establishing over 100 alternative care centres throughout the country. These centres provide gynecological and obstetrical care, psychology, education on sex and reproductive rights, fertility control and care to victims of violence. Over 200 thousand women are thought to be served by these centres. In some towns, maternal homes have been established, enabling rural women at high obstetrical risk to have health care during childbirth.<sup>12</sup>

However, with the inauguration of Dr. Arnoldo Aleman's government in January 1997, **the Network of Women for Health was excluded by a ministerial resolution from the National Health Council, and the National Commission for the Fight against Maternal Mortality no longer operates.**<sup>13</sup>

## EQUITY AND ECONOMIC RIGHTS

Economic policy in Nicaragua does not incorporate a gender approach and, therefore, excludes women's interests and needs. In the last few years, research by women's organisations has discerned a male bias in policies and has advanced understanding about the links between the national economic situation and the position of women in society. Despite the male bias, initiatives aimed at providing access to economic resources, particularly ownership, credit and training in non-traditional areas, have been possible in some sectors.<sup>14</sup>

The following contribute to the elimination of gender inequity in access to production factors: the establishment and operation of the Inter-Institutional Commission for Rural Women; the establishment of gender units in the Ministry of Agriculture; the Nicaraguan Institute of Agricultural Technology (INTA); and the Ministry of the Environment and Natural Resources. These agencies carry out programmes with the support of international cooperation. They have considerably increased the number of women with access to the services they provide. They approach the issue of gender equity from the perspective of «women and development» rather than that of «gender and empowerment».

However, effective linkages are lacking between these initiatives and institutions providing rural, state and private financial services. This lack of coordination has hindered steady progress along the path of access by women to rural credit.

Women's rights over property are set out in the Agrarian Reform Law applied in the early eighties. This was the first law in Latin America to recognise women as subjects and direct beneficiaries of agrarian policies. However, due to the lack of a clear policy, in this decade title deeds made out to women represent only 9.7% of all title deeds.<sup>15</sup>

From 1994 onwards, the Nicaraguan Institute for Agrarian Reform integrated the granting of title deeds to women as heads of families and to couples into the institutional deed policy. It also implemented a communications programme in the media on women's right to land. Another programme was initiated on gender awareness aimed at the staff of various governmental, non-governmental and union offices, as well as at people requesting land in areas where deeds were being granted.

In 1996, the Institute succeeded in having Article 32 included in Law 209 on Property Stability (currently being amended). This establishes that ownership of a deed should be understood to be in the name of the couple. This makes it possible for women to have greater access to title deeds, although landholding and legalisation of land continues to be a problem in the country. The institutionalisation of awarding title deeds to women and application of the above-mentioned article are tasks still to be implemented.

Of the total number of homes with legal land tenure documents, women represent 13%, men 68%, couples 3% and other forms of tenure, 16%. Seventy-one per cent of these women own plots smaller than five blocks and only 5.5% own production units over 50 blocks.

Historically, credit is a resource for men. Since 1990, innovative programmes have channeled international assistance as credit to sectors of the population (among these, women) that do not have access to conventional credit. This generated a segregation of the market, with banks in the financial system serving men and non-conventional intermediaries serving women and micro-enterprises, although not in a totally exclusive way. In 1994 and 1995, of the total amount of credit received by women, 19% and 11% respectively came from state banks, while 81% and 89% respectively came from non-conventional sources.

12 FIDEG. *Estudio nacional y regional para la definición de un marco estratégico de trabajo del SNV en Nicaragua*. Mimeo. Abril 1997

13 Renzi, María Rosa et al. *La participación de las organizaciones de mujeres en las instancias de decisión. Proyecto de Seguimiento al Plan de Acción de la Conferencia Internacional sobre Población y Desarrollo*. Mimeo. Mayo 1997

14 Renzi, María Rosa et al. *La participación de las organizaciones de mujeres en las instancias de decisión. Proyecto de Seguimiento a la Conferencia Internacional sobre Población y Desarrollo*. Mimeo. Mayo 1997

15 Dirección de Planificación. Instituto Nicaragüense de Reforma Agraria (INRA). Managua, Nicaragua. 1997

Research by FIDEG shows that in 1995 and 1996, of the total number of people who benefitted from credit, 49.3% were women. However, they received only 34.1% of the total credit provided by the various sources.

Rural credit has not significantly benefitted women since they do not own resources to guarantee bank loans. Discrimination is twofold: first, while a third of the rural people who accessed credit were women, they received only 11.4% of the total amount of the loans. 42% of the loans received have to be repaid in less than six months and 41% can be repaid over periods of more than one year. **The average amount of credit obtained by men (\$850) is almost four times that of women (\$225).**

A second form of discrimination against women is the priority given to export crops. Of the total number of women who received credit, 34.9% invested in trade and 30.5% in staple grains, showing again the important role played by women in national food security. Credit policies, however, give priority to exports and few women are engaged in export agriculture. Women are rather engaged in agricultural production of staple grains in family or small-scale units.

- **INICIATIVA POR LA CIUDADANÍA DE LAS MUJERES** brings together more than two hundred organizations. Their aim is to enhance the political incidence of the women's movement.

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