

TRANSFORMING REALITY:
WOMEN AND HUMAN RIGHTS IN NICARAGUA

by

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B.A., University of British Columbia, 1981

THESIS SUBMITTED IN PARTIAL FULFILLMENT OF
THE REQUIREMENTS FOR THE DEGREE OF
MASTER OF ARTS
in the Department
of
Spanish and Latin American Studies

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SIMON FRASER UNIVERSITY

April 1996

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Transforming Reality: Women and Human Rights in Nicaragua

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ABSTRACT

In 1993 the delegates at the United Nations Conference on Human Rights in Vienna adopted a resolution supporting women's rights as human rights, specifically recognizing violence against women as a human rights violation. The Vienna Conference led to a declaration on violence against women and the appointment of a Special Rapporteur to deal with the issue. Women's human rights advocates viewed these decisions as significant steps towards ending gender-based discrimination.

In this thesis I analyze the work of several women's organizations in Nicaragua involving the promotion and defence of women's human rights. In focussing on specific activities at the local level, I sought to demonstrate if and how a human rights-based strategy could help to create social change for greater gender equality. I framed my research around two questions which stem from contrasting positions within the field of human rights.

My research shows that human rights laws and concepts are employed by women's organizations as part of a broader strategy for education and consciousness-raising among women and the broader public, and are being used in lobbying the

Nicaraguan government and political leaders. I conclude that the work using human rights is having results that are contributing toward greater gender equality for Nicaraguan women.

Using the work of Nicaraguan women and the Vienna decision on violence against women as examples, I also show how women, in the course of their work in education, consciousness-raising, lobbying and policy work, are transforming traditional conceptions of human rights to better reflect their reality and, over the long term, to improve their lives.

ACKNOWLEDGEMENTS

My first thanks go to the remarkable women who form the women's movement in Nicaragua. Their determination and creativity in the face of incredible obstacles inspires me. I want to especially thank those women who so willingly gave of their time to speak with me about their work and share their ideas on women's human rights. Also in Nicaragua I would like to thank Dra. Vilma Nuñez Escorcía, Executive Director of the Centro Nicaragüense de Derechos Humanos, and her staff who offered space, resource materials and support. Thanks also to my friends Angela Bähr, Ursula Sieg and the Galo family who shared their homes and their insights with me.

Throughout the entire process of this thesis, I have been fortunate to have worked with Geoffrey Spurling, my senior supervisor. His support, encouragement and constructive criticisms have helped me enormously in arriving at this point. I am grateful also to Marilyn Gates who supported my research idea early on and who provided valuable suggestions on the last drafts. To all the Latin American Studies graduate students with whom I began this process, thank you for your support and friendship.

To my mother, Jan Wood, I offer my gratitude for her unfailing belief in me. For balancing my life and keeping me laughing, I thank my daughter, Kate Rader. And finally, to my compañero, Jim Rader, I want to say thank you for everything, above all for planting the idea and nurturing it to grow.

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CHAPTER 1
INTRODUCTION

Women the world over celebrated when the member states present at the 1993 United Nations (UN) World Conference on Human Rights voted to recognize violence against women as a human rights violation. The decision was the result of the work of thousands of women who signed petitions, lobbied governments and undertook public education campaigns in order to have women's human rights fully included in the UN conference agenda. The final conference document, the Vienna Declaration, highlighted the need for women's human rights to be integrated into all UN human rights work and called for member states to act to stop violence against women in both the public and private spheres.

The Vienna Conference was a major step forward in the campaign for the recognition of women's human rights. Since individual human rights first began to be accepted in the late 1700s, women have argued that they were not included in the concepts or the laws that defined human rights. During this century, in international fora, such as the United Nations and the Organization of American States, women have struggled to insure full protection for women under human rights law. Despite their efforts and numerous international laws that

have been passed in an attempt to protect women's human rights, women still face systemic discrimination. Even basic rights are still denied women in many countries. For example, women in Iran and Saudi Arabia do not have the right to drive (Hélie-Lucas 1993, 59), and in Morocco a woman may not obtain a passport or travel without the permission of her husband (Tomasevski 1993, 110). Women from several African countries, including Nigeria, Ghana, Zaire and Burundi, are denied equal access to credit as it is unlawful for a woman to enter into a loan or purchase agreement without the consent of her husband (Tomasevski 1993, 39). In Algeria and Morocco, women are denied equal inheritance rights with men (Hélie-Lucas 1993, 55; Tomasevski 1993, 110).

Violence against women, only now considered a human rights violation, occurs in all parts of the world; women face beatings, rape, torture and even death. Whereas the majority of these acts of violence are against the law, often the respective governments are ineffective in preventing such crimes or in punishing perpetrators. Violence against women, therefore, continues to be a global problem. In the United States, domestic violence is the leading cause of injury to women (Tomasevski 1993, 93). In the Indian state of Gujarat, an estimated 1,000 women are burned alive in dowry-related incidents each year (Kerr 1993, 4). Amnesty International reports that rape of women in state custody is a common form

of torture in several countries, including El Salvador, Pakistan and India (1990, 19).

Clearly, the Vienna Declaration alone will not eliminate these practices and others which women suffer daily. Indeed there are several existing international covenants which prohibit discrimination against women in specific areas, such as employment and education¹, yet they have not been effective in abolishing discriminatory practices against women.

Yet despite these difficulties, the women who continue to work for the recognition of women's human rights believe that human rights laws and concepts can be an effective tool in helping to eradicate discrimination and abuse. They argue that human rights laws and concepts can help build women's self-esteem and gender consciousness, can serve as public norms for acceptable behaviour toward women and can provide socially recognized avenues for the defence of their human rights. Further, women's human rights advocates propose that existing human rights laws and concepts themselves should be transformed in order to fully include women (Acosta Vargas 1992; Bunch 1990; Cook 1993; Eisler 1987).

In contrast to the position taken by these rights advocates, a group of scholars identified with Critical Legal Studies (CLS) argues that human rights laws cannot help to

¹ The 1979 UN Convention for the Elimination of All Forms of Discrimination Against Women is one such document.

achieve social change for disadvantaged groups. CLS proponents, commonly referred to as 'rights critics', argue that human rights laws do not directly address the root causes of discrimination and hence cannot lead to social change. Further, they believe that the nature of human rights laws forces disadvantaged groups to take less radical positions than they otherwise might as they must fit their demands within well established legal parameters (Fudge and Glasbeek 1992; Mandel 1989; Smart 1989)².

In their analyses, the rights critics focus on human rights-based struggles in Britain and North America, aiming their criticisms in particular at the employment of human rights law in court cases. But while their critique has been based on studies in these specific societies, the issues and questions the rights critics raise can be applied to other contexts, to critically assess human rights work that goes beyond the courtroom and that takes place in developing nations.

From the distinct positions argued by rights advocates and rights critics, I developed two questions to frame research on women's human rights in Nicaragua. First, can human rights concepts and laws help to achieve social change

² See Chapter 2 for more discussion on the positions of both the women's human rights advocates and the rights critics.

for women? The rights critics' position would say no because human rights laws do not change underlying power imbalances and therefore have no possibility of insuring equality in practice. Women's human rights advocates, on the other hand, approach human rights laws and concepts from a different perspective, seeing in them the potential for education and consciousness-raising among women and the broader public, and for lobbying for change with governments and international organizations, such as the UN.

Second, will human rights laws shape, and thereby constrain, the extent of the social changes which women are seeking? CLS scholars believe that the very nature of human rights laws and the judicial system are such that women who apply human rights to their struggle will not be able to achieve the changes needed to insure gender equality. Women's human rights advocates, on the other hand, argue that human rights laws and concepts themselves will be transformed through the process of women learning about them and applying them to their own situations.

My research was designed to address these questions within the context of the Nicaraguan women's movement and the use of human rights in their work for greater gender equality. I chose this as the focus of my thesis for two reasons. First, I worked in Nicaragua between 1991 and 1993 coordinating a project on women's human rights. This

experience provided me with in-depth knowledge of the country and the women's movement as well as several contacts which facilitated the completion of my research.

Second, within the context of Central America, the Nicaraguan women's movement stands out as a dynamic, independent social force, involved in a wide variety of work aimed at social change for greater gender equality. As such, the movement demonstrates many of the characteristics identified in writings on 'new social movements' (Escobar and Alvarez 1992). The Nicaraguan women's movement is heterogeneous, has defined itself in the 1990s as autonomous from any political party and has rejected hierarchical ways of structuring their work in favour of more democratic, participatory methods. To re-define women's place and role, and therefore gender relations within Nicaraguan society, is an over-arching goal of the women's movement. As in other social movements, Nicaraguan women employ a combination of strategies in their work for greater gender equality - resistance, protest and proposal. These different strategies are aimed at improving women's situation in the economic, political and cultural spheres. In the past few years, women's human rights have become an important component of this work, both in terms of changing existing laws to better protect women as well as in altering the cultural context within which human rights for women would be respected and

valued as equal to those of men. As such, Nicaragua offers an important window into the practice of human rights work being employed by women's groups at the grassroots level to effect social change.

In order to narrow the focus of my research in Nicaragua, I chose to highlight work that linked human rights with gender violence. I selected the issue of gender violence for two reasons. First, following the Vienna decision, gender violence was more prominent as a public issue than before the conference and could be spoken of in human rights terms. Second, the Nicaraguan women's movement decided several years earlier that gender violence would be a priority for their work. The decision to focus on gender violence was brought about primarily through the organizations' work with women in health clinics, legal assistance offices and discussion groups. In carrying out this work the widespread nature of violence against women in Nicaraguan society had become clear³.

I conducted my research in Nicaragua between August and October 1994. During these two months I interviewed nine

³ There are no reliable statistics available on the extent of gender violence in Nicaragua, due in part to under-reporting. In addition, domestic violence is included under common assault in Nicaraguan law, making its victims statistically invisible. For some recent statistics on rape, see CENIDH (1992, 35 and 1994b, 79). For an ethnographic discussion of gender violence and machismo in Nicaragua, see Lancaster (1992).

people: six women involved in women's organizations, two representatives of human rights groups and one lawyer (see Chapters 4 and 5 and Appendix 1). I selected the organizations I interviewed based on my previous knowledge of their work and in consultation with several people familiar with the women's movement and human rights groups. The selection was made to represent different areas of work related to women's human rights. Within the six women's organizations are two grassroots women's collectives, the governmental women's institute, a women's human rights education programme, a women's legal assistance office and a women's training and education centre. The human rights groups selected represent two of the three active human rights committees in the country. The lawyer, who works for a national women's organization, chose to provide her individual perspective for the purposes of the interview.

The six women's organizations all use human rights laws and concepts in their work and the two human rights organizations employ women's human rights as part of their overall activities. For the purposes of this thesis I intend women's groups to mean groups that are organized by women and which undertake activities with women in a variety of areas, including legal assistance, education and counselling. By human rights groups I mean those organizations that are staffed by both women and men and that undertake activities

such as research, advocacy, human rights education and lobbying according to international and national human rights laws. In including both types of organizations in my study I sought to make a comparison between their respective visions and methodologies concerning work involving women's human rights in order to gauge what effect, if any, the work of women's groups might have on the work of human rights groups.

To complement the information gathered through the interviews, I analyzed written material (pamphlets, articles, and newsletters) from each organization with which I had contact. In addition, I sought out other written material on the women's movement in Nicaragua, and on women's human rights and violence against women in general. Finally, I took advantage of being in the country to participate in several workshops and forums organized by various groups within the women's movement. These experiences gave me a broader exposure to the work of the women's movement and deepened my understanding of how human rights were being used in practice.

Although in what follows I refer to Nicaraguan laws and the justice system, a thorough analysis of the criminal and civil codes and their impact on women is beyond the scope of this study. However, work on this topic has been undertaken; the Nicaraguan Centro de Derechos Constitucionales (Centre for Constitutional Rights) has published gender-based analyses of Nicaraguan laws and legal codes (Silva Pérez 1993; Vargas

Escobar 1990, 1992).

This thesis is divided into six chapters. Chapter 2 examines the history of international women's human rights and sets out the debate between women's human rights advocates and CLS scholars. In Chapter 3 I provide a brief summary and analysis of the Nicaraguan women's movement. Chapters 4 and 5 report my research findings in Nicaragua. The concluding chapter provides an analysis of these findings and returns to address the two central thesis questions outlined above.

CHAPTER 2

WOMEN'S HUMAN RIGHTS: HISTORY AND CURRENT DEBATES

Women's human rights⁴ are currently in a state of flux - new international laws are being discussed and approved, long-held definitions of what constitutes protection of women's human rights are being questioned and women are demanding that human rights laws and concepts be made more inclusive in order to reflect the issues that dominate women's lives. To understand this context it is necessary to analyze the historical development of women's human rights, to study how women's human rights developed as an area secondary to human rights in general. It is also important to analyze the arguments women are presenting today to promote women's human rights. This chapter covers both of these areas, beginning

⁴ I use the term women's human rights throughout my thesis to denote both those human rights which are gender specific to women and those human rights which women are guaranteed by the fact that they are accorded to all people. I have chosen to use the term 'women's human rights' over 'women's rights' because women's rights historically have been seen as 'other', a category separate from human rights and of interest to women only. Although many people employ the term women's rights with the same intention as I employ women's human rights, I believe it is important to name these concerns as women's human rights in order to be clear that they are within the human rights framework. See Byrnes (1994, 194) and Medina (1994, 257-8).

with a brief history of women's human rights, focussing on the United Nations and the Organization of American States (OAS). It then situates the movement for women's human rights in the context of a debate regarding the utility of using human rights as a strategy for social change.

Women left out

...the underlying problem for human rights theory...is that the yardstick that has been developed for defining and measuring human rights has been based on the male as the norm (Eisler 1987, 297).

Modern western human rights are rooted in the conception of rights which arose from the eighteenth century revolutions in France and the United States of America. The declarations which grew out of these events, the American Declaration of Independence (1776) and the French Déclaration de Droits de Homme et Citoyen (1789), established a male norm in human rights theory. Although one intent of the declarations was to recognize the equality of all citizens, the considerations were based on men's lives and aspirations, with no mention of women or reference to their specific situations (Eisler 1987).

The omission of women in the French document was noted as early as 1791 by Olympe de Gouges who wrote the Déclaration de

Droits de la Femme et de Citoyenne⁵. De Gouges' document, which paralleled the original declaration, protested "men's tyranny over women" and called for equal rights for men and women. In her version, she made various changes to the original French Declaration to include and protect women's human rights. In some instances she simply added the words 'and women' where men were mentioned. In others she employed a gender perspective to reinterpret a right that was stated in the original document. For example, on the right to freedom of expression, de Gouges stated that mothers of illegitimate children have the right to speak out in public, naming the father of their children and demanding paternal responsibility. She emphasized other issues as well, including the full equality of rights and responsibilities with men, the right to share in a nation's public administration, and the rights to property, liberty and freedom of speech (Kingdom 1990; Levy, Applewhite and Johnson 1979).

Although De Gouges' document did not achieve public

⁵ Born into the family of a butcher, Olympe de Gouges went on to become an actor and writer. She sent her proposed declaration on rights to the Queen, Marie-Antoinette, hoping to persuade her to take up the cause of women's human rights. The declaration included a preface directed to men which charged them with dominating women, a position which de Gouges argued was contrary to nature. De Gouges also used the declaration to issue a call to women to come together in a national assembly (Flexner 1972, 148; Levy, Applewhite and Johnson 1979).

acceptance, her concerns did not disappear. Women's organizations calling for respect for women's human rights arose in the United Kingdom, France and the United States in the mid-1800s. In the latter part of that century and in the early 1900s such movements were formed in many other countries, including Canada, China, Japan, India, Norway, Italy and Denmark. For most of these movements the chief concern was suffrage for women. Among the other issues raised were the right to education, the rights of married women to nationality, child custody and inheritance, and the labour-related rights of equal pay and maternity protection (Chafetz and Dworkin 1986).

In Latin America, very few organizations calling for women's human rights existed before the early 1900s. Notable exceptions include two early women's periodicals which advocated women's equality with men, *El Aguila Mexicana* (The Mexican Eagle), first published in Mexico in 1823, and *O Sexo Feminino* (The Feminine Sex), first published in Brazil in 1873. In the late 1800s, there were women's organizations in several Latin American countries, including Chile, Mexico, Argentina and Brazil, which worked for the rights of girls and women to be educated. In 1910 the first *Congreso Feminista Internacional* (International Feminist Congress) was held in Buenos Aires, organized by the *Universitarias Argentinas* (University Women of Argentina). Sponsoring groups included

the National Argentine Association against the White Slave Trade, the Socialist Women's Centre, the Association of Normal School Teachers and the National League of Women Freethinkers. Two hundred women from Argentina, Uruguay, Peru, Paraguay and Chile attended the congress. Among the issues discussed were rights for married women, including divorce, and women's labour rights, including equal pay for equal work (Miller 1991, 73; Valdéz and Gomáriz 1995, 177).

As in other parts of the world, in Latin America in the late 1800s and early 1900s women's suffrage movements actively campaigned for women's right to vote (Hahner 1980; Latin American and Caribbean Women's Collective 1977). In 1928 Ecuador became the first Latin American country to grant women the vote. Although Nicaraguan women organized their first suffrage campaign as early as 1893, Nicaragua was among the last Latin American countries to give women the vote, not recognizing that right until 1955 (González 1995)⁶.

Other women's human rights issues raised in the nineteenth and early twentieth centuries did not achieve the same level of political consensus as women's suffrage, neither among women themselves nor among political leaders. For the

⁶ In 1893 New Zealand became the first country to recognize women's right to vote. Canada opened the vote to women in 1917. Kuwait remains the only country in the world where women's right to vote is not recognized (Tomasevski 1993, 9).

most part, issues such as maternity benefits, married women's rights and reproductive health concerns were seen to be of interest to women only. They were considered separate from, and secondary to, human rights.

This dichotomy arose in part from the separation of the public and private spheres in society. Historically, women's lives have been identified largely with the private or domestic sphere, the home and family. The private sphere has been the domain of individual males and, therefore, considered to be outside of state control. Men's lives, on the other hand, have been defined by their economic and political status in the public sphere. Typically, more importance and value has been placed on the public sphere than the private sphere. It is the public sphere where the state exercises power and fulfills its responsibilities, including the promotion and protection of human rights. Because women's human rights have been associated with the private sphere, they have been defined as outside of the responsibility of the state and thus not as human rights concerns (Bunch 1990; Charlesworth 1994; Eisler 1987).

Attempts to promote and defend women's human rights

Since the early 1900s there have been attempts within some international bodies to address the inferior status of women and their neglected rights. In Latin America, states

began to act upon women's human rights as early as 1923 when the Fifth International Conference of American States (convened by the Pan-American Union, the forerunner to the OAS) voted to study how to achieve civil and political equality for women. Prior to their next meeting held in Havana in 1928, several women's organizations met unofficially to develop their demands and to press the country delegates for recognition of women's rights⁷. The women were successful in obtaining an opportunity to speak to the official gathering and used the chance to propose an Equal Rights Treaty and the creation of an office for women. As a result of their work the Comisión Interamericana de la Mujer (CIM, Inter-American Commission of Women) was formed later that year. The first task of the CIM was to press for women's suffrage and to review the legal status of women in each state in the hemisphere (Miller 1991, 95; Poole 1993, 134).

At the international level, the 51 countries which formed the United Nations ratified the UN Charter in 1945, including in the preamble an affirmation of the equal rights of women and men, making it the first international document to commit

⁷ Included among the groups represented in Havana were the Women's International League for Peace and Freedom (WILPF), the Consejo Feminista Mexicana (Mexican Feminist Council) and the Club de Madres de Buenos Aires (Mother's Club of Buenos Aires). Two Cuban organizations hosted the women's meeting, the Alianza Feminina Cubana (Cuban Women's Alliance) and the Club Feminino de Cuba (Women's Club of Cuba) (Miller 1991, 95).

to non-discrimination on the basis of sex (Hevener 1983, 13). In 1946, the UN created the Commission on the Status of Women to prepare studies on discrimination against women and to make recommendations to promote women's human rights (Galey 1984; Pietila and Vickers 1994).

In 1948, the UN General Assembly passed the Universal Declaration of Human Rights, meant to detail the human rights portions of the UN Charter and to serve as an international bill of rights⁸. The Declaration makes two specific references to women. The preamble repeats the Charter's affirmation of equal rights for men and women, and Article 2 prohibits discrimination on the basis of sex.

During the 1950s and 1960s, international and regional organizations continued to adopt many conventions and declarations aimed at addressing specific concerns related to women (see Figure 1). Despite the attempts at regional and international levels to recognize women within international human rights law, violations of women's human rights continued. In order to address this problem, in 1980 (mid-point in the UN Decade for Women, 1976-1985) the UN General Assembly adopted the Convention for the Elimination of All

⁸ Interestingly, the Declaration was adopted only after lengthy debates concerning the language employed. As several individuals and country representatives objected to the exclusive use of male nouns in the first draft, the final version was changed to include mostly gender neutral terms such as 'all human beings' and 'everyone' (Morsink 1991).

Figure 1

**SELECTED HUMAN RIGHTS INSTRUMENTS
RELATING TO WOMEN**

1945	Charter of the United Nations (UN)
1948	Universal Declaration of Human Rights (UN)
	Inter-American Convention on the Political Rights of Women (OAS)
	Inter-American Convention on the Civil Rights of Women (OAS)
	Night Work (Women) Convention (ILO) (revised from the 1919 and 1934 Conventions)
1949	Convention for the Suppression of Traffic in Persons and the Exploitation of the Prostitution of Others (UN) (the consolidation of previous conventions from 1904, 1910, 1921 and 1947)
1951	Convention Concerning the Equal Remuneration for Men and Women Workers for Work of Equal Value (ILO)
1952	Convention on the Political Rights of Women (UN)
1952	Convention Concerning Maternity Protection (ILO) (adopted from 1919 Convention)
1957	Convention on the Nationality of Married Women (UN)
1958	Convention Concerning Discrimination in Respect of Employment and Occupation (ILO)
1960	Convention Against Discrimination in Education (UNESCO)
1962	Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (UN)
1967	Declaration on the Elimination of Discrimination Against Women (UN)
1979	Convention on the Elimination of All Forms of Discrimination Against Women (UN)
1993	Declaration on the Elimination of Violence Against Women (UN)
1994	Inter-American Convention for the Prevention, Sanction and Eradication of Violence Against Women (OAS)

ILO	- International Labour Organization
OAS	- Organization of American States
UN	- United Nations
UNESCO	- United Nations Educational, Scientific and Cultural Organization

Taken from Silva Pérez (1993), Hevener (1983), Pietila (1994) and Tomasevski (1993).

Forms of Discrimination Against Women (Women's Convention), a ground-breaking document which attempted to go beyond de jure equality in order to work toward de facto equality. Three aspects of the Women's Convention were designed to accomplish this. First, the document allows for "temporary special measures", or positive actions, to eliminate barriers to women's enjoyment of human rights on an equal basis with men. This section recognizes that simply promoting equality in an unequal situation does not change the underlying power imbalances which create the inequality. Positive or affirmative actions, which set a preference for the inclusion of, or representation of, certain groups (in this case women) are introduced as one manner of addressing the inequality (Freeman 1993, 93). An example of this is affirmative action laws, which grant a hiring priority for women or which require women to be hired to fill at least a minimum number of positions in a company or government department.

The second aspect of the Women's Convention is Article 5 (a), which charges states with the responsibility to modify all social and cultural practices that are based on the idea of the inferiority or superiority of either of the sexes. With this article the Convention challenges the argument used by many states that actions or stereotypes prejudicial to women are customary and, therefore, either not discriminatory or beyond their jurisdiction. One example of customary

practices considered to be a violation of women's human rights is the practice of female genital mutilation. The practice has been shown to cause severe health and psychological complications for the girls and women who have undergone the operation, estimated to number between 85 and 114 million worldwide. Although laws prohibiting female genital mutilation exist in some countries, such as Sudan, they are generally not effectively enforced (Toubia 1995)⁹. The Women's Convention prohibits such customary acts that discriminate against women.

Third the Women's Convention outlines the state's responsibility to eliminate discrimination against women regardless of who the perpetrator is or where the violation takes place. This article challenges the dichotomy of public and private spheres and gives states the responsibility to end such discriminatory practices as domestic violence and workplace sexual harassment (Eisler 1987).

Despite these attempts to overcome possible obstacles to

⁹ Female genital mutilation has horrified and, in turn, been sensationalized by the West. In reaction to this negative attention, many countries where it is practiced have charged the West with cultural imperialism, with trying to impose western style human rights on non-western cultures. The issues of power and domination within the international human rights field are extremely important and deserve a great deal more discussion. In relation to female genital mutilation, however, it must be remembered that African women, not the Western world, were the first to begin work against the practice. See Toubia (1995).

the full recognition and implementation of women's human rights, the Women's Convention has not had the impact that many anticipated. Among the principal reasons for the weakness of the Convention is enforcement. The Committee for the Elimination of All Forms of Discrimination Against Women (CEDAW), responsible for overseeing the Women's Convention, has little power and few resources with which to work. For example, when CEDAW receives country reports, the Committee members may engage only in "constructive dialogue" with the country delegates. CEDAW may not follow up suggestions made to reporting states nor may it undertake specific investigations. Further, unlike other UN committees, no individual complaint process exists, meaning that the only information the Committee has to work with is provided by the government being reviewed.

In addition, CEDAW meets for two weeks each year, as opposed to the longer meeting times of other human rights bodies¹⁰. Compounding the structural problems of CEDAW, is a lack of will on the part of many countries to comply with the reporting mechanism of the Women's Convention. Although

¹⁰ For example, the Committee Against Torture meets for four weeks a year although it has almost half the number of country ratification as CEDAW. In early 1995, at CEDAW's 14th session, the committee members recommended that they be granted longer meeting times and that the committee be able to accept individual petitions as well as official government reports (UN Secretariat for the Fourth World Conference on Women 1995, 7).

states are required to submit regular reports on their progress in fulfilling the Convention, CEDAW received less than half of the reports it was scheduled to review from its inception in 1983 to 1994 (92 countries had submitted reports, 112 reports were overdue) (Bayefsky 1994, 352; Freeman 1993, 94).

Reservations to the Women's Convention have also weakened its impact. The reservation mechanism was originally meant to allow a state which supported a particular convention to ratify it with specific exceptions. These exceptions or reservations were intended to be short term, allowing the state the necessary time to bring contravening domestic laws into line with the particular convention. However, the reservation mechanism has become an avenue for states to opt out of sections of conventions with which they do not agree. The Women's Convention holds the dubious record as the UN document with the greatest number of reservations. Forty-one states, or 30 percent of the ratifying countries, have made a total of 116 reservations to the Convention¹¹ (UN Secretariat for the Fourth World Conference on Women 1995, 7). Article 16 of the Convention, which deals with discrimination against women in marriage and family relations, has the largest number

¹¹ Those Latin American countries with reservations are Argentina, Brazil, El Salvador, Mexico and Venezuela (Tomasevski 1993, 118).

of reservations. The articles on equal citizenship rights (Article 9) and full legal capacity (Article 15) are those most reserved after Article 16 (Tomasevski 1993, 118).

These weaknesses have prevented the radical implications of the Women's Convention from being realized¹². Consequently, respect for women's human rights has not significantly improved since the Convention came into force in 1982. The concerns raised by women over the centuries, including those of de Gouges in the days of the French Revolution, remain relevant today: freedom from male dominance, full political and economic equality with men, reproductive health rights and the eradication of violence against women. In an effort to continue to make these concerns public and press for governmental action, women's non-governmental organizations organized several activities designed to impact the 1993 UN World Conference on Human Rights in Vienna. Among the actions was a grassroots campaign to collect signatures on a petition demanding the UN Conference incorporate women's concerns in all aspects of the conference discussion and specifically that the conference

¹² Structural enforcement problems aside, there are women's human rights advocates who criticize the Women's Convention for the same reason as they criticize other human rights law - the male norm on which it is based. These women see Article 1 of the Women's Convention as establishing men as the measure of equality for women. See Charlesworth (1994) or Kaufman and Lindquist (1995).

delegates recognize violence against women as a human rights violation. The campaign succeeded in collecting 500,000 signatures on petitions translated into twenty-one languages, which were then presented to the delegates in Vienna.

A second action organized by the women's human rights activists was the Global Tribunal on Violations of Women's Human Rights. Designed to illustrate that violations of women's human rights continue with impunity in all parts of the world, the Global Tribunal presented testimonies of human rights violations by 33 women from 25 different countries, 10 of whom were from Latin America and the Caribbean (Barsted 1993; Kirshenbaum 1993). The Tribunal focussed particularly on violence against women, including incest, domestic abuse, wartime rape, female genital mutilation and gender-based religious and political persecution. The Global Tribunal and the lobbying work organized by women for the Vienna Conference had a profound impact on the final document; the Vienna Declaration states that women's human rights are an integral part of universal human rights. In addition, state delegates voted to recognize violence against women as a human rights violation and to recommend the appointment of a UN Special Rapporteur on Violence Against Women. The UN Human Rights Commission adopted the recommendation and appointed Radhika Coomaraswamy of Sri Lanka to the new position in March 1994.

Human rights as an avenue for social change?

Although the advances in Vienna were a major step towards the full recognition of women's lives within human rights laws and concepts, the problems and limitations of human rights instruments and bodies in protecting women's human rights persist. Nevertheless, many women still argue that human rights offer an important avenue for change toward gender equality. This group of women's human rights advocates, or simply advocates, believes that although human rights laws that address women's situation can be ignored or broken, such laws set a public norm for what is acceptable behaviour. They argue that these norms eventually will change people's attitudes and prejudices if the laws are strongly supported by the state and by sectors of civil society (Acosta Vargas n.d., 144; Eisler 1987, 305). Further, many women think that laws promoting women's human rights actually empower women, helping them to understand that such rights are inherent and should not be considered privileges that must be requested from political leaders or the state (Carter 1988, 138; Charlesworth 1994, 61).

Women's human rights advocates approach their work in a variety of ways. Some argue that there is adequate coverage of women's human rights within existing human rights law and that emphasis should be placed on better enforcement. Others work for more laws aimed at specific issues of concern to

women. Some give civil and political rights for women a higher priority over social and economic rights, while others argue for the reverse. More and more, there are those advocates who propose a transformation of the very concept of human rights to reflect women's experiences and concerns. Although there are distinct priorities in each of these approaches, they are not mutually exclusive. In fact, many advocates, such as Charlotte Bunch (1990), propose that different approaches are needed for different instances and distinct problems.

Transformation, however, remains the overall goal for most women's human rights advocates. As de Gouges' declaration ultimately demonstrated, the male norm in human rights cannot be changed by merely adding 'and women' to each defined human right. Many advocates believe that human rights must be re-thought to reflect women's lives in the inherent understanding of what constitutes human rights and their protection¹³ (Acosta Vargas 1992; Bunch 1993; Charlesworth

¹³ Recent work by the Comité de América Latina y el Caribe para la Defensa de los Derechos de las Mujeres (CLADEM, Latin American and Caribbean Committee for the Defence of Women's Rights) provides an example of the transformation approach. CLADEM has reformulated the Universal Declaration of Human Rights in order to make it truly universal and respectful of differences and "to question the western, male paradigm currently seen as universally valid." The preamble states: "...this reconceptualization of human rights must begin with life experiences, to include the specific rights which women possess through feeling, thinking, struggling, living and surviving as a woman;" (CLADEM 1993).

1994; Eisler 1987). The push for recognition of women's human rights is seen by advocates not only as a concrete step towards greater equality for women but also as part of a broader strategy for creating a more equitable world for all people (Copelon 1992; Suarez Toro 1995).

In partial contrast to the position of the advocates, scholars associated with the CLS school argue that human rights cannot be a vehicle for social change. CLS scholars, commonly referred to as 'rights critics', derive their arguments from an analysis of human rights court cases in North America and Britain. Their position is based on a mistrust of formal legalistic structures in which the state wields great power. The critics view such structures as protecting the status quo and, therefore, working in opposition to social change.

One of the arguments that rights critics put forward to support their position on human rights is that because human rights laws do not change existing structural injustices, they cannot affect social change in the long term. Critics claim that most court cases based on human rights law are narrowly focussed on one individual's situation and do not consider the underlying broader structural problems. Further, they maintain that the aim of human rights law is to insure formal or legal equality, not to make the necessary changes in structural power imbalances which would guarantee that legal

equality would become de facto equality (Fudge and Glasbeek 1992; Mandel 1989; Smart 1989).

A second argument of the rights critics is that groups which employ mainstream legal discourse to argue their position are forced to reformulate their demands to be legally and socially acceptable. In doing so, groups may have to change their demands to such an extent that whatever is gained by the group through the formal legal process is likely to be much less than their original demand or objective (Fudge and Glasbeek 1992).

Rights critic, Carol Smart (1989), argues that feminists who attempt to challenge the legal institution by using human rights to create social change face two possible defeats. First, they may launch their argument from outside of the legal system, an option Smart views as designed to fail precisely because it is outside of the established power and authority of the courts. Second, feminists may present their position from within the legal system. Similarly to Fudge and Glasbeek, Smart asserts that with this option feminists lose the radical edges of their original demands because of the need to present them in ways acceptable to the system.

Like the human rights critics, two streams of feminist theory have included mistrust of the state and a rejection of human rights as part of their positions. Radical feminism and socialist feminism, although based on different theories of

oppression, both rejected the state and its institutions as part of the patriarchal and/or capitalist structures underlying and maintaining women's subordination to men. However, recent thinking seems to support the position of using human rights as a method of improving women's situation. Instead of outright rejection of the state and its institutions, most socialist and radical feminists now argue that the state can be an arena of struggle, as long as it is within a broader programme of work for social change for women (Bryson 1992).

In response to the criticisms against using human rights to help create social change, women's human rights advocates argue that human rights can be an important strategy. Contrary to the rights critics' arguments, which are based almost entirely on using human rights in litigation, advocates propose broader uses for human rights. For example, they acknowledge that human rights instruments alone cannot create social change. They argue, however, that such instruments and their underlying concepts can be used to educate and empower women. As women begin to see themselves as legal subjects and devise ways of defending their rights, they change their position within society (Suarez Toro 1995). Over the long term, this will contribute toward broader social change. Counter to the argument that human rights law does not change underlying power imbalances, they contend that although legal

(de jure) equality alone cannot guarantee that persons experience equality in everyday situations (de facto equality), the recognition of legal equality is a necessary precondition for the achievement of actual equality (Freeman 1993, 96).

Regarding the use of human rights language, women's human rights advocates believe that legal discourse can be a powerful tool for women, as it is recognized by decision-makers and may add legitimacy to women's concerns (Cook 1993). Rather than human rights language and laws limiting their demands, many advocates contend that human rights concepts and laws will be shaped and changed as women employ them to reflect their situations and needs (Cook 1993; Eisler 1987).

As I introduced in Chapter 1, the arguments of the human rights critics raise two important questions for the women's human rights advocates. The first is whether or not human rights laws and concepts can be used to help achieve social change for greater gender equality. The second is whether human rights laws will limit women's demands or whether women will transform human rights definitions as they work with them.

In the chapters that follow I examine these two questions in the light of work being undertaken in Nicaragua on women's human rights and violence against women. I will argue that despite the problems inherent in a human rights approach, such

as those shown in relation to the Women's Convention and those argued by the human rights critics, it remains a viable and creative strategy within broader work for social change toward greater gender equality. I will also show that women's work in human rights is having an impact that, in the long term, may bring about a transformation to fully include women in human rights laws and concepts.

In the next chapter, I analyze the development of the women's movement in Nicaragua to set the context for examining their work on women's human rights.

CHAPTER 3

THE WOMEN'S MOVEMENT IN NICARAGUA

Historically, Nicaraguan women have been known for their independent nature and resistance to domination. In the 1930s, women joined the army of Augusto Cesar Sandino to help defend Nicaraguan sovereignty from the occupying Americans and their Nicaraguan representatives. Sandino's army was made up of campesinos (peasants) and poor workers. Some women participated as combatants and many acted as supporters, messengers and cooks¹⁴.

More recently, women's participation was a decisive factor in the insurrection led by the Frente Sandinista de Liberación Nacional (FSLN, Sandinista National Liberation Front) which overthrew the Somoza dictatorship in July 1979. Although Nicaraguan women's role in resisting political oppression has been well documented, there is still little information available regarding their resistance to gender

¹⁴ For reference to women's participation in Sandino's army, see Randall (1994). See Selser (1981) for a general history of Sandino.

oppression¹⁵. A recent study by Victoria González (1995), however, dates the history of feminism in Nicaragua from 1837, the year Nicaragua became an independent republic. In a party newspaper that year, the Liberal Party wrote that although the Spanish state of slavery and oppression had been dependent on the subordination of women, this was not to be the case in the new republican system. González states,

When Nicaragua achieved independence from Spain, for the first time in our country it was possible to create a new system of government that did not have the oppression of women as its base. Unfortunately, this did not happen.¹⁶

Although the Liberal Party did not fulfill its early feminist pronouncements, over the course of the next century several groups of women did declare themselves to be feminists. In 1918, the first feminist magazine in Nicaragua, *La Revista Feminina Ilustrada* (The Illustrated Women's Magazine) was founded. Though González has shown that feminism has deep roots in Nicaragua, it did not emerge as a broader social force until the period following the Sandinista electoral defeat in 1990.

This chapter examines women's political participation and the development of women's organizations during the period

¹⁵ For information on gender relations in early Nicaraguan history see Olivera, de Montis and Meassick (1992) and Randall (1994).

¹⁶ All translations from Spanish in this thesis are my own except where otherwise noted.

between the mid-1970s, prior to the 1979 Sandinista revolution, and 1994, four years after the electoral defeat of the Sandinista government by the U.S.-backed UNO coalition¹⁷. I have chosen this time frame because it shows a progression in women's political participation from involvement in the insurrection and subsequent revolution to the creation of an autonomous women's movement which today is challenging women's subordinate position in Nicaraguan society¹⁸.

The 1970s - Women organize against the dictatorship

Prior to the 1970s, few women's organizations existed in Nicaragua. Although some women participated in early protests

¹⁷ After unsuccessful attempts to militarily defeat the Sandinista government with counter-revolutionary forces, the United States helped to form the Unión Nacional Opositora (UNO, National Opposition Union) from 14 existing parties to contest the 1990 elections. In a surprise result, UNO won the elections and Violeta Chamorro became President of Nicaragua in April 1990 (Robinson [1992] and Smith [1993]; for women's participation in the electoral process, see Randall [1994]). Lancaster (1992, 290-293) analyzes the role of gender in the electoral process, contrasting the 'mother' image of Violeta Chamorro with the macho image cultivated by FSLN leader and losing presidential candidate, Daniel Ortega.

¹⁸ For the purposes of this thesis, when talking of the women's movement and organizations I am referring largely to those groups which were and continue to be aligned with the revolutionary ideals of the FSLN. Although the majority of women's groups reject a direct relationship with the Sandinista party, they retain a broad commitment to the social, cultural and economic goals which it developed. This chapter does not include information on women's organizations on the Atlantic Coast, nor on the few women's groups which have existed within the political right.

against the dictatorship in the 1940s and 1950s, the level of women's political involvement was low (Murguialday 1990, 33). Two factors combined in the 1970s which created the impetus for many women to become politically involved for the first time in their lives. The first factor was the desperate economic situation under which the majority of the population suffered. During the previous decade, Nicaragua had experienced positive economic growth largely due to foreign loans and favourable world prices on their major exports: coffee, cotton, sugar and meat. By the 1970s world prices of three of these commodities had dropped and the foreign debt had grown enormously. Inflation went from 1.7 percent in the late 1960s to 11 percent in 1977 (Smith 1993, 121). Rising prices and taxes forced many women to seek paid work outside of the home. The proportion of female wage earners rose from 21.9 percent in 1970 to 28.7 percent in 1977 (Randall 1981, vi). The economic crisis led many women to organize protests against the high cost of basic foodstuffs, like milk (Randall 1994, 17).

The second factor which propelled women into the political arena was the increased political repression by the Somoza regime. Always known for its repressive nature, the Somoza dictatorship became even more brutal in reaction to the threat posed by the FSLN and the widespread support they enjoyed among the population. In response to the repression,

women began to speak out, demanding respect for human rights. These initial steps led many women to increase their involvement against the dictatorship. Overcoming their fear, their socialization and often their husbands' objections, thousands of women began to actively support the FSLN guerrillas. Women provided food and shelter for guerrilla fighters, served as messengers, trained in basic first-aid to help the wounded, worked undercover in government offices and carried arms and propaganda (Ramírez-Horton 1981). For many women, the impetus to become involved in the insurrection came from their children. The discovery that one of their children was an active FSLN member, or had been jailed and tortured for guerrilla activities, compelled many women to join in the struggle (Randall 1981; Sola and Trayner 1988). Many young women left university, their families and their traditional roles to take up arms and participate as guerrillas, both in the mountains and in the urban fronts formed in the cities.

In September 1977, the FSLN created the Asociación de Mujeres Ante la Problemática Nacional (AMPRONAC, Association of Women Confronting the Nation's Problems) in order to integrate more women into the revolution¹⁹. Although it was

¹⁹ AMPRONAC was the FSLN's second attempt to organize women. In the late 1960s, they created the Alianza Patriótica de Mujeres Nicaragüenses (APMN, Patriotic Alliance of Nicaraguan Women) in an effort to build support for their struggle. APMN did not succeed, in part because it focussed on issues of class and did not deal with issues specific to

led by educated professional women, AMPRONAC did incorporate working class and poor women who saw it as an avenue to participate in opposing the dictatorship. At this point in the struggle many women saw the revolutionary process as irreversible and decided that, given the increasing repression, they had nothing to lose by becoming involved. Membership in AMPRONAC soared. At the time of the triumph of the revolution in 1979, between 8,000 and 10,000 women were members (Ramírez-Horton 1981).

Women's willingness to join the battle against the dictatorship was also reflected in their direct participation in the armed struggle. By 1979, women made up 30 percent of FSLN combatants. Several women led combat units and held high ranks in the military structure. Many women recalled the experience of fighting in the insurrection as personally liberating because they took on roles and responsibilities previously denied to women (Randall 1981).

The revolutionary period: women make concrete gains yet many demands go unanswered

July 1979 heralded what many hoped would be a new beginning for the country. Women, in particular, were confident that the Sandinista revolution would usher in a new

women (Murguialday 1990, 36; Randall 1994, 17).

age where the "new man" and the "new woman" would work together, in equality and with mutual respect (Randall 1981, viii). Some of the first actions taken by the Sandinista Government of National Reconstruction were related to women. A law was established that forbid the exploitation of women's bodies in advertising. The September 1979 Statute of the Rights and Guarantees of Nicaraguans guaranteed the equal rights of men and women and committed the government to abolishing all obstacles to that equality (Smith 1993, 199). Plans to build child care centres and form women's production cooperatives began to take shape.

Two months after the Sandinista victory, AMPRONAC was re-named the Asociación de Mujeres Nicaragüenses 'Luisa Amanda Espinosa'²⁰ (AMNLAE, 'Luisa Amanda Espinosa' Nicaraguan Women's Association). The name change did not signify a change in political orientation, however; AMNLAE remained under the direction of the FSLN as a mass movement. As such, the FSLN identified AMNLAE's primary task as the incorporation of women into the revolutionary process. Two ideas lay behind this objective. First, it was thought that women's participation in the revolution would help to guarantee its

²⁰ Luisa Amanda Espinosa is thought to be the first woman member of the FSLN to be killed in the struggle against Somoza. The daughter of a poor family from Leon, she was 21 years old when she was killed by the National Guard in Leon in 1970.

success. As women were seen to be the pillars of Nicaraguan family life it was necessary to involve them in the revolutionary process in a positive way so that they would influence and involve those around them - their families and neighbours (Molyneux 1985a, 245-46). Second, the Sandinistas believed that women's emancipation was tied to the liberation of the country. AMNLAE's slogan for the period clearly states this: "Construyendo la Patria Nueva Forjamos la Mujer Nueva" (In building a new homeland, we are creating a new woman) (Randall 1994, 25).

AMNLAE began mobilizing women in reconstruction and defence, two enormous tasks that confronted the new government. Women's participation took many different forms. In the nationwide literacy crusade of 1980, women made up half of the over 100,000 volunteer teachers who left studies, families, and jobs to go to the mountains, barrios (poor neighbourhoods in Nicaragua's urban centres) and factories to teach people to read. Nearly half of the over 400,000 people who learned to read were women. Women who were not able to volunteer as teachers organized over 200 committees to support the literacy campaign. Women in these committees undertook a variety of tasks, including the provision of child care services for the volunteer teachers (Murguialday 1990, 107).

In the 1981 health campaign women made up 80 percent of the volunteer brigadistas, carrying out mass vaccinations and

helping organize community clean-up projects (Molyneux 1985b, 152). Women's participation was also vital to the Comités de Defensa Sandinista (CDSs, Sandinista Defense Committees), neighbourhood committees which identified and worked to solve local problems²¹. Women comprised 67 percent of the CDS membership (Collinson 1990, 60) and 80 percent of the voluntary Vigilancia Revolucionaria (Revolutionary Security) that patrolled neighbourhoods and factories at night (Molyneux 1985b, 150).

Besides providing critical support for the enormous tasks of defence and reconstruction, AMNLAE also promoted specific gender issues as part of their early work. They focussed on legal equality, the creation of day care centres and policy formation in the areas of health, education and labour (Murguialday 1990). By 1983, however, these issues were forced off the agenda by the urgency of the counterrevolutionary or contra war and the hardships created by the economic blockade. The contra war against the Sandinista government began in earnest in 1981 when U.S.

²¹ Based on the Cuban model of neighbourhood revolutionary committees, the CDSs did engender some early criticism, but were broadly supported especially during the height of the contra war. In response to dwindling participation in the late 1980s, the FSLN changed their name to Community Development Committees and opened the membership to all (Serra 1991; Smith 1993). After the Sandinista election loss in 1990, the CDSs formed a national organization, the Movimiento Comunal (Community Movement).

President Ronald Reagan began to organize and finance small armed groups composed primarily of former National Guards who opposed the revolution. Although the contras never achieved military or popular success in Nicaragua, the U.S. government used the presence of these dissident Nicaraguans to help justify its own bellicose attitude and covert actions against the Sandinistas. The contra war cost the Nicaraguan government billions of dollars in damage and economic losses as well as causing the death of 30,865 Nicaraguans (Kornbluh 1991; Smith 1993).

Alongside the U.S. military strategy against Nicaragua, the U.S. government organized an economic attack to further cripple the tattered economy and to demonstrate that the new government was incapable of ruling. In 1981, the U.S. administration cancelled a wheat shipment to Nicaragua and blocked the final payment of a previous loan guarantee. Shortly after, the U.S. pressured all major banks and international financial institutions to reject all loan applications from Nicaragua. In 1984, the U.S. formally announced an economic embargo against Nicaragua.

Within this context, the focus of AMNLAE's work became the war, encouraging mothers to support their sons' military conscription and working with mothers of combatants (Collinson 1990, 142). AMNLAE members who tried to raise gender-related issues such as abortion and domestic violence were judged by

both the AMNLAE and FSLN leadership as diverting women's attention from the real issue at hand - the defence of the revolution - and were dismissed as feminists. Feminist ideas were perceived as foreign, petit bourgeois and not representative of Nicaraguan women (Blandón 1994, 98; Randall 1994, 27).

By 1985, AMNLAE membership was declining and many women were disaffected. In an attempt to re-establish its links with women, AMNLAE organized a series of 600 local consultations in which more than 40,000 women participated. At these meetings women raised a number of concerns, including birth control; domestic violence; rape; and men's failure to participate in domestic labour and childcare (Collinson 1990, 143).

In 1987, partly in response to the needs expressed by the women in the AMNLAE consultations and due to pressure exerted by many women active within the party, the FSLN released a policy statement on women and the Sandinista revolution, known as the Proclama. The Proclama recognized machismo and discrimination against women as obstacles to the development of society as a whole. As well as machismo, the FSLN specifically named violence against women and paternal irresponsibility as problems to be addressed. The document outlined AMNLAE's principal objectives: to incorporate women into the revolution and to work to end discrimination against

women (Murguialday 1990, 285-98).

With the publication of the Proclama came changes in AMNLAE's structures and work. Rather than identifying itself as a mass organization and striving to have all women become members, AMNLAE began to work as an umbrella organization, representing women in different sectors and organizations. This shift meant, for example, that instead of an AMNLAE member going into a factory to recruit women, they would instead try to identify leaders among the women workers and develop a link with that person and her co-workers. In keeping with the need to be more representative, the three person executive committee was expanded to nine to incorporate women from other movements and organizations (Collinson 1990, 146).

In 1988, AMNLAE began a process to further democratize the organization and encourage broader participation. AMNLAE planned to hold a National Assembly to be attended by delegates elected at the local level. The principal goal of the assembly was to elect a Secretary General, a position previously appointed by the FSLN. In 1989, as planning for these elections were underway, the FSLN stepped in and appointed a party member to be AMNLAE's Secretary General. The FSLN leadership justified their intervention saying that it was only a postponement designed to avoid conflicts between the AMNLAE elections and the broader national electoral

process which was underway in the country (Brenes et al. 1991, 177; Collinson 1990, 147). The FSLN's rationale for appointing an AMNLAE General Secretary did not sit well with many women who saw it as a manoeuvre by the male leadership to block the women's attempts to be more independent.

By the mid to late 1980s, some women had begun to organize a few small initiatives outside of AMNLAE. Part of the motivation behind these independent actions was the desire to respond to valid and urgent needs of the female population. More important was the frustration many women felt at AMNLAE's rigid hierarchical style and subordination to the male party leadership. The newly formed women's groups focussed on consciousness-raising, sex education and domestic violence. A women's centre opened which offered reproductive health services including abortion.

Marxism, Catholicism, machismo and the war: obstacles to women's emancipation

The loss by the FSLN in the 1990 national elections marked an end to an important chapter in the evolution of the women's movement in Nicaragua. In the aftermath of the elections many women reflected on the revolution and its

effect on women and women's emancipation²². Virtually every discussion regarding women and the ten-year Sandinista period was prefaced by recognition of the many achievements made by women during that time. The revolution did make a positive difference in women's lives. Large numbers of women became literate, learned organizing and leadership skills, took on non-traditional jobs, entered universities, learned new respect for themselves and their capabilities, and gained legal protection for rights to child custody and paternal responsibility (Brenes, et al. 1991; Murguialday 1990, 100; Randall 1994). Yet despite these gains, the Sandinista revolution fell short of liberating women from their subordinate position. Traditional gender roles remained virtually unchanged. Very few women gained access to positions of power within the revolutionary government. Little progress was made on those issues considered by many women to be priorities: birth control, abortion, and gender violence.

Why did the FSLN not incorporate women and gender issues more completely into the revolutionary process? First, the Sandinista revolution was influenced by Marxist theory which perceives the class struggle as primary in overthrowing

²² See Brenes et. al. (1991) and Randall (1994) for individual women's reflections on, and evaluations of, the revolutionary period.

oppression. It was thought that the revolution itself would bring about women's emancipation. Although a clear analysis of what women's emancipation meant was never defined, economic independence for women was seen by the FSLN as a key factor in liberating women from a subordinate dependence on men. Increasing women's economic activity was meant to benefit women directly by giving them economic power and greater public participation (Collinson 1990, 28; Ruchwarger 1989, 76). In addition, increased productivity would help to build the revolution and, therefore, benefit women.

The shortcomings of this approach were noted early on by Tomás Borge, one of the founders of the FSLN and a member of its National Directorate. In his September 1982 speech commemorating the fifth anniversary of the Nicaraguan women's movement, Borge first stressed the importance of economic development and the need to create new economic structures that would guarantee the satisfaction of the needs of every Nicaraguan woman and man. He went on to say, however, that economic development alone would not achieve women's emancipation without changes in "the habits, customs and prejudices of men and women" (Borge 1982, 16-21). Yet despite recognition by Borge and by many women that economic development did little to change women's subordinate position to men (and that, in fact, it increased women's work load), economic development continued to be the primary focus of the

revolution's approach to women.

The counterrevolutionary war and the U.S. economic blockade were a second obstacle to the integration of women's issues into government policies and programmes. In 1983 the war was well underway and Nicaraguans were preparing for a threatened military invasion by the United States. By 1984, more than one third of the national budget was directed to defence. The expenses of war combined with the hardships imposed by the economic blockade left the already impoverished economy in crisis. Plans for implementing and extending social programmes, such as child care centres, were put on hold. Within this context, the FSLN defined women's role primarily in terms of defence of the revolution and strengthening the economy. All other issues were considered secondary (Molyneux 1985a, 241).

The third obstacle was the Sandinista government's unwillingness to oppose the Nicaraguan Roman Catholic Church, a primary social force in the country. Catholicism has always been a very important influence for Nicaraguans, especially women, whose traditional role has been shaped by marianismo²³

²³ The biblical figure of Mary, the mother of Jesus, is presented by the Roman Catholic Church as the ideal woman and mother. Mary's passive and sweet nature, and her desire to selflessly serve others are held as characteristics to which every Nicaraguan woman should aspire. Worship of Mary is very deeply-rooted in Nicaraguan society. Purísima, the day which marks Mary's conception, is one of the most important celebrations of the year (Collinson 1990, 89).

(Randall 1994, 14-15). During the insurrection and revolution many people became involved in base Christian groups inspired by liberation theology²⁴. Power in the Catholic church, however, remained in the hands of political and theological conservatives who opposed the revolution. In defence of the traditional roles of women and the family, the Catholic hierarchy vehemently opposed all attempts by the Sandinista government to introduce abortion services, more equitable divorce laws and reforms to educational texts to promote positive images of women (Molyneux 1985a, 243). Part of the logic behind the FSLN's reticence to openly confront the Catholic Church lay in the Sandinista's commitment to political plurality within the revolution. More important, however, was the tremendous authority the church held among the population and over the Sandinista's credibility internationally. The Sandinistas did not want to offend pro-revolutionary Catholics, nor did they want to provoke any further attacks by those opposed to the revolution (Wessel 1991, 538).

A fourth obstacle to the full liberation of women during the Sandinista revolution was machismo, the patriarchal system

²⁴ Inspired by the priests and layworkers who were working with the poor, the Latin American bishops first used the term theology of liberation at their conference in Medellin, Colombia, in 1968. In Nicaragua, many people joined the revolutionary struggle motivated by liberation theology (Randall [1983]).

which permeates Nicaraguan culture and shapes all relations among its people (Lancaster 1992; Montenegro 1994, 174). The tradition of machismo in Nicaragua dictates a double standard which privileges men over women from the day they are born. Boys are typically given more and better food than their sisters, allowed to play with little restriction and not made to do domestic chores. Boys are encouraged to be aggressive and independent while girls are taught to serve the male members of their families and to be docile and sweet natured (Lancaster 1992, 41-44). For adult men, one proof of their virility is to father many children, preferably with many different women (Wessel 1991, 538). During the revolutionary period some women, through AMNLAE, other organizations and as individuals, challenged this male privilege by raising issues such as: male participation in domestic tasks, including childcare; paternal responsibility; equal opportunities for women in education and employment; reproductive control, including sex education and access to contraceptive methods; and an end to gender violence. Although the Sandinista revolution promised a change in gender roles for men and women, few Sandinista men brought their revolutionary ideals to bear in their personal relationships. This was noted by Tomás Borge in his 1982 speech when he said,

Men must overcome a multitude of prejudices. We know compañeros who are revolutionaries in the street, in their workplaces, in their militia

battalions - everywhere - but they're feudal señores, feudal lords in the home (Borge 1982, 21).

Men, however, were not the only ones who resisted change. The majority of women continued to accept their subordination as normal and did not challenge their male partners. As one AMNLAE activist stated: "The patriarchal system is much more difficult to overcome (than capitalism) because patriarchy exists also between men and women who love each other and live together" (Ruchwarger 1989, 77). In the end, traditional gender roles were never seriously confronted.

A 1990 study of women's political participation concluded that the patriarchal system and the lack of gender consciousness among men and women was the root cause of women's minimal advancement during the Sandinista years (Olivera, de Montis and Meassick 1992). The study found that despite the greater number of opportunities for women to participate in political activities, very little had actually changed for women in regards to political power. Women who did achieve high-ranking positions within state, party and popular institutions remained dependent on higher male authorities, implementing and administering decisions made by men. The study found that the few women who held more responsible positions tended to take on masculine forms of behaviour to complete their jobs and to have low levels of gender consciousness.

The 1990s - Women define their own needs

The loss of the 1990 elections by the FSLN left Sandinista-identified popular organizations stunned. Most sectors and organizations went through a long period of re-defining their identity and purpose within the post-revolutionary context. The women involved with the women's movement also experienced the election loss as a setback. Many felt a personal loss after all the years of struggle and sacrifice to build the revolution (Blandón 1994, 99; Randall 1994). Yet, the women's movement surfaced with renewed vigour.

The first two years after the 1990 elections saw an explosion of activity among women. Dozens of new women's groups, organizations and collectives were formed. Their work focussed on a wide variety of issues, such as reproductive health, including contraception and abortion; sexuality; violence, including domestic violence, incest and rape; legal advice; literacy; consciousness-raising; women, employment and the economic crisis; women and the law and prostitution. Many of these groups were small and focussed on the specific needs of women in particular sectors, such as disabled women or women carpenters. Some of the groups formed were production cooperatives which helped members acquire skills in the production and marketing of their goods. For the most part, these organizing efforts were separate from AMNLAE and the

FSLN, although the majority of the women involved were party members or sympathizers.

The complexity of the post-election period defies any simple explanations as to why so many women chose to organize in groups independent from the FSLN. Two factors, however, stand out as important to understanding this phenomenon. First, the 1990 election loss gave those women identified with the revolution the freedom to look at their own needs and to begin to act on them without the distractions of the war and defence of the revolution (Blandón 1994, 99). Prior to the loss, many women were reticent to criticize or go against the government and party. Although there was political freedom to do so, there was strong social pressure not to. In the end most women chose to defend the revolution and project a united front to those who opposed it, particularly the United States government. In addition, the immediacy of the war and the crippled economy was such that few other concerns mattered. There were women who did challenge the revolutionary government and AMNLAE regarding gender issues, but they were few. With the election loss, women were able to shed their public allegiance to the government. They took advantage of the time and freedom to analyze and debate their own priorities, and to develop programmes to address them (Randall 1994).

Second, thousands of women who held positions in state

ministries or institutions lost their jobs following the change in government. Throughout the ten years of Sandinista government these women had received training and experience in many different fields. Having to seek work, many of these women used their knowledge and experience to create new organizations. Many of these efforts focussed specifically on work with women.

Another important influence on the growth of the women's movement in the early 1990s was the extremely difficult economic climate which followed the elections. In order to understand the economic crisis of this period it is necessary to briefly return to look at some of the factors which have shaped Nicaragua's economy. The tremendous economic inequity which existed between the wealthy few and the poor majority during Somoza's time was exacerbated by several factors just prior to the 1979 triumph of the Sandinista revolution. These factors included rising world oil prices (Nicaragua is an oil importer), Somoza's corrupt handling of relief funds after the 1972 earthquake and the devastation caused by the civil war between 1977-79. The Sandinista government tried to address the economic crisis by creating a mixed economy that put a priority on increased exports (to augment foreign exchange earnings) and the production of basic grains for the domestic market. The unrelenting opposition of the United States through its support of the contra war and its trade embargo,

along with Sandinista errors in the implementation of their economic programmes, ensured that the progress made in the early years of the revolution was not consolidated. By the late 1980s hyperinflation had hit 30,000 percent and poverty was on the rise again (Ricciardi 1991; Smith 1993). The Sandinistas tried to ameliorate the worst effects of the crisis by implementing a number of social programmes, such as rural and urban child care centres, price controls on basic goods and services, and free medical care and education.

With the 1990 election of the Chamorro government came the imposition of structural adjustment measures which brought an end to the majority of the social programmes. Unemployment and underemployment (people working in the informal sector without salary) soared to between 60 and 70 percent of the economically active population by 1993. In 1994, 75 percent of Nicaraguans were living below the poverty line, and 44 percent were living in extreme poverty (CENIDH 1994b, 33; Vargas 1993).

These changes have disproportionately affected women. Women-headed households represented 48 percent of all households in 1992. In Managua, where 30 percent of the country's population lives, women-headed households rose to 55 percent. The majority of these families live in poverty. The percentage of women among the unemployed rose from 35 to 43 percent between 1991 and 1992. Those women who had employment

or found work in the informal sector made 31 to 33 percent less than their male counterparts. Thirty-two percent of females over the age of ten were actively involved in the work force, the highest percentage in all of Latin America (SUM-Nic 1994, 4-8).

The only new source of employment for women has been in the industries that have opened up in the Zona Franca (Free Trade Zone) in Managua²⁵. In 1994, eleven factories were in operation there employing approximately 7,500 workers, the majority of whom were women. Women workers in these factories have denounced the conditions of work and the treatment to which they are subjected by the owners and management. Complaints have included incidents of sexual harassment, the practice of monthly pregnancy tests as a condition of continued employment and routine body searches as employees enter and leave the factory each day (CENIDH 1994b, 78). Despite the difficult conditions, these jobs were attractive to women given the high rates of unemployment.

In this context of tough economic conditions and lack of social services, the need to seek ways to address women's situation took on even more urgency. Some women's groups

²⁵ Free trade zones are part of the Central American trend of maquiladoras, foreign-owned industries which enjoy beneficial government regulations on taxes and labour practices. Maquilas are assembly plants which use foreign components to make goods destined for foreign markets (Briggs and Kernaghan 1996; Membreño and Guerrero 1994)

formed around the desire to offer help to women struggling with poverty. Job skills training and free health care are two examples of services which new groups provided.

In the first year after the 1990 elections, AMNLAE and the women's groups, which had begun to call themselves the autonomous women's movement (to indicate their independence from any political party), attempted to cooperate with each other. In August 1990, women from autonomous women's groups, trade unions, and AMNLAE met together to analyze the current situation and to look at the future of the women's movement in Nicaragua. This attempt at collaboration was not successful, however, and the following March AMNLAE organized its own event celebrating International Women's Day, causing a split between the two movements (Blandón 1994, 99).

The autonomous women's movement continued to grow. In January 1992, women from the movement organized a national women's meeting in Managua, entitled "Unidad en Diversidad" (Unity in Diversity). The meeting was open to all women, regardless of political and organizational affiliation. Over 800 women attended the event, surprising organizers who had planned for 300 participants (Chinchilla 1995, 262). Although AMNLAE turned down the invitation to collaborate in the planning of the meeting, some 50 members attended as individuals (Randall 1994, 36). One of the goals of the conference was to define and give structure to the new women's

movement. The vast majority of the women participating, however, did not want a structure imposed on the burgeoning movement. The failure to organize a more formal structure created a split among the women who had organized the conference. Some of the organizers interpreted the decision as a rejection of the previous model of the women's movement where one organization, AMNLAE, controlled everything. This position was widely held by the participants at the conference. Others on the organizing committee saw the outcome as influenced by FSLN party members following orders to block the consolidation of an independent women's movement (Randall 1994, 181-82). In the end, the participants voted to work in loosely formed networks organized around various themes, such as the economy, violence against women and health.

The development of the autonomous women's movement in Nicaragua, and particularly the experience of the "Unidad en Diversidad" event, reflects the nature of new social movements in Latin America (Escobar and Alvarez 1992). Not only has the women's movement declared itself autonomous from the FSLN and any other political party, but the majority of women at the event also rejected the organizational structure that had once been the only acceptable model. In opting for a new, untried model of organizing, the women acted according to their particular needs, resources and concerns. A second important

aspect of the meeting (and subsequent networks) was that it was open to all women as individuals. This move stands in opposition to the traditional Nicaraguan means of organizing where each group sends an elected representative. In inviting individuals, the organizers sent out a message that each woman could attend to represent her specific concerns; it was not left to the leadership or to select groups to define all women's needs. Further, the meeting was not restricted to groups or individuals of a particular political belief. The title "Unidad en Diversidad" signalled the organizers' understanding of the heterogenous nature of Nicaraguan women. They sought to uncover commonalities rather than impose fixed doctrine as had been the case in the past.

Feminism gains acceptance and creates controversy

In the period since the 1990 elections, the autonomous women's movement has helped to create a wider acceptance of feminism in Nicaragua. For many men and women, the term feminist still denotes a radical, non-Nicaraguan influence promoting lesbianism and a hatred of men. González's (1995) study examining the history of feminism in Nicaragua is important in combatting this belief, clearly demonstrating that feminism is not a foreign idea. As is the case in other

Latin American countries²⁶, feminism has grown up in Nicaragua. In 1920, educator and women's rights activist Josefa Toledo de Aguerri declared herself a feminist, one of the first Nicaraguan women to do so. In 1938 she stated:

One of the characteristics of feminism is to consider that the ideal woman finds within herself her own means and her own end. She can live independently from a man, if she chooses, and be able to make a living. (González 1995, 10).

Despite the widespread vilification of the term, many Nicaraguan women now describe themselves as feminists. Feminism has been the theme for many popular education workshops, study sessions and debates organized by women's collectives and popular education institutions. The increased public awareness of feminism has given many women the ability to speak up in defence of their ideas and to demand their rights. It has also created controversy, especially in mixed organizations²⁷. One example is the conflict which divided the Central Sandinista de Trabajadores (CST, Sandinista Workers Central), the largest trade union confederation in the

²⁶ Although many people date the beginnings of feminism in Latin America to the First UN World Conference on Women held in Mexico in 1975, the growth of feminism in various Latin American countries after 1975 should be seen as a second wave of feminism following the initial movements for suffrage in the late 1800s and early 1900s. In addition, a number of feminist groups existed before 1975 (Chinchilla 1992, 39; Valdéz and Gomáriz 1995, 177, 182).

²⁷ In Central America, the term organizaciones mixtas (mixed organizations) refers to groups that have both female and male members.

country.

The CST Women's Secretariat was created in 1987 to represent the specific needs of women workers, one third of total CST membership. The importance and influence of the office grew; at the 1992 CST Congress five women were elected to the seventeen member National Executive, an unprecedented event. This success, however, and the increasingly high profile of the Secretariat's work, engendered a backlash. Two years later, at the 1994 CST Congress, the male leadership blocked the entrance of the Secretariat women. In doing so the men insured that their candidate for the position of head of the Women's Secretariat was elected over the candidate selected by 600 CST women at their Women's Congress four weeks earlier. The event caused a rupture within the CST and many women left the organization. The men went so far as to lay criminal charges alleging theft against two of the women leaders, charges that were later dismissed.

Although none of the CST women publicly identified themselves as feminists before the altercation with the union men, the increased presence of feminism influenced the actions of both the men and the women. For example, the men's attempt to shut out the women leaders stemmed, in part, from their desire to reassert control over what they saw as the increased power of women at the expense of the entire organization. The men's fear of women taking power within the organization was

exacerbated by the increasingly public voice of the broader autonomous women's movement challenging male domination²⁸. The actions of the women, both prior to and after the division within the CST, were also influenced by feminism. For example, the creation and work of the Women's Secretariat was based on the feminist position that women must create their own spaces, autonomous from men, in order to clarify their needs and work towards their own solutions.

Conclusion

The development of the Nicaraguan women's movement since the late 1970s has been significant, from revolutionary cadre helping to bring about the overthrow of Somoza to autonomous women's organizations defining specific gender issues and creating responses to those issues. Although there were problems in FSLN policies and practices towards women, there is wide acceptance that the revolutionary years gave women the experience and training which allowed for the later growth of the women's groups which form the autonomous women's movement.

In the next two chapters I describe how some groups

²⁸ Not all Nicaraguan women's groups engage in work which directly challenges male power. However, in a society where gender roles are so rigidly defined, the very acts of women organizing independently, taking control of their reproductive health needs or demanding an end to violence against women, is a challenge to the historical (im)balance of power, of male domination over females.

within the autonomous women's movement are using human rights in their work with women and, in doing so, are challenging traditional human rights approaches to women and the broader societal norm of male domination.

CHAPTER 4

BUILDING SELF-ESTEEM, BUILDING NEW HUMAN RIGHTS

As new women's groups formed and defined their priorities for action within the context of the new autonomous women's movement of Nicaragua, many included the promotion and defence of women's human rights in their programmes. In this chapter I analyze several women's organizations, all of which incorporate women's human rights in their work. The activities examined are diverse and often form only a small part of larger overall programmes, yet it is clear that these groups are now using human rights concepts and laws as tools for social change and, in the process, often altering traditional conceptions of human rights.

The groups studied

During my field research in Nicaragua from August through October 1994, I conducted interviews with representatives of six women's groups, with a women's human rights specialist and with representatives of two human rights groups. Among the women's groups were two grassroots women's collectives, the Colectivo de mujeres 8 de marzo (March 8 Women's Collective) and the Colectivo de mujeres de Matagalpa (Matagalpa Women's

Collective). Both of the collectives work directly with working class and poor women. The majority of these women are unemployed, or underemployed in the informal sector, engaged in activities such as selling fruit drinks at bus stops or making and selling tortillas.

The Colectivo de mujeres de Matagalpa was formed in 1987 from three previous initiatives organized by women in Matagalpa, a city of approximately 100,000 people, located 140 kilometres northeast of Managua (see Figure 2). Their work focusses particularly on leadership training and organizing to enable women to create their own autonomous groups. The member of the collective focus their work on reproductive and sexual rights, violence against women, economic empowerment, sexuality and integral health care. They operate a legal assistance clinic, a medical clinic, a radio programme and a theatre group for women.

The second grassroots women's collective, the Colectivo de mujeres 8 de marzo, is located in a barrio in Managua. 8 de marzo is comprised of 11 women and includes a legal assistance clinic and a health clinic. They too have a popular theatre group which goes out into the community to educate women on issues such as violence and reproductive health. They also organize weekly workshops for women,

Figure 2

Map of Nicaragua



which they call basic gender training. The workshops cover a wide variety of issues, such as menopause, constitutional rights and sexuality.

The 8 de marzo collective began as a casa de la mujer (women's house) of AMNLAE²⁹. In the late 1980s staff from several of the AMNLAE casas de la mujer participated in a series of workshops organized by the Colectivo de mujeres de Matagalpa, which included feminist analysis as well as practical skills in methodology and organization. Each of the groups that participated in these workshops later split away from AMNLAE over conflicts regarding decision-making, organizational structure and priorities for the women's movement. The 8 de marzo collective left AMNLAE and became autonomous in 1991.

The third group included in my interviews was Servicios de Asesoría Legal para la Defensa de los Derechos de la Mujer, la Niñez y la Familia (SALMO, Legal Aid Services for the Defence of the Rights of Women, Children and the Family). SALMO was originally created by the Women's Secretariat of the Central Sandinista de Trabajadores (CST, Sandinista Worker's Central) in 1990 in order to offer women workers legal assistance and education. When the Women's Secretariat split

²⁹ AMNLAE has several casas de la mujer in all parts of the country. The houses usually provide women with a place to go for help and referrals and they organize discussion groups and training courses.

from the CST in 1994, SALMO became an independent organization and broadened its mandate to serve any woman in need of free or low cost legal assistance. At the time of the interviews, SALMO was operating without any outside funding, and the four lawyers who worked there were doing so voluntarily. This lack of resources meant that SALMO was not running its project of legal education.

Another organization included in my research was Puntos de Encuentro (literally 'Meeting Points' but with the connotation of 'common ground'), an education and research collective. Puntos de Encuentro began in 1990 as a feminist collective based in Managua with the goal of transforming daily life through the promotion of cooperation, respect for differences and equality of rights and responsibilities for women and men. The collective is comprised of approximately 12 people; their work includes a national networking magazine for women, a radio programme for youth and an open university with courses in practical gender analysis for women. Although primarily a women's organization, because of their broad objective to transform society, the collective believes in the need to work with men as well as women. Their radio programme for youth, for example, is aimed at both young women and men. In 1994 they helped to form a men's group opposing violence against women. In August 1995, the men's group organized a national meeting on violence against women and machismo with

the participation of 80 men from all parts of the country (Reyes 1995).

All four of the organizations described above (Colectivo de Mujeres de Matagalpa, Colectivo de Mujeres 8 de marzo, SALMO and Puntos de Encuentro) are active in the broader autonomous women's movement. With the exception of SALMO, the groups are also key participants in the Red Contra la Violencia (Network Against Violence), a national network of approximately 15 organizations and many individuals which organizes educational events and government lobbying on issues related to violence against women in Nicaragua³⁰.

The fifth group interviewed was the human rights education project of the Instituto para el Desarrollo de la Democracia (IPADE, Institute for Democratic Development). IPADE was formed in 1990 as a mixed organization which works to promote democracy through the strengthening and consolidation of grassroots organizations and communities. In 1993, they developed a programme area focussed on human rights education targetting specific sectors of Nicaraguan society, including women. In the project with women, IPADE works with leaders from women's organizations throughout the country who then return to their own communities or organization to teach others what they have learned.

³⁰ This network came out of the "Unidad en Diversidad" meeting in January 1992.

I also conducted an interview with the Nicaraguan governmental body, the Instituto Nicaragüense de la Mujer (INIM, Nicaraguan Women's Institute). INIM was formed under the Sandinista government in 1987 to better address the needs of women within the context of the revolution. INIM was maintained by the UNO government, although most of its employees were replaced and its work was redefined. INIM is a relatively small government institution with only 12 staff. It has three principal areas of work: education, labour and violence. The bulk of the work on violence has been centred on the formation and operation of the Comisariías de la Mujer y la Niñez (Special Police Offices for Women and Children), which are discussed later on in this chapter.

Finally, I interviewed Elizabeth Rodríguez, a lawyer and feminist active in the development of women's human rights in Central America but with a specific focus on their promotion and defence in Nicaragua. The interview with Elizabeth Rodríguez provided an important balance in my research because she contributed a broader, more theoretical perspective on the development of women's human rights in Nicaragua and Central America. This complemented the other interviews I conducted, which focussed primarily on practical activities.

In my interviews with the representatives of these organizations, I asked about the activities they undertook regarding violence against women and whether or not human

rights language or concepts were included in their work. Although each interview reflected the distinct nature of the organization, there were several interesting similarities in their approaches and their analysis, including their work in education and consciousness-raising, in building new human rights, in promoting collective actions, in changing society, and in confronting the obstacles hampering the full recognition of women's human rights.

Subjects not objects

Our evaluation is that women have developed their consciousness to be able to see themselves as subjects and not objects (Rocha 1995).

Education and consciousness-raising activities is where many of the groups interviewed introduce and discuss women's human rights. One of the primary objectives of human rights education is to increase women's self-esteem. For many women, even learning that they have human rights that are equal to those of men is a surprise; this awareness helps them to see themselves in a new and dignified manner, as legal subjects³¹ with full human rights. Further, by teaching what women's human rights are and analyzing where they are violated and by

³¹ Sujetos legales (legal subjects) is a common term in Nicaragua, generally used by women to indicate full equality with men in rights and responsibilities under the law. The term has been influenced by the Sandinista revolution which advanced the idea that Nicaraguans could be the subjects of, or in control of, their own lives and future.

whom, human rights education aims to raise women's gender consciousness, that is, their understanding of women's situation in Nicaraguan society. They hope that with this knowledge women will be empowered to take some action to change their lives. Alicia Meneses of SALMO stated:

A population of passive women is what has brought us to the point where women put up with abuse from their partners. They accept it as something given. For me, this is fatalistic determinism. But we can change this. If a woman knows her rights she can say to her husband, 'If you hit me I am going to report it to the police.' (Meneses 1994).

The work of education and consciousness-raising takes many forms. Several of the groups practice popular education³², starting the learning process with situations from women's own lives. Theatre, games and discussion groups help women identify the problems in their lives, analyze the causes of these problems and, together, look at the laws which exist nationally and internationally to address them. The Colectivo de Mujeres 8 de marzo uses this popular education in their weekly workshop for women, which is called basic gender training. These workshops are open to all women and cover various issues, including women's human rights.

During my research in Nicaragua I was able to attend two

³² Popular education is an educational methodology begun by Brazilian Paulo Freire which takes people's experiences as the basis of learning. Activities stress participation and aim at empowerment of the individual and the collective (Freire 1993).

of these workshops, one on the issue of menopause and the other on domestic labour. About 30 women participated in each session, representing a wide age range, from women in their teens to women in their fifties. All the women were from the barrios near the collective, and several women brought their children with them. Those women who had previously attended the workshops participated freely, even on subjects not normally discussed in Nicaraguan society, such as menopause. Those women who were attending for the first time tended to be more reticent in speaking; however, the facilitator used games and other popular education methods to encourage participation by all. In both sessions I attended the discussions were lively. In the workshop on menopause women were asked to share their knowledge as well as common myths on the subject. The facilitator confirmed factual information and debunked the myths. She later led a discussion analyzing the Nicaraguan societal norm which equates a woman's value with her reproductive capacity. In the workshop on domestic labour women discussed the various tasks involved in running a household and rearing children. They were asked to identify who performed the tasks and who benefitted from them. The participants discussed why domestic labour is so undervalued in Nicaragua, and they shared ideas as to how to incorporate men and boys into the work.

These two workshops illustrate how 8 de marzo employs

feminist methodology, which "links women's practical interests derived from the gender division of labour with strategic or feminist interests derived from a critique of existing gender hierarchy" (Chinchilla 1992, 46). Many women's groups in Nicaragua use this methodology in order to create gender consciousness and social change. Education on human rights is another form of this methodology as it begins with women's own experiences and moves to create self-esteem and a social consciousness that will motivate action for change.

Several groups combine education with legal assistance for women. Both the Matagalpa and 8 de marzo collectives encourage women who seek help at their legal clinics to join ongoing consciousness-raising groups where human rights are discussed. Although SALMO offers no specific training in women's human rights, SALMO lawyers believe that part of their responsibility is to teach each woman who seeks assistance what her rights are and how she can defend them.

Building new human rights

Although all of the women interviewed evaluated their work of educating women and promoting action for the defence and promotion of women's human rights as important, no one considered this sufficient. All recognized that this work is limited in challenging the male-centred focus of human rights. In order to bring about change, two of the groups engage in

work which aims to develop a new, gender-based concept of human rights. Yadira Rocha of IPADE argued that "(We are) expanding rights, not restricting ourselves to the conventions written by men" (Rocha 1994).

In the IPADE workshop on women's human rights, the participants are led through a process which has them identify their responsibilities in daily life. The women are then asked to imagine how they would like their lives to be. Inevitably women identify goals that are social and economic rights - a decent house, enough food to feed their families, access to health care, ability to send their children to school, etc. Women learn that most of these 'wishes' are contained in international and national human rights law. Those items which are not included in existing laws are discussed and sometimes developed into 'new human rights'. The Colectivo de Mujeres de Matagalpa uses a similar methodology in their work. The collective members argue that this approach empowers women as it validates their experiences and allows them to actually participate in conceptualizing new human rights, a process normally closed to women.

One concrete example of a new human right involves the issue of violence against women. Even before the United Nations made it formal, many women's groups had discussed the topic and decided that the right for a woman to live free from violence in her home and in the street was a 'new' human

right. Other 'new rights' which have been discussed are related to health care, such as the right to know your own body, and to sexuality, such as the right to sexual pleasure. As well as building new rights, some existing rights are being newly defined from a gender perspective. One example of this is the new interpretation of the 'right to life' guaranteed in Article 3 of the Universal Declaration of Human Rights³³. Nicaraguan women have redefined the right to life as the right not to die from domestic violence, illegal abortions, maternal mortality, sexual violence, female infanticide or selective malnutrition³⁴ (IPADE 1994, 30).

The impact of consciousness-raising and education is difficult to assess, yet the women's groups interviewed are certain it is having an influence on the broader society. For example, Yadira Rocha of IPADE noted that many women leave the seminar on women's human rights saying that they want to go directly home and share what they have learned with their daughters. Guillermina Oporta of 8 de marzo measures part of

³³ Article 3 of the Universal Declaration of Human Rights states: "Everyone has the right to life, liberty and security of person."

³⁴ Selective malnutrition is the term used to describe the practice of giving infant males and boys more and better food than their female siblings. In India, for example, girls are four to five times more likely to suffer from malnutrition than boys (Eisler 1987). Although the extent of selective malnutrition in Nicaragua has not been measured, it is common for girls and women to eat what is left after the men and boys of a family are fed.

their achievement by the fact that many women who come to them seeking help have been informed about their human rights by friends and neighbours who have participated in 8 de marzo workshops. Eva Molina of the Colectivo de Mujeres de Matagalpa said that many women who have been involved in their workshops have organized barrio groups to support neighbours who are victims of domestic violence.

Promoting collective action

[Women knowing what their human rights are] has to have an effect because the opposite is to remain ignorant and unable to make changes. The first step needed is to transform the consciousness of individuals and then the collective, so that we can then transform reality (Meneses 1994).

Building on the work which focusses on individual women's lives, many groups organize collective actions to promote and defend women's human rights. Several organizations invite women to participate in groups to discuss and formulate proposals for laws to better protect women's human rights. Using a participatory process, the Colectivo de Mujeres de Matagalpa developed a law reform proposal on domestic violence which was sent to the National Assembly. Although their proposal was not accepted, both the action of writing it with a group of women and bringing the concern to the attention of the government and the general public were regarded as valuable activities by the collective members.

Like other Nicaraguan groups, the Colectivo de mujeres 8 de marzo has begun training defensoras populares (popular legal defenders). Training of popular legal defenders began in 1991 as a strategy of women's groups and women lawyers to help defend women's human and legal rights in the Nicaraguan judicial system. The goal is to guarantee that any woman dealing with the police or the court system can be accompanied by a defensora popular, a woman with basic legal training. The role of the defensora popular is to support the woman seeking help and to insure that her legal rights are respected. The 8 de marzo defensoras populares have participated in the basic gender training workshops and have gone on to a second phase of workshops to receive training in human rights, constitutional rights and legal processes. After their initial training, the defensoras populares continue to meet weekly to share experiences and further their training.

Campaigns to increase community awareness have also been important collective projects. In 1993, the Red de Mujeres de Matagalpa (Matagalpa Women's Network) joined forces with the Centro Nicaragüense de Derechos Humanos (CENIDH, Nicaraguan Centre for Human Rights) to present a public forum on sexual violence as a human rights offence. Their joint presentation was one of several events in that year's four month campaign leading to November 25, the International Day Against Violence

Against Women. In 1994, the national Red de Mujeres Contra la Violencia joined in the international campaign of '16 Days of Action Against Violence Against Women', a campaign linking November 25 with December 10, International Human Rights Day. During the campaign the Red distributed 40,000 buttons with the slogan "Quiero vivir sin violencia" (I want to live without violence) and collected 32,000 signatures on a petition demanding that the Nicaraguan government ratify the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women³⁵. The government ratified the convention several months later (Boletina 1995b, 42). In addition, women's groups in all parts of the country organized presentations, marches, concerts and radio programmes to mark the campaign.

Changing the system

Women's groups are also working for change at another level, with the police, the court system and the government. As mentioned earlier, several groups have drawn up law reform proposals that would better protect women, particularly in the area of domestic and sexual violence. Although the government has yet to respond to the proposals, the women's movement's

³⁵ The Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women was passed by the OAS General Assembly in June 1994.

demands for better laws continue. In October 1994, a national gathering of women was held to discuss and formulate changes to Nicaragua's Constitution, changes that would specifically include women's concerns. The resulting proposals were presented to the National Assembly to be included in their deliberations over constitutional reforms. Regarding the impact of this work, an editorial in Puntos de Encuentro's magazine Boletina noted,

Although we don't believe that the political parties will accept our demands, we evaluate the work we did as very positive. For one thing, we made clear that we can promote our own rights without having someone speak on our behalf (Boletina 1994, 3).

The Nicaraguan women's movement has also been active in lobbying the government with respect to recent UN Conferences, including the World Conference on Human Rights (1993), the World Conference on Population and Development (1994), the World Summit on Social Development (1995) and the Fourth World Conference on Women (1995)³⁶. In each case, the women's movement educated women and the general public on the issues of concern being dealt with at the conference, drew up a platform of women's demands and pressured the government to represent these demands. Further, representatives of the

³⁶ I finished writing my thesis before the Fourth World Conference on Women took place in Beijing in September 1995. I have not, therefore, included information on the conference in my analysis.

women's movement went to each of the conferences to coordinate lobbying activities with other women's groups and to further pressure the Nicaraguan government.

As well as working to change laws, several of the groups interviewed have worked with the police in an attempt to educate officers on the issues of sexual and domestic violence. The governmental women's organization, INIM, organizes training programmes with police and informally with some judges. Patricia Obregon of INIM sees this training as important, not only so that the authorities can better understand violence against women, but also to develop allies for women within the legal system. The work the Colectivo de mujeres 8 de marzo has done with the police was actually initiated by the police themselves. 8 de marzo member Oporta explained that the local Assistant Police Chief requested that they come and present a workshop on gender violence to the officers at the local station. Although she admitted that this only happened once and, therefore, probably did little to change the negative attitude most police hold towards women victims of violence, Oporta did see the invitation as positive recognition of the impact 8 de marzo is having in the community. Molina, of the Colectivo de mujeres de Matagalpa, explained that when the police in Matagalpa do not respect women's legal rights the collective members mount a public campaign denouncing their actions. As a result, the police

have begun to listen to the collective members and to treat women victims of violence with more respect. Molina stated:

For us this is political influence. There exists on the part of the authorities a certain respect for the collective and a recognition of the work we do, whether or not they like it. For us this is an achievement (Molina 1994).

In a move widely attributed to the work of women's groups and the influence of the Vienna decision, President Violeta Chamorro opened the first office of the Comisaría de la Mujer y la Niñez (Police Station for Women and Children)³⁷ in Managua on November 25, 1993, International Day Against Violence Against Women. The broad objectives of the station are to reduce levels of violence against women and children by offering them a safe environment to lodge a complaint and receive attention, and to collaborate with governmental and non-governmental organizations who work with women and children to confront the problem in an integral manner (Instituto Nicaragüense de la Mujer 1993). Although officially a joint project of INIM and the National Police, ten women's organizations, including 8 de marzo, are listed as collaborators. A pamphlet issued by the Comisaría clearly illustrates the human rights foundation on which the work is based. The pamphlet states that "[p]hysical abuse and sexual

³⁷ The first police station for women victims of violence was opened in Brazil in 1985. Since that time more than 140 have opened in Brazil, and the idea has spread to other countries of Latin America (Izumino 1995, 36; Station 1990).

violence are violations of human rights" (Comisaría de la Mujer y la Niñez 1993). In its first year of operation, the Comisaría attended an average of 115 cases a month, of which 60 percent were cases of physical abuse against women and 30 percent were cases of sexual violence against women or children (CENIDH 1994b, 24). By the end of 1995, seven other Comisaría offices had opened in various parts of the country. In rural Mulukukú, the "María Luisa Ortíz" women's cooperative nominated three of their members to go to Managua to receive police training so they could staff the new Comisaría office there (Boletina 1995a, 22).

Although women's groups generally saw the first Comisaría as a positive contribution in the struggle for women to gain equal protection under the law, they also had criticisms. They pointed out that the office had too few resources, too few staff, and offered services only to a limited area of Managua. Nevertheless, for several reasons, the consensus among the women's groups interviewed is that the opening of the Comisaría is a concrete gain in their work against violence against women. They argue that the very fact of its existence constitutes an implicit recognition by the government that prior to the opening of the Comisaría, women's human rights were inadequately protected by the police. Second, the inclusion of women's groups as collaborators in the Comisaría indicates a respect for their work on the part

of the government. And third, the Comisaría does provide at least some women (albeit in a relatively limited area) with improved police services.

Obstacles to the work

The women's groups interviewed identified several obstacles which hamper their work in promoting and defending women's human rights. Without exception, every group named the law as problematic. As Oporta of the 8 de marzo collective stated, "The problem is that we as women don't have laws...The laws were made by men for men" (Oporta 1994). As an example, Oporta explained that because there is no law that specifically defines domestic abuse, it is up to the discretion of the police as to whether or not they follow-up on a complaint³⁸. She cited one case where a woman arrived at the police station having been beaten all over and even bitten several times by her husband. The police said her injuries were nothing and told her to leave. According to Oporta, this case is typical and illustrates the lack of legal protection for women victims of violence as well as the attitudes of police officers towards them.

Several women mentioned that international human rights

³⁸ In Latin America, only Chile and Peru have laws specifically defining domestic violence as a crime. In all other countries, it is considered assault and battery (Valdéz and Gomáriz 1995, 191).

conventions that aim to protect women, such as the UN Women's Convention, have not been codified into Nicaraguan national law. Their ability to protect Nicaraguan women, therefore, is very limited. Although some groups have worked on proposals for new laws, they recognize that only a complete revision of the Nicaraguan Civil and Penal Codes, whose origins date from 1904 and 1839 respectively, will allow women to be fully included and protected under the law (Silva Pérez 1993, 20-24).

Further, where national laws do exist that offer some protection to women, the enforcement mechanisms are either ineffective or non-existent. The women's groups interviewed were unanimous in pointing to the judicial system as an obstacle in their work. The systemic failure on the part of the police and the courts to defend women's human rights is what has led women's groups to work with police, lawyers and judges in order to sensitize them to the particular situation of women victims of violence.

Lawyer and women's human rights advocate Elizabeth Rodríguez sees another problem related to the legal system - accessibility. She states that because the majority of women do not have the financial resources to take a case to court, in reality the legal system is closed to them. She proposes the creation of a system of mediation or reconciliation that women could access without cost and without the need for a

lawyer³⁹.

According to women's groups, a third obstacle has been women's continued lack of knowledge of their human and legal rights (hence the efforts at consciousness-raising and education mentioned earlier). Very few women are aware that they have human rights, and even fewer know how those rights are protected in law. Molina of the Colectivo de Mujeres de Matagalpa explained that when collective members first began talking with women about their human rights they found that many did not know what human rights meant or that they had them.

Rodríguez argued that the patriarchal nature of the law in Nicaragua has helped to create and sustain women's ignorance of their own human rights. As in most Latin American countries, Nicaraguan law is based on the Napoleonic code which considers a woman to be the property of her husband. Although this has been changed in law, the thinking still persists and is a contributing factor to domestic violence (Valdéz and Gomáriz 1995, 190). Women have been treated as inferior beings to men under the law, and this has formed part of many women's consciousness. For example, the

³⁹ Although the vast majority of the population cannot afford a lawyer, there are no government sponsored legal aid programmes in Nicaragua. The only legal services available for these people are small legal assistance clinics organized by women's groups, other popular organizations or university law students.

Penal Code of Nicaragua considers adultery committed by women to be more serious than that committed by men. Another example is the law dealing with abortion. Abortion is illegal unless it is determined as necessary by three medical professionals and consented to by the woman's husband or a close male relative (Silva Pérez 1992, 22).

Women's lack of information about human rights was particularly evident in regards to international instruments or events such as the Vienna decision. All the women interviewed agreed that while the Vienna decision was important internationally for women's human rights, it has meant little in concrete terms to the majority of women in Nicaragua because most women are unaware of it and are, therefore, unable to press for compliance of its terms.

According to Vilma Castillo of Puntos de Encuentro, the biggest obstacle to the full recognition of women's human rights is related to the politics of gender and power. She stated that because women's human rights touch on the sensitive issue of relations between men and women, they threaten current social structures which depend on women's subordination⁴⁰. As such, Castillo thinks that those in

⁴⁰ See Lancaster (1992) for a detailed analysis of gender relations and power among Nicaraguan working class and poor families.

power are opposed to enforcing the conventions which exist to protect women's human rights. She includes the United Nations in her critique, maintaining that they are very cautious in promoting women's human rights because they are afraid of conflicts with member countries and world religions.

Castillo's point that women's human rights threaten existing social relations is supported by Molina of the Colectivo de mujeres de Matagalpa; she spoke of the reaction the collective has experienced from established interests in response to their work promoting women's human rights. Molina stated that one of the greatest obstacles they face has been the Roman Catholic hierarchy. The church in Nicaragua is very conservative and wields tremendous political and social power. Following the lead of the Pope, John Paul II, the Nicaraguan Catholic church has opposed moves to respect women's human rights, particularly regarding full reproductive health services, including sexual education in schools, access to birth control and abortion. Instead the church leadership actively promotes a return to traditional family values, and therefore the maintenance of women's subordination (Molyneux 1985a, 243; Murguialday 1990, 91; Wessel 1991).

Human Rights as a plataforma de lucha⁴¹

Every person with whom I spoke recognized the obstacles to working with human rights laws and concepts, yet for no group did these obstacles negate the positive aspects of working to promote women's human rights. In fact, the human rights activities these groups are organizing, including educating women, proposing law reforms and police training, are aimed at overcoming one or more of the obstacles mentioned.

However, although the groups interviewed saw the importance of working to promote women's human rights, none of them saw human rights law and concepts alone bringing an end to women's oppression. Everyone agreed that legal instruments themselves will not solve the problems. Molina (1994) stated that international instruments remain merely words on paper until such time as women are made aware of them and push for their enforcement, forcing governments to comply.

Human rights are seen then, not as an answer, but as one tool in the broader struggle for greater gender equality. In keeping with this perspective, work on women's human rights forms only one element within the broader overall programmes of women's groups. Where resources allow, work with women

⁴¹ Plataforma de lucha is a common Spanish phrase which translates as 'platform of struggle'. It is used to describe one strategy within a broader plan of action to achieve defined overall goals.

involves an integrated process of counselling, health care, legal services, and education on reproductive health, sexuality, human rights and gender analysis. Human rights are included in many of these themes, employed as another device to educate and mobilize women and the wider public for greater gender equality. Molina of the Colectivo de mujeres de Matagalpa stated,

we believe in a broad perspective of human rights, we don't believe that human rights are only instruments...human rights are present in all we do because we are demanding the right for persons to be persons (Molina 1994).

Conclusion

The work women's groups are undertaking in Nicaragua to promote and protect women's human rights is showing some signs of success, including modified police behaviour, womens' collective action to help defend neighbours from domestic violence and the opening of the Comisaría de la mujer y la niñez. Although the long term effect of these actions is not possible to assess at this moment, it seems likely that in the future women's human rights will be more widely recognized and strongly defended by women themselves, as well as by officials in the police and in the court system.

Not only is it important to note that women's groups are employing human rights language and concepts to educate and mobilize women for social change, but in several cases women's

groups are transforming human rights for their own purposes by building new rights. The impact of this transformational work is twofold. First, women are empowered through the process of creating new human rights and being able to see these new human rights as they apply to their own lives. Second, as the Vienna decision has shown, women building new human rights at local and national levels can impact the way in which human rights are conceived and defined at the international level.

Despite the positive evaluation, the obstacles identified by the groups interviewed as impediments to the full respect for women's human rights are far from being overcome. Societal attitudes towards women, including those shared by the police, judicial and religious authorities; women's own perception of themselves and their rights; and the legal system and the law are all deeply rooted in Nicaraguan cultural and political life and will not be easily transformed. Although only one of the people interviewed spoke of the difficulty in changing societal structures and norms, it is important to note that the women's groups studied are shaping their work to address these obstacles, an indication of their awareness of the need to create broad-based social change in order to gain greater gender equality.

CHAPTER 5

NEW TERRAIN FOR HUMAN RIGHTS GROUPS

Chapter 4 described and analyzed the work of Nicaraguan women's groups, showing how they employ human rights language and concepts as a means for achieving social change. In this chapter, I examine the work of two human rights organizations in Nicaragua, focussing on their work related to women's human rights. My intent is to demonstrate that the work women's groups are undertaking in women's human rights has had, and continues to have, an impact on human rights groups, pushing them to broaden their definitions of human rights and consider a gender-centred approach.

In addition to the interviews I conducted with women's groups, I also interviewed individuals from two human rights organizations as part of my field research in Nicaragua. The two groups represent both sides of the political left-right spectrum which still divides polarized Nicaraguan society⁴². The Comisión Permanente de Derechos Humanos (CPDH, Permanent Human Rights Commission) is widely recognized within

⁴² Although traditional left-right political definitions have decreasing importance in many countries of the world, in Nicaragua they still define most of what takes place in the public arena. There have been some attempts to supersede these traditional definitions, for example in the women's movement, yet the old patterns still dominate.

Nicaraguan society as part of the political right. The CPDH was formed in 1978 to denounce human rights violations under Somoza. During the 1980s, it was a vociferous critic of the Sandinista government. The CPDH views the current government of Violeta Barrios de Chamorro as being more open and willing to search for solutions to problems. They see their relationship as a "dialogue with the authorities" (Hernández 1994). The CPDH receives the bulk of its funding from the Konrad Adenauer Foundation of Germany⁴³ and from the U.S. Agency for International Development (AID). The CPDH employs 26 people in their main office in Managua and their four regional offices.

On the left of the political spectrum is the Centro Nicaragüense de Derechos Humanos (CENIDH, Nicaraguan Centre for Human Rights), founded shortly after the 1990 elections by several prominent citizens, including the rector of the Jesuit-run university and former employees of the Sandinista governmental human rights commission⁴⁴. CENIDH receives its

⁴³ The Konrad Adenauer Foundation is a German Christian Democratic organization with links to U.S. CIA activities in Central America. The Foundation gave \$US 3.1 million to different Christian Democrat factions in the UNO coalition prior to the 1990 elections (Robinson 1992, 100).

⁴⁴ The Comisión Nacional para la Promoción y Protección de los Derechos Humanos (CNPPDH, National Commission for the Promotion and Protection of Human Rights) was created by the Sandinista government to oversee the government's human rights record and to promote human rights through education and investigation of individual complaints. The Chamorro

funding from a variety of non-governmental organizations, including ones from Canada, Holland, Switzerland and Germany. CENIDH implements human rights education workshops with grassroots organizations, investigates individual cases of human rights violations and undertakes research regarding the Chamorro government's human rights record. CENIDH employs 27 people and has two small regional offices as well as a head office in Managua.

The CPDH's work on women's human rights

In early 1994 the CPDH decided that they would begin receiving cases from women wishing to denounce gender violence. In my interview with him, CPDH Executive Secretary Lino Hernández cited the Vienna Conference decision to recognize gender violence as a human rights violation as the reason for the CPDH's decision to take on this new area of work. He explained that the Vienna decision persuaded the CPDH of the need to re-orient their thinking, to seek a greater understanding of gender issues and to recognize human rights violations in both the public and private spheres. Nevertheless, at the time of the interview in the latter half of 1994, the CPDH had not yet developed any activities or projects focussed on women's human rights. Hernández admitted

government cut funding to it immediately after taking office and officially closed it down a year later.

that women's human rights was still a new area for them and that very little had been done because of a lack of funding.

When asked which gender issues the CPDH considered most important within a human rights framework, Hernández named violence against women. He also acknowledged that women faced discrimination in the area of labour and employment. He attributed this to traditional practices, such as paying women lower wages than men, rather than discriminatory laws.

Prior to the Vienna Conference, the CPDH had published two pamphlets on women's human rights. One was a copy of the UN Women's Convention and the other a booklet entitled Reflexiones sobre los derechos de la mujer (Reflections on Women's Rights). In the latter, the CPDH promotes equality between men and women, and describes women's political and civil rights, such as the right to vote, the right to have a job, the right to be educated and the right to rest and enjoy recreation. A woman's traditional roles as wife and mother are also promoted, in part through the use of quotations from the Bible and from Roman Catholic leaders. For example, the section in the booklet on women in the family opens with a biblical quotation which states that a perfect wife is more valuable than any jewel (Proverbs, 31:10-11). The section goes on to quote a pastoral letter by Nicaraguan Roman Catholic Cardinal Obando y Bravo lamenting the difficult situation that women face due to family breakdown and paternal

absence. The booklet then states:

There has been much said, in rather romantic terms, regarding women in the home. There is a need to define just what her influence includes.

A woman, as we have seen, has a double role, being a mother and in helping to perfect her husband. In both cases her influence is great⁴⁵ (CPDH n.d., 10).

When asked what obstacles, if any, they had met in their work to promote women's human rights, Hernández listed three. First, he said that very few women had come in to make denunciations of gender violence. Although this is not surprising, given the apparent lack of action taken by the CPDH in this area, Hernández attributed it to Nicaraguan cultural practices which encourage women to accept situations of discrimination and abuse, and to economic conditions which force many women to stay with abusive husbands for financial security. Second, Hernández viewed the women's groups working on women's rights as an obstacle. He maintained that these groups are led by lesbians and controlled by the FSLN (Hernández 1994). He said that as lesbians they do not represent the needs or interests of the majority of Nicaraguan women; further, he thought that as Sandinistas, they did not have any credibility in the broader society. For these

⁴⁵ "Se ha hablado mucho de una forma más o menos romántica de la mujer en el hogar. Hay que precisar en que consiste propiamente su influencia. La mujer como hemos visto, tiene la doble función de madre y de ayuda y perfeccionamiento del esposo. En ambos casos su influjo es grande."

reasons he argued that the leadership of the women's movement has actually prevented the work for women's human rights from making much progress. Third, Hernández pointed to the lack of understanding within Nicaraguan society regarding women. He asserted that traditional Nicaraguan cultural beliefs that consider women inferior are the cause of discrimination against women as opposed to any legal bias favouring men.

In order to combat discrimination against women and promote women's human rights, Hernández proposed that public education can change people's attitudes. He also stated that Nicaragua should change some of its national legal code to better reflect international laws which protect women.

CENIDH's work on women's human rights

In contrast to the CPDH, CENIDH has a well-developed area of work focussing on women's human rights. This work began in 1991 and is now organized as a sub-programme within CENIDH. The purpose of the sub-programme on women's human rights is

to coordinate and collaborate with both the women's movement and the government to promote non-discrimination towards women, to develop formal and informal mechanisms to protect women against violations of their rights, and, together with the broader society, to create an atmosphere of equality and mutual respect between women and men (CENIDH 1994a, 8).

Angela Bähr, one of CENIDH's staff, stressed that a major focus of their work has been on developing the concept of

women's human rights and determining what role CENIDH, as a human rights organization, should undertake to promote and defend those rights. In the course of this process CENIDH has consulted widely with feminists and groups from the autonomous women's movement in Nicaragua as well as with women's human rights activists from other Latin American countries. CENIDH staff have also completed a research project which sought to identify obstacles in the defence of women's human rights, specifically those regarding gender violence.

Bähr outlined four areas of work that CENIDH is undertaking in defence of women's human rights. First, CENIDH collaborates closely with the women's movement, helping those groups which encounter problems in bringing a case of gender violence to the police or the justice system. For example, Guillermina Oporta of the Colectivo de mujeres 8 de marzo stated in her interview that part of their human rights education with women is to advise women who do not receive the response they deserve from the police to go to CENIDH for help. In such instances, CENIDH will undertake an investigation of the case and pressure the government to practice due legal process. Second, CENIDH conducts research to further develop the concept of women's human rights. Their recent publication on obstacles to women's human rights, which is discussed below, is one example. Third, CENIDH organizes public education campaigns to raise awareness of the situation

of women in Nicaragua and to promote the need to defend women's human rights. Radio spots, pamphlets and workshops are all part of this effort. Fourth, CENIDH plans to organize training for their own staff to increase their gender awareness and to insure that women's human rights are integrated into all aspects of CENIDH's work. From their research and consultations, CENIDH has determined three issues as priorities for their work: discrimination against women in the political, social, economic, civil and legal spheres; gender violence; and reproductive rights.

Bähr identified two obstacles for CENIDH in their defence of women's human rights. First, many people still believe that only those actions directly involving the state are human rights violations. As was discussed in Chapter 2, many of the concerns now being considered women's human rights, such as domestic violence and reproductive rights, do not fall within this narrow definition. For CENIDH, this signifies a need for education, for their own staff as well as for those involved in the justice system, particularly judges and police officers. They want officials of the judicial system to better understand the ramifications of the Vienna decision, particularly regarding the inclusion of actions within the private sphere, and to be more aware of women's particular needs.

The second obstacle identified by Bähr is the lack of

legal instruments which offer clear definitions and concrete protection for women's human rights. CENIDH perceives human rights law as androcentric and stresses the need to broaden the traditional framework; however, CENIDH members think that such a transformation of human rights will occur as women's human rights are defined and defended in practice. Bähr emphasized that in the meantime, those relevant international instruments which currently exist, such as the Women's Convention, must be used and defended.

Subsequent to my interview with Bähr, CENIDH published a study entitled, La mujer como víctima y denunciante de violaciones de los Derechos Humanos (Women as victims and reporters of human rights violations) (CENIDH 1994c) which documents the obstacles that women face when denouncing gender violence. The women's groups, state agencies and police officers interviewed in the study agreed that more women are aware of their rights than in the past and that this is partially responsible for the greater number of reported cases of gender violence in recent years. Despite the increase in the number of women who know their rights, however, most of those interviewed in CENIDH's study thought that the majority of Nicaraguan women remain ignorant of their right to denounce situations of violence. Those interviewed see this as a primary obstacle in trying to stop violence against women.

A second problem the study found was a lack of gender

awareness, especially regarding gender violence, among judges and police officers. Women's groups complained of a lack of interest and commitment on the part of these authorities in following up complaints of domestic abuse. Third, the study concluded that the laws in the country under which gender violence is considered are inadequate and in need of reform⁴⁶.

Different approaches

A comparison of the perspectives and work of the two human rights groups reveals their very different approaches to women's human rights. First, the groups clearly differ with regards to their respective commitment to the issue. The CPDH did make a decision to receive complaints from women concerning gender violence following the Vienna Conference decision. But although they recognized that this would necessitate a change in the way they worked, as of the time of the interview (nearly eight months after their initial decision) they had not yet developed new work practices nor taken any concrete actions to make public the new focus of their human rights work. As a result, very few women had come forward with gender-related complaints. Hernández recognized that their work with women had not been developed but he

⁴⁶ For further information on women and Nicaraguan law, see Silva Pérez (1993) and Vargas Escobar (1990, 1991).

attributed this to a lack of financial resources. The question of funding for non-governmental organizations working in the difficult economic climate in Nicaragua is significant. Nevertheless, it cannot reasonably be used to justify complete lack of action and planning. The CPDH's inaction in not taking any concrete steps towards planning or implementing specific work regarding women's human rights likely reflects their relative lack of commitment to the issue.

In contrast to the CPDH, CENIDH's work on women's human rights began two years before the Vienna decision. The impulse for starting this work came from at least two sources. The first was the recognition of the existence of an international movement working to include gender concerns more fully within human rights. The second was the acknowledgement of the inferior status of Nicaraguan women, particularly in the areas of poverty, employment, health and violence. Bähr viewed the Vienna decision as important international support for work in which they were already engaged, as opposed to the stimulus it was for the CPDH. CENIDH's work on women's human rights has grown since 1991 and has included research, national workshops, public education and collaborative efforts with women's groups. The commitment of CENIDH to integrate women's human rights into their work is evident in their activities and plans.

A second significant difference between the two human

rights groups was their approach to the autonomous women's movement in Nicaragua. As part of their planning on how work on women's human rights would progress, CENIDH consulted with individuals and groups from the women's movement. Bähr stated that CENIDH values the women's movement for their important experience in the area of defending women's human rights, particularly because of their work on gender violence. To complement this, CENIDH offers their knowledge on legal matters and their skill in investigating individual cases to those women's groups working with women victims of gender violence. CENIDH staff see their work on women's human rights as a collaborative effort with the women's movement.

The CPDH, on the other hand, has a very negative view of the autonomous women's movement. In claiming that the movement is led by lesbians and controlled by the Sandinistas, Hernández attempted to discredit the women's groups working on women's human rights. His use of the term lesbian to denigrate women defending their human rights reflects the broader societal view of women who are independent and demand their rights. This stands in contrast to the traditional role for women which CPDH promotes in its pamphlet. CPDH's labelling of the women's movement as Sandinista reflects the CPDH's political ideology and ignores the autonomous nature of the women's movement which had rejected control by the Sandinista party several years before.

A third area where the two organizations held divergent opinions was with regard to the law. Hernández does not believe that the law discriminates against women. Although he acknowledged the need to orient national laws in order to follow international human rights legislation, he did not see the law itself as problematic. CENIDH, on the other hand, specifically named the lack of legal instruments which cover gender issues as an obstacle to the defence of women's human rights. Further, CENIDH argues that human rights law is androcentric and requires transformation in order to fully include women.

Interesting similarities

Although very different in their political orientation and their work with women's human rights, the CPDH and CENIDH have two areas in common, both of which reveal each group's primary nature as a human rights organization. First, both the CPDH and CENIDH have blended a traditional manner of approaching women's human rights with the new gender-specific concerns. For example, the CPDH is now speaking of gender violence while still promoting women's civil and political rights, a typical approach to women's rights over the years. CENIDH lists three priorities for their work on women's human rights: gender violence and reproductive rights, both of which reflect a new view of human rights, and non-discrimination,

again a standard approach to women human rights for many years. In both cases the organizations have altered their previous ways of understanding and defending human rights by including gender specific concerns while still maintaining their previous approaches regarding women.

Second, both organizations recognize that including new gender specific concerns into their human rights work would necessitate a re-orientation in their approach to human rights from a state-centred framework to one which also acknowledges violations occurring in the private sphere. Hernández (CPDH) spoke of the need to shift their focus to better understand private sphere issues, but as I have mentioned, the CPDH had not undertaken any activities in this area. CENIDH had plans to educate their own staff in order to overcome the state-centred viewpoint and to insure that women's human rights were an integral part of all their different areas of work.

Conclusion

Several factors distinguish the two human rights organizations studied in my research, not the least of which is their respective political ideologies. Nevertheless, their obvious differences aside, it is clear that both organizations have been influenced by women's groups at the national and international levels to include private sphere gender issues into their human rights work.

CENIDH, for example, acknowledges the international work for the full recognition of women's human rights as one of the influences that prompted their entry into this field. Further, they note their collaboration with, and respect for, the various women's groups in Nicaragua working to promote and defend women's human rights. Although CENIDH views their role as a human rights group as distinct from that of women's groups in their respective defence and promotion of women's human rights, their close relationship is reflected in similar priority issues (gender violence and reproductive rights) and perceived obstacles (the judicial system and the law).

The CPDH, on the other hand, does not collaborate with the women's groups working on women's human rights. In spite of this, the CPDH has been influenced by them. In naming the Vienna Conference decision as the reason for beginning to look at gender concerns and considering gender violence a human rights violation, the CPDH implicitly acknowledged the impact that women's groups have had on their work. Although it was a decision among states, the recognition in Vienna of gender violence as a human rights violation is widely held to be the product of women's work at national, regional and international levels. Women's groups in Nicaragua were direct participants in this process.

Further, Hernández's denigration of the Nicaraguan women's movement seemed to be an attempt to persuade me as a

researcher to either not speak with them or not take their opinions seriously. If this was the case, it indicates that he recognized the women's movement's significant social influence. In order not to have these women as the only voice defining women's human rights in Nicaragua, he has been forced not only to discredit them, but also to introduce women's human rights into the work of the CPDH, thus publicly defining women's human rights from a CPDH perspective. This is another indication that the CPDH has been influenced by the movement for women's human rights at the national, as well as the international, level.

The evidence provided by these two human rights organizations is convincing. In the case of both the CPDH and CENIDH, the work women have done to change human rights definitions and concepts to include women has had a positive impact. Both organizations have added women's human rights to their areas of work and both recognize that the addition requires new ways of thinking and acting.

CHAPTER 6

CONCLUSION

In Chapters 1 and 2, I presented two central questions regarding the use of human rights laws and concepts based on positions held by CLS rights critics and by women's human rights advocates. The first question, "Can human rights laws and concepts help to achieve social change for women?" addresses the position of the rights critics that human rights laws and concepts do not tackle the underlying structural power imbalances which are at the root of social inequality. The human rights critics contend that without disturbing these power imbalances, social equality will never be fully realized. In contrast, women's human rights advocates propose that human rights laws and concepts can be used to educate and empower women to make changes in their own lives, thereby altering underlying power imbalances. The advocates also believe that human rights law provides a powerful tool with which to create a social norm for acceptable behaviour.

The second question I examined in my research was "Will employing human rights laws limit the demands of women for social change?". The human rights critics state that because law courts require particular language and processes to be

used to present cases, the original demands of a group will inevitably be modified to be acceptable in that setting. Women's human rights advocates propose that human rights language can be empowering for women as it is recognized by authority figures and may add legitimacy to women's concerns. Further, they argue that rather than having their demands constrained by human rights language and legal procedures, women will shape and modify human rights to fit their demands and concerns.

My research generally supports the ideas put forth by the women's human rights advocates. The research results clearly indicate that Nicaraguan women are employing human rights laws and concepts as tools for social change within a broader framework of activities. And there is evidence that this work is having a positive, albeit difficult to measure, effect on broader social patterns affecting gender equality in Nicaraguan society. Further, my research shows that the work women in Nicaragua are doing to re-shape human rights is contributing to a general transformation of human rights concepts and laws. Although there have been visible advances, there remain obstacles which continue to block the achievement of greater gender equality for Nicaraguan women. In this chapter I will touch on some of these obstacles and discuss what effects the activities involving women's human rights are having.

Human rights as a tool for social change

Interestingly, many of the women I interviewed concurred with the CLS rights critics who state that human rights laws and instruments do not, in and of themselves, insure structural change. The women with whom I spoke agreed with Molina (1994), who said "human rights instruments are only words on paper until women know them and press for their fulfillment". The belief that women can make human rights instruments more effective by learning about them and demanding their implementation has shaped the way in which human rights are included in their work, making human rights education with women a priority for many groups.

The information gathered during my research indicates that human rights education with women has had several positive outcomes. The women interviewed contend that women gain self-esteem and a greater sense of themselves after understanding what their human rights are and that these rights are equal in status to those enjoyed by men. By educating women about their human rights, the groups interviewed aim to change the manner in which women see themselves and their position in society through the promotion of women's self-esteem and the encouragement of actions in defence and promotion of these newly discovered human rights. Both Molina and Rocha noted the surprise many women felt upon learning about their human rights. Further, both gave

examples of how these women had acted upon this new information, returning home to tell others what they had learned. An example of women acting informally to defend and promote women's human rights was provided by Oporta of 8 de marzo, who spoke of several women who arrived at the legal clinic seeking help after a neighbour explained human rights to them.

A greater level of knowledge about human rights and increased self-esteem among women lays the groundwork for possible future change toward greater gender equality. In Chapter 4 I showed that as more women understood their human rights and saw themselves as full legal subjects, they were more likely to demand, and to work toward, the defence of those rights, thereby creating a shift in historical patterns of gender relations.

In addition, human rights education makes women aware of the legal tools available to defend their human rights. None of the groups included in this study have yet to launch a court case based on human rights instruments (a more common approach in North America and Europe) due in large part to insufficient resources. Nevertheless, human rights instruments are routinely called upon by these groups in their work. For example, international human rights instruments, such as the Women's Convention, and relevant human rights sections of the Nicaraguan Constitution, are used for public

education, for pressing the government for compliance with international laws, for demanding that the police take cases of domestic violence more seriously and for supporting the defensoras populares who accompany women to court.

There are strong indications that educational work using human rights concepts and laws is contributing to a broader process for social change within Nicaragua. As I mentioned above, women have taken action following their exposure to women's human rights education. These actions have been both informal, as with the women talking to their neighbours and daughters, and more organized, as with the women in Matagalpa who formed barrio groups to defend women against domestic violence, or with the actions of the defensoras populares of the 8 de marzo collective.

Apart from education, concrete activities based on human rights concepts and laws have helped to create change as well. Molina's account of how the Matagalpa police have changed their attitudes and actions towards women victims of violence as a result of the Collective's campaigns is a good example of how work on women's human rights can become part of a larger process for social transformation.

The opening of the Comisaría for women and children victims of violence is a further example. First, in naming women's organizations as partners in the project, the Nicaraguan government publicly acknowledged their important

role in the defence of women's human rights, including their demands for improved police protection in cases of gender violence. Second, the opening of the Comisaría was a strong public statement by the Nicaraguan government of support for the Vienna decision that violence against women constitutes a human rights violation. This will contribute to the women's work of trying to create a public norm that recognizes violence against women as unacceptable.

The Vienna decision

Throughout this thesis I have used the Vienna decision as evidence of how women are changing human rights concepts and laws. But does another international document concerning women's human rights make a difference in women's lives? All the women with whom I spoke viewed the decision as very important, and most stressed the need to make it known to women and the broader society. As Molina (1994) stated "We still have to make it our own, to determine how to use the mechanisms provided and how to influence the government". Indeed, work to make the Vienna decision known started shortly after the conference itself. In November 1993, the Red de mujeres de Matagalpa included an explanation of what took place in Vienna in a pamphlet produced for their Campaña Contra la Violencia (Campaign against Violence). The pamphlet was designed to link local activities with those on the

international level. It explained the Vienna decision and gave some brief details of local cases of rape, now considered human rights violations. It placed the work of the Matagalpa collective within the broader movement for women's human rights. Further, it emphasized the fact that it was women who pushed to insure that the Vienna decision was taken.

In the interviews included in my research, two significant aspects of the Vienna decision were noted. First, Castillo pointed out that what made the decision really important was that it broke the public - private division which had characterized human rights concepts and kept violations of women's human rights hidden from public view. Second, Molina mentioned the mechanism developed that allows the Special Rapporteur on Violence Against Women to receive reports from individuals. Individual women or women's groups can send testimony of incidences involving gender violence where the government has not acted to protect and defend a woman's human rights. This process allows for greater participation and does not leave all reporting on a particular country in the hands of the national government, as is the case with the Women's Convention. Molina was excited about this possibility, noting that it opened the process up to women. Nevertheless, the importance of having another international human rights document which focusses on women's concerns should not be overestimated. As Molina and Rodríguez

both inferred, it is not the words of an international document or law that will determine the fate of women, but rather the work that women do to ensure compliance with those words.

Women shaping human rights

Regarding the second question examined in this thesis, whether women are shaping human rights or whether their demands are being shaped to fit current human rights norms, my research indicates that women are changing human rights definitions and concepts. One of the most interesting examples of this is the methodology employed by IPADE and the Matagalpa collective to "build new human rights" (as IPADE designates this work). This is precisely what several women's human rights advocates have proposed: that women need to re-define or reconceptualize human rights in order that women's lives be fully reflected, and therefore fully protected, within human rights legislation (Acosta Vargas 1992; Bunch 1993; Charlesworth 1994; Eisler 1987). Costa Rican/Puerto Rican women's human rights activist María Suarez Toro wrote that this process was important for women, both personally and politically, stating,

... we recognize and claim our dignity by constructing human rights out of our own life experiences, and we seek to have those constructs reflected in international and national legislation (Suarez Toro 1995, 190).

In contrast to the argument put forward by some rights critics that women's demands would be limited by human rights definitions and laws, several women interviewed stated outright that they did not feel restricted by conventions written by men (Molina 1994; Rocha 1994). Further, there was unanimous agreement among all the women interviewed, including the representative of the human rights group, CENIDH, that human rights were androcentric and in need of transformation in order to include women. The attitude and work of these women shows no sign of being negatively affected or constrained by current human rights laws and concepts. Rather, they are working with those existing laws while also engaging in work to transform human rights laws and concepts through building new human rights and proposing legal reforms which are more reflective of women's reality.

Further evidence to show that women are shaping how human rights are defined is found in the work of the two human rights organizations interviewed during my research. Historically, human rights organizations have utilized international and national human rights instruments as the basis for their work. For CENIDH, however, a specific convention did not prompt them to include women's human rights as a focus in their work in 1992. Rather, it was due to the international movement of women who advocated a greater recognition of women's human rights. As CENIDH began to

develop its plan of work related to women's human rights, they did so in consultation with the Nicaraguan women's movement which they saw as comprised of organizations with particular expertise in dealing with gender issues.

The CPDH decided in 1994 to begin to include women's human rights within their mandate, citing the Vienna decision as the impetus for doing so. Contrary to the CENIDH experience, CPDH Director Hernández did not claim to have been influenced by the women's movement for women's human rights, and he actually spoke of local women's human rights activists in very negative terms. Yet, as I argued in Chapter 5, even the CPDH has been affected by the movement for women's human rights as the Vienna decision itself was the result of lobbying and education work of women worldwide, including Nicaraguan women. It is still uncertain, however, whether or not the CPDH's new stated focus on women's human rights does reflect a real commitment to the issue given their lack of plans and activities.

Different approaches used together

In Chapter 2, I reviewed four of the different approaches which women are taking in their work to promote and defend women's human rights, and I referred to Bunch's belief that the approaches are not exclusive and can be used strategically depending on the situation. This process is clearly taking

place in Nicaragua, where groups use various approaches, often simultaneously. For example, work to increase the effectiveness of existing laws (work with police and judges) parallels work to create new laws for women (proposals for new laws covering domestic violence, lobbying for government ratification of the OAS Convention to Prevent, Punish and Eradicate Violence Against Women) and work to transform human rights to include a gender perspective (building new human rights). Although some groups may choose one of these activities as a priority over another, it seems to depend on the context in which they are operating rather than a strict adherence to one approach as the correct method for achieving change. This flexibility allows for each group to select a strategy for action involving human rights which best suits the issue and situation.

Obstacles to social change for greater gender equality

It is clear, then, that in very important ways Nicaraguan women are applying human rights laws and concepts in education and action directed at achieving greater gender equality. Yet the challenges that remain are significant. In Chapter 2, I stated that several rights advocates argue that although human rights concepts and laws do not guarantee de facto equality, they do create a consciousness of what is acceptable which may, with sufficient support from the government and civil

sectors, become the norm. Several of the women's groups studied are working on this premise, as is evident in their programmes to educate women and in their broader public education campaigns, such as "Quiero vivir sin violencia" which involved more than 30,000 people. As Castillo has argued, however, governments and powerful social actors, such as the Roman Catholic Church, seem unwilling to fully support women's human rights laws, as they threaten the status quo from which they draw their power. Two examples illustrate this argument: the failure of the government to adopt a proposal drawn up by the Colectivo de mujeres de Matagalpa for a new law defining gender violence and making it a legal offence, and the refusal of the Legislative Assembly to incorporate proposed constitutional changes put forth by a broadly representative women's coalition.

All of the representatives from the non-governmental women's groups included in this study identified lack of government action, particularly in the judicial and legal arenas, as a barrier to the advancement of women's human rights. The formation of the Comisaría was seen as an exception, but even this was criticized as being a very small first step by the government compared to all the work women have dedicated to the issue of gender violence over the years (Oporta 1994). Another concern regarding the Comisaría is the fact that all of the funding for the first office came from

international sources⁴⁷, raising questions regarding the extent to which the Nicaraguan government itself is committed to the work of the Comisarías and the future of the institution should international support cease.

The lack of support from the government and the church raises the broader question regarding the possibility of social change. What are the chances that national and international human rights laws can help build societal norms without support from the government and other powerful social actors? This question touches on the argument raised by Smart (discussed in Chapter 2) that feminists who choose to launch human rights-based arguments outside of the court system are likely to fail exactly because they are outside of the forum of authority and legitimacy that the state must obey. My research indicates that the Nicaraguan women's groups studied have achieved some success in creating social change even though their work is outside of the court system. The opening of the Comisaría, the government's ratification of the OAS Convention to Prevent, Punish and Eradicate Violence Against Women and improved actions on the part of some police officers are concrete examples of changes that women have helped to create that will shape societal norms.

The women's groups studied approach their relationship to

⁴⁷ I do not know whether this is the case for the subsequent offices that have opened.

the government in at least two ways. First, they work independently of the government, often including activities a government might normally undertake, such as public education campaigns and legal defence for women victims of violence. At the same time, however, these groups acknowledge that the government is an important social actor which can and should help to insure broader support for women's human rights. Accordingly, they direct part of their energy to lobbying to push the government to take responsibility for promoting and protecting women's human rights.

There are still structural socio-cultural and economic inequalities which work against full respect for women's human rights in Nicaragua. The tradition of machismo, discussed in Chapter 3 in relation to the failure of the Sandinista government to address women's concerns, remains a prevalent social reality. Importantly, women's groups have begun to analyze the role that women play in helping to perpetuate machismo, particularly in childrearing practices. Entrenched in Nicaraguan society, machismo will only be dismantled with the work of women and men over generations. Women's work to change their role in perpetuating machismo, as well as the recent formation of the men's movement against violence, both offer hope for the future.

Another obstacle in the struggle to achieve greater gender equality is the current economic situation in Nicaragua

discussed in Chapter 3. Women's unfavourable economic situation mitigates against social change for greater gender equality by forcing women to put the daily struggle for the survival of their families as their first priority, leaving them little time for activities focussed on their human rights or inferior social position. Nicaraguan women's organizations have directed some of their energy to address this problem by providing skills training, organizing production cooperatives and initiating income-generating activities with women.

Final assessment

The work that Nicaraguan women's groups are undertaking to promote, defend and define women's human rights is dynamic, integrated into many programme areas and helping women to create change in their lives and in society. Though signs of change resulting from the use of human rights education and lobbying are difficult to measure in the short term, there is sufficient evidence to suggest conditions are improving. It is important to stress that for the most part, the women's groups studied did not employ human rights as a single strategy to create social change. Their work, rather, included various activities and programmes designed to achieve greater gender equality. Although all of the women interviewed were in agreement as to the importance of promoting women's human rights, none thought that human rights

laws and concepts alone could change women's subordination to men. But even given the shortcomings of working with existing laws and concepts, Nicaraguan women continue to look for ways in which human rights can be used in a particular situation or to achieve a certain goal to advance greater gender equality. The women's groups included in this research use human rights laws and concepts to increase women's self-esteem and their consciousness about women's role in Nicaraguan society, and to encourage both personal and collective action. Although the long term effect of this cannot be precisely determined here, the signs of change strongly suggest that human rights law and concepts are tools which are contributing toward social change for greater gender equality for Nicaraguan women.

The women's groups interviewed recognize, as the rights critics would argue, that human rights laws alone do not alter underlying power structures and, therefore may not guarantee equality. However, they are not content to leave human rights laws on paper. Rather, women's groups in Nicaragua have used existing human rights concepts and laws as points of departure in actions that aim to empower women to challenge traditional patterns of gender relations in their personal lives and in the community.

Regarding the debate over whether human rights laws limit women's demands, there is concrete evidence among the groups

included, in this research that this is not the case. There exists, rather, a healthy disrespect for existing human rights laws and concepts based on the fact that they are male-centred and do not include much of what is specific to women's lives. The realization that women's lives are not represented in human rights laws and concepts has led some women's groups to organize activities designed to help women redefine human rights based on their own experiences and hopes.

While the CLS arguments rely on the judicial system as the primary site for human rights-based struggles (influenced by human rights cases in North America and Britain), the Nicaraguan women's movement does not. Women's organizations in Nicaragua have applied human rights laws and concepts in education, consciousness-raising and direct actions aimed at state authorities, all with some measure of success. The women interviewed may not have found themselves limited by human rights laws in part because they do not place much emphasis on using human rights in a court setting which does set particular standards for its participants, as human rights critics point out. Though the women do not directly use the courts in their attempts to change gender relations in Nicaragua, they do work to change Nicaraguan laws. This demonstrates that they have not overlooked legal action as an important arena in the struggle for women's human rights protection. Indeed, the women's groups' approach in lobbying

for new laws and building new rights reflects the advocates' position that human rights must be transformed, a process which will occur as women begin to use human rights law and concepts in their work for greater gender equality.

The women's groups included in this research are undertaking work that is part of a larger historical process of social change for greater gender equality, one that is occurring generally. Implementing activities and campaigns based on human rights concepts and laws, these groups are helping women to change their lives, promoting new societal norms regarding gender violence and challenging state authorities to fulfill their responsibilities regarding women's human rights. Although the obstacles to full recognition of women's human rights are considerable, the changes reflected in this study are contributing toward social change in Nicaragua and helping to redefine human rights laws and concepts to include women's lives.

APPENDIX 1

Interviews conducted during field research in Nicaragua

Each of the individuals interviewed granted permission for the use of their name and the name of their organization in my thesis. The interviews were conducted in Spanish and recorded on audiotape. All translations of this material included in this thesis are my own.

Bähr, Angela - Los derechos humanos de las mujeres, Centro Nicaragüense de Derechos Humanos (Women's human rights sub-programme, CENIDH, Nicaraguan Centre for Human Rights), 3 October 1994, Managua.

Castillo, Vilma - Puntos de Encuentro, 8 September 1994, Managua.

Hernández, Lino - Executive Director, Comisión Permanente de Derechos Humanos (CPDH, Permanent Commission on Human Rights), 5 September 1994, Managua.

Meneses, Alicia - Lawyer, Servicios de Asesoría Legal para la Defensa de los Derechos de la Mujer, la Niñez y la Familia (SALMO, Legal Aid Services for the Defence of the Rights of Women, Children and the Family), 13 September 1994, Managua.

Molina, Eva - Colectivo de Mujeres de Matagalpa (Matagalpa Women's Collective), 27 September 1994, Matagalpa.

Obregon, Patricia - Instituto Nicaragüense de la Mujer (INIM, Nicaraguan Women's Institute), 1 September 1994, Managua.

Oporta, Guillermina - Colectivo de Mujeres 8 de marzo (March 8th Women's Collective), 31 August 1994, Managua.

Rocha, Yadira - Proyecto de Derechos Humanos, Instituto para el Desarrollo de la Democracia (Human Rights Project, IPADE, Institute for Democratic Development), 20 September 1994, Managua.

Rodríguez, Elizabeth - Lawyer, 9 September 1994, Managua.

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