

CAWN Newsletter

CENTRAL AMERICA WOMEN'S NETWORK

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Eva Cristina Urbina - CEMH

Violence against women and state responsibility

by **Dr. Claudia Hasanbegovic**¹

Statistics from the Women's Aid Federation (2002) show that in England, a woman is murdered every three days by a partner or ex-partner. In the Buenos Aires province, according to a study by UNIFEM-commissioned sociologist Silvia Chejter (2005), a woman is murdered every 40 hours. When this extreme form of domestic violence is included in the concept

of femicide, the figure becomes a little more than every one and a half days. These numbers are only the tip of the iceberg, as they do not reveal the years of torture that thousands of women suffer in private at the hands of their male intimate partners. The statistics show only the small percentage of fatal victims. They say little about survivors other than the risk they may face if they fall into the arms of a violent partner, and (I add) of living in a state and a society that permit such men to maltreat, humiliate, torture and kill their intimate partners. In

1878 the English feminist, Frances Cobbes, denounced this practice as "wife torture", in an attempt to touch the legislators and convince them to legalise divorce on grounds where these tortures were present.

Have we, in 2007, progressed since 1878? Have we feminists truly achieved our ancient objective to produce social changes that improve the lives of all oppressed people, and especially women? Have our societies become "civilised" and "humanised" to the point where they no

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Central America: A progressive left?

by **Rebeca E. Zúniga-Hamlin**

The situation in Central America continues to be alarming. Poverty levels remain high and violence is on the increase. Neoliberal policies de-humanize by turning all aspects of life into marketable commodities. Especially worrying is the performance of the weak democratic governments that appear to ignore the conditions of their citizens as they refuse to respond.

After the results of the Nicaraguan elections, Central America was suddenly back on the international agenda. Daniel Ortega and the Sandinistas returned to power, creating a sense of resurgence of the Left as they joined other leaders in the region, from Venezuela to Chile. But, what does this Left really mean? Is it a Left that pursues progressive social change? Does it respond to people's needs and demands? Moreover, is it promoting the rights of women? These questions are particularly vexing in Nicaragua as a result of the ambivalent

behavior witnessed in the new government. By outlawing therapeutic abortion, even in the case of rape or danger to women's lives, women have been denied the very right to life. One can hardly call this progressive. The government deserves credit for taking responsibilities previously denied, such as free education and free emergency health services. Still, it is not enough to give rights on one hand while denying rights with the other.

A real democracy, a progressive democracy, is one that defends, respects, protects and fulfills its obligations towards its citizens. Too often, governments in the region privilege the few while excluding many. Incentives for investment abound, while regulations to protect the environment or defend decent wages are absent. Progressive governments should be concerned with the livelihoods and wellbeing of their citizens, not focused narrowly on growth rates and balance of payments. Even the US, in signing the Central America and Dominican Republic Free Trade Agreement (CAFTA-DR), made sure that it

protected its most vulnerable citizens and products. Why are supposedly progressive Central American governments not doing the same?

It is with great hope that we receive the news that a woman and an indigenous person, Rigoberta Menchu, will attempt to win the election for president in Guatemala. She is supported by a coalition of parties from the Left and the indigenous movement, and she challenges centuries of exclusion. Our job in the North, in both Guatemala and Nicaragua, is to make sure that governments elected with the mantle of the Left truly act in a progressive manner. We need to support an agenda that includes those who have been traditionally excluded. We need to support legislation that is more inclusive, participatory and democratic. We need to provide the resources and open markets that poor countries lack. The question facing the Central American Left is whether they have the fortitude to be truly progressive. The question facing us is whether we will have the courage to support them. Do you?

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longer tolerate the private torture that occurs in so many homes and relationships supposedly based on mutual love and respect? In the following pages I will probe these questions by examining human rights law and the state response to male violence against women in intimate relationships, focusing on Cuba and Brazil.

Discrimination against women² manifests itself in intimate male violence against them, and allows an inferior level of political and civil citizenship rights for

women, considering that it impedes women from accessing justice. This discrimination therefore constitutes a violation of international human rights laws, given that states must guarantee basic rights for all, including the right to life, sexual and psychophysical integrity, a life free from violence, equal treatment before the law, and the right to justice and a fair trial. All these human rights are violated by domestic violence, perpetrated by private actors and made possible by the tacit tolerance or inaction of the state guaranteeing said rights. This has been defined by Ronda Copelon as the "parallel state", otherwise applicable to states involved in political torture (Hasanbegovic, 1999).

Ratified in the nineties, the current judicial framework for international human rights law (treaties, conventions and human rights declarations) has played an important role in raising awareness of the situation that of women who experience violence in the home, community and/or at the hands of the state on the international agenda. Whether these laws have improved women's lives is difficult to measure. Considering that discrimination and violence against women dates from the

beginning of humanity, it seems somewhat utopian to believe it can be eradicated in a decade.

Women's rights have proven difficult to achieve in practice for various reasons, such as the gender prejudices in the interpretation of the law and the lack of understanding of the need for socioeconomic human rights for women as a precondition for achieving other rights (e.g. civil and political rights). Previously, the interpretation of international legislation in cases of human rights violations had been narrowly defined as violations committed directly by the state, or by state agents. As such, human rights violations committed by private actors (husbands, boyfriends, neighbours, etc) evaded scrutiny. By not imprisoning or punishing the (non-state) men who violated women's human rights, the state demonstrated its tolerance for their actions, which went unchallenged.

In general, legal interpretation has been hindered by the belief that the 'public' and 'private' spheres are distinct and separate, and thus events occurring in the 'private' sphere have remained outside national and international judicial scrutiny. The abuse of power in the political sphere has been

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defined according to male experiences, and the oppression that they have suffered at the hands of the state. These definitions excluded other types of oppression, such as that experienced by women at the hands of their male oppressors.

The concept of *gender* refers to the process whereby beings born as *masculine* or *feminine* sex become men and women through a process of social construction that establishes different roles and functions to both, in which society expects different responses and attitudes from each sex. The public sphere becomes associated with the masculine and the private or domestic with the feminine. Therefore, *judicial scrutiny remains outside the domestic sphere, creating a free zone where any abuse of power can take place, is impossible to prevent and results in no punishment.* To give an example, the statistics on femicide suggest women are more at risk from being beaten up and/or murdered and/or raped by an intimate partner within the walls of the bedroom than by a stranger in the street.

Following a decade-long campaign, the international women's movement attained a declaration from the 1993 Secretary General of the United Nations Human Rights Commission that "*women's rights are human rights*", and a call in its Annual Declaration for governments to fight against violence and use "due diligence" to prevent, investigate and punish violent acts against women, whether in the private sphere, the community, or at the hands of the state. The historical antecedent for this campaign occurred in 1793, in the form of a declaration by the feminist journalist, Olimpia de Gouges. This woman had actively supported the French Revolution, but was nonetheless guillotined by the order of Robespierre soon after publishing her Declaration of Rights for the Female Citizen "for having challenged the natural order of her place as a woman".

Established by the United Nations in 1979, the Convention for the Elimination of All Forms of Discrimination against Women –CEDAW (the Women's Convention) is an extremely important part of the international judicial order. In 1992, general recommendation no. 19, adopted by the Committee for the Elimination of any form of Discrimination against Women in its 11th session (paragraph 124, c), condemns domestic violence as the principal obstacle to eliminating discrimination against women in society.

This directly confronted the general prejudices embedded in international human rights law. It exposed common

human rights violations, and approved international legislation to address the problem. Although conventions and laws have not proved universally or uniformly effective in overcoming the obstacles, they have opened new paths to making human rights a reality.

In the Americas, the Convention of Do Belem Do Pará was vital, ratified in 1994 to Prevent, Sanction and Eliminate all Forms of Violence against Women (Do Belem Do Pará Convention). The convention was the precedent for ratifying the laws on domestic or intra-family violence in almost all the continent's countries: a decisive step towards repairing the damage done to the human rights of women that suffer violence in their intimate relationships.

As with the Declaration of 1993, where the recognition that Women's Rights are Human Rights was preceded by 10 years of international lobbying and campaigning by feminists and the international women's movement, behind the Do Belem Do Pará Convention lie lobbying efforts by the great feminist lawyers of the continent, such as Alda Fascio Montejó, Margaret Shuler, Rebeca Cook, and Ronda Copelon.

In order to throw some light on the questions posed at the beginning of this article, it is worth asking whether State implementation of international human rights law has an important effect on women's lives. The landmark case of *María Da Penha Maia Fernandes Versus the State of Brazil* demonstrates the importance of international legislation. The case was tried and judged before the OAS (Organization of American States) Human Rights Commission as Report No. 54/01, Case 12,051, sentenced 16th April 2001 (<http://www.cidh.org/women/Brasil12.051.htm>). The ruling made history as the first time the Do Belem Do Pará Convention was applied within the Inter-American system, firmly establishing the international accountability of the state for its negligence and lack of efficacy in judgement or conviction of the aggressor, in this case the victim's ex-partner, who tried to murder her on two occasions. She was left a paraplegic, disabled for life. The Commission also convicted the State of Brazil for failing to comply with its obligation to prevent violent acts against women. As well as Mrs María Da Penha Maia Fernandes' individual claim, this resulted from academic investigations that showed 70 per cent of all accusations of conjugal violence in Brazil do not result in a jail sentence.

This unprecedented decision, which ended in 2002, led to the arrest and

conviction of the perpetrator after nearly 20 years of impunity. Brazil was forced to pay compensation to the victim and change its legislation. The Inter-America Human Rights Commission criticized the government of Brazil, holding the state accountable for tolerating the violation of women's rights within its borders, and for not taking due diligence to investigate and punish the aggressors.

In my professional role as a lawyer and researcher, I have interviewed and/or given legal advice to female survivors of domestic violence from Argentina to Cuba, Great Britain, Spain, other European countries and Japan

The cross-border similarities found are:
a) The existence of male violence against women in intimate relations
b) The state responsibility for the violation of women's rights in the 'private' sphere and for its tacit toleration through its response

I spent 4 months carrying out field work in Cuba, 1999-2000, and found it to be one of the few examples where the state intervenes in a positive manner to stop violence, empower women and prevent attacks in the future. My research –although not representative- showed that despite a significant proportion (61 percent) of women experiencing devaluation as children, used as a method to teach women their place in society and the family, women did not have to negotiate access to education or paid work with their fathers or husbands, as in other Latin American countries. This was due to the fact that women's participation in work, society and politics was a significant aim of the Revolution. Seventy percent of Cuban female interviewees were active participants in the labour force, allowing them more room to make a choice about whether to leave a relationship once they identify a violent act as evidence that their conjugal life has taken on a coercive pattern. The women also received, in most of the cases interviewed, efficient responses from state actors when requesting assistance against a violent partner.

The Cuban case seems to demonstrate that domestic violence is political, and that state action and appropriate intervention is significant in controlling it and preventing reiteration.

These findings confirm:

1) that domestic violence is political violence, as the State is a political power that allows the empowerment of (violent) male citizens against female citizens (thus transformed into vulnerable victims)

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Representation without taxation

by **Aaron Schneider**¹

The fastest growing sectors in Central America are tourism, maquila assembly plants, and non-traditional agricultural exports like flowers. These sectors display peculiar patterns. First, they pay almost no taxes, enjoying tax holidays, incentives, and preferential regimes. Second, they employ women at levels much higher than the rest of the economy. Some estimates place the percentage of women at 80 percent of the workforce in the maquila sector. These two patterns are significant, and they are related.

These sectors flourish because they are highly adapted to a new model of global economic activity, in which production processes occur in specific stages, spread around the world. Central America has certain advantages in the transnational production of value, located strategically near the largest market in the world. The region serves as a launching pad for niche exports.

Governments have sought to jumpstart new sectors by providing incentives, frequently tax breaks. Incentives are not a mistake; tax breaks are. They are ineffective, have negative feedback effects, deny resources for necessary public activities, and eliminate crucial social linkages that protect

vulnerable populations, like women.

First, tax incentives are ineffective. When a Northern firm locates in Central America and receives a tax break, it pays taxes on its profits at home. If the firm receives no tax break, they pay taxes in Central America. In other words, the bottom line for the Northern firm is no different. Tax breaks are simply a transfer of resources from the treasuries of Central America to the treasuries of the North. Further, some Central American tax breaks are simply unnecessary, such as incentives to tourism or mineral extraction. Beaches do not move; precious metals do not move. If there is a market for these resources, firms will come, tax incentive or not.

Second, tax incentives have negative feedback effects. They provoke a race to the bottom among countries in the region. When one country offers a tax holiday of five years, its neighbour responds by offering a tax holiday of ten. In the absence of a coordinating mechanism among governments, investors can play one government against another, and force them all to lose. Governments need frameworks to prevent excessive competition, ideally enforced with the help of an international body, such as the Central American Parliament, the United Nations (UN) or the Organisation of American States (OAS),

institutions which are relatively protected from pressure from firms seeking incentives.

Third, tax incentives deny resources for public activities. Governments argue that tax incentives attract investments that create growth and jobs. Yet, the cost is distorted public revenue. Governments are faced with a choice; either make do with fewer resources or seek resources from other sectors (or both). Making do with less has meant cutbacks in key public services, like health, education, housing, and infrastructure. Further, the sectors that are left to pay are the sectors that cannot hide their income, such as domestic producers and wage labourers. This creates disincentives for domestic producers, weakens the income of the most vulnerable, and is simply unproductive – the state is trying to mobilise revenues from people who have little, while the fastest growing sectors make the smallest contribution.

Finally, tax incentives eliminate social linkages that protect vulnerable populations, like women. The act of paying tax is a social relationship between state and society and among groups within society. In particular, tax links those with wealth to those without wealth. Those with wealth implicitly accept that their control of the social surplus comes with responsibilities to state, society, and the poor. Those without wealth implicitly accept that economic accumulation is a necessary part of the development process, in which they share an interest. Taxes, mediated by the state, allow groups within society to negotiate their implicit agreement, and thereby establish the terms of a social contract. Offering incentives severs the social contract. With no social contract, firms are free to employ those who are unprotected, such as women, who have traditionally been excluded from male-dominated unions and parties. As a result, these institutions have been ineffective at incorporating women and women's needs into social contracts, leaving them particularly vulnerable as they are incorporated into economic life as never before. Women's organisations have struggled outside traditional institutions to gain access and renegotiate social contracts. Tax incentives take away their most powerful tool: a social contract that creates a shared responsibility for women's welfare, state sustainability, and wealth generation.



Rebeca E. Zúñiga-Hamlin

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European Union-Central America Association Agreement: Unequal interests, unequal gains?

The European Union-Latin America and Caribbean Summit, held in Vienna in May 2006, saw the official announcement of the start of the negotiation of an 'Association Agreement' between the European Union (EU) and Central America as well as with the Andean Community of Nations (CAN). The negotiating mandates are currently being agreed by the member states involved. Negotiations themselves will probably begin in mid 2007 and are scheduled to be completed by mid 2008.

The EU is keen to point out that the Association Agreements aim not only at free trade but also at regional integration in Central America and include elements of cooperation, political dialogue and development. In an early draft of the negotiating mandate the EU stated that one of the Association Agreement's aims is to "help to create conditions for reducing poverty, promote decent work and more equitable access to social services, as well as ensure an appropriate balance between economic, social and environmental components in a sustainable development context".¹

An increased role for the EU in supporting the democratic processes in Central America and in working with governments to fight poverty and impunity and to promote the full range of human rights is to be welcomed. However, there may be a fundamental contradiction between playing this positive role while simultaneously promoting a free trade system in which the poor can only lose out.

The draft negotiating mandate that is being developed by the European Commission (EC) talks of "progressive and

by **Tessa Mackenzie**

reciprocal liberalisation".¹ Yet with such evident inequality between the massive, developed markets of the EU and the small, under-resourced markets of Central American countries, questions must be raised about how 'reciprocal' this free trade agreement should be. There is a real risk that this form of trade liberalisation, far from being a motor for development, could in fact prevent Central American governments from implementing policies that fight poverty and inequality.

The negotiating mandate seems to contradict the progress apparently being made in World Trade Organisation (WTO) talks on rules governing tariff elimination. The EC position appears to be to push trade liberalisation, with little or no provision for special treatment of developing countries, in a way that goes beyond even current WTO requirements. Indeed the demands for market opening even undermine some of the flexibilities that were incorporated into the Central America – Dominican Republic Free Trade Agreement with the USA (CAFTA-DR) after hard lobbying by Central American governments, such as the 15-20 year transition arrangements for sensitive products.

There are also far-reaching concerns about the way that the potential impact of the free trade agreement is to be assessed. If such impacts are really to be taken into consideration in the negotiations then the Sustainability Impact Assessment must be completed as early as possible and evidence must be provided of how the findings have been incorporated into the agreement. Equally contentious is the issue of how civil

society will be able to influence the negotiating process. With the whole process scheduled to take just one year it is difficult to envisage a meaningful participation.

Trade liberalisation affects women in different ways to men. With women constituting the overwhelming majority of the poor in Central America it is clearly vital to take into account the gendered impact of more free trade in the region. Many of Central America's principle industries depend on women workers and their jobs may be at stake in the negotiations. But women also play key roles in family and community life and with issues such as public services and intellectual property rights high on the trade agenda their lives are likely to be affected in a number of ways.

During 2007, CAWN will be working with Central American researchers to investigate the impact that CAFTA has had so far on Central American women and making recommendations based on these findings to the EU negotiating process. If EU member states are serious about supporting sustainable development and promoting human rights in Central America then their trade relationships must reflect a real understanding of how free trade affects vulnerable communities.

If you are interested in receiving a copy of the research report (scheduled for August 2007), please join CAWN's network by visiting www.cawn.org, or write to CAWN at info@cawn.org.

1. From draft negotiating mandate of 6 December 2006.
2. Ibid.

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2) that the State re-victimises and empowers the aggressors when it does not guarantee basic human rights for women through inaction or inappropriate intervention when implementing the law designed to impede the use of violence between citizens.

3) that to guarantee women's human rights is possible, and that it is a political question that reaches further than personal, psychological, cultural and economic factors, and that not to enforce women's

rights makes the State directly responsible for the damage to the health and life of the female victims of male violence in their private lives.

1. Claudia is an Argentine lawyer with many years experience in Family, Civil and Labour Law. You may send any comments and/or questions to: cmghasanbegovic@yahoo.com

2. Discrimination against women refers to a set of beliefs, many implicit and unconscious, that consider women as inferior to men, and men as the superior beings in the established boundaries of humanity. These beliefs allow men a sense of legitimacy in the use of violence to control "their inferiors" and achieve their objectives. The consistent failure of the State (police and judiciary) to challenge male violence

against women in all its forms, judges the victims as criminal, and sets the path for future attacks by demonstrating "tolerance and complicity" with the individual aggressor and a lack of value placed on the victim as a person deserving of State protection, as well as sending a message to society that reinforces discrimination against women and the beliefs that perpetuate and facilitate male violence against them

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What does trade liberalisation mean for Nicaraguan women?

Over the last decade, a global phenomenon commonly referred to as the 'feminisation of poverty' has highlighted the growing economic disparity between men and women. In Nicaragua, one of the poorest countries in the western hemisphere, women and children have borne the brunt of economic instability linked with World Bank and International Monetary Fund –IMF endorsed structural adjustment policies (SAPs) and with the Central America – Dominican Republic Free Trade Agreement (CAFTA-DR). SAPs introduced in the early 1980s, and the more recent Poverty Reduction Strategy Papers (PRSPs), encourage the governments of developing countries to initiate a series of neoliberal economic reforms. According to the free market rhetoric, social and human development will derive from economic growth. Unfortunately the reality is very different and has resulted in growing national and international inequalities and the marginalisation of vulnerable groups such as women and children.

Concretely, through neoliberal economic policies, national spending on social services, such as healthcare and education, is cut in order to prioritise debt and interest repayment. In Nicaragua from 1980 to 2006, spending on education fell from US\$40 to \$9 per person, with illiteracy rates rising from 18 percent in 1990 to 34 percent in 2000, and to 46 percent in rural areas. Healthcare spending fell from US\$35-\$40 to \$13 per person. Services such as water, electricity and telephone were privatised, resulting in widespread layoffs: over 140,000 government workers were fired as a result of budget cuts, affecting about 860,000 families. Where user fees were introduced, many of these services became unaffordable for the poor.

Women have traditionally been the main users of public services, and therefore have been more negatively affected by the cuts in spending. This is especially obvious in sexual and reproductive health issues: Nicaragua has the highest adolescent pregnancy rate in Central America, and between 1990 and 1999 the maternal mortality rate increased by 53 percent, to 200 deaths per 100,000 live births, 60 percent of which occur outside hospitals. As domestic and family responsibilities fall primarily upon women, cutbacks in healthcare make it more difficult to provide adequate nutrition and care for children.

by **Erica Bertolotto**¹

One-third of the child population is malnourished, and more than 2/3 of children below the age of 4 have iron deficiencies. Over 50 percent of deaths in children up to 4 years of age are caused by easily preventable diseases such as diarrhoea, pneumonia, and malnutrition.

The Nicaraguan government was pressured to devalue the local currency and establish export processing zones to boost exports, and abolish subsidies and protections to agriculture to lower pressure on public finances and open to international competition. Through CAFTA-DR, Central American markets are flooded with mass-produced and highly subsidised agricultural products from the US, sending small farmers out of business. Women, especially those who are single heads of households, are hit hard in this process: they lose their means of sustenance and the cultural practices and traditions associated with them. Social disintegration combined with impoverishment creates a situation in which women are confined to the margins of the economic system and have very limited access to resources to improve their lives.

Nicaragua has become heavily dependent on export production for economic revenue, but the prices of products are determined by unpredictable markets fluctuations and do not guarantee a stable income for workers. In formal sector jobs, women are only paid 70 percent of men's salaries. Most export processing zones almost exclusively employ women between the ages of 18 and 35, with salaries of about US \$60 per month for a 12-hour per day, 6-day working week. Workers invariably report terrible working conditions: long hours, unsanitary environments, and abusive relationships between employers and employees. They are discouraged from organising, and trade union membership dropped from 65 to 13 percent.

Women are increasingly relegated to the informal sector, where jobs are mostly unskilled and offer virtually no security or benefits. Within this context of poverty and disempowerment, women are faced with compounded abuses and inequalities. Domestic violence is widespread. One-third of women have been physically abused by

their partners, two-fifths of whom were beaten while pregnant, and two-thirds suffer from emotional problems as a result.

Rising to challenge these adversities, women have organised on a grassroots level to fill the gaping void of gender-based policies and practices. Through workshops, community events, and the arts, they provide education and support for women's diverse needs. Services offered by NGOs range from basic education and skills to health awareness. They provide medical attention, with a specific focus on women's health, education on reproductive choices and family planning, as well as access to birth control. Many organisations reach out to women in rural areas, offering psychological and legal support to victims of domestic violence.

International networks and alternative trade and development policies are paving the way for improving the lives of women and men in Nicaragua. The path to a better future for the country lies in fulfilling needs and providing opportunities for the entire population. This requires attention to the gender-specific circumstances in which each person lives. Co-operation between grassroots organisations, national policymakers, and international organisations is essential for creating a culture of respect for women's rights and gender-sensitive policies.

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MEC defends the rights of Nicaraguan workers, the case of UNO GARMENT

Since 1990, Nicaragua's economic path has been to follow a neoliberal model hence it has privatised state-owned industries and institutions. Under this model, Nicaragua is expected to use its 'comparative advantage' to compete against larger economies. Due to generous tax breaks granted by the Nicaraguan government, a significant number of foreign companies have invested in Nicaragua creating an Export Processing Zone (EPZ) where duty free components are assembled for export. The Maquiladoras based in the EPZ are factories that are usually owned by foreign investors, who take advantage of the comparatively cheap labour, in Nicaragua the maquiladoras are a major source of employment for women.

There are many testimonies and documents that show that labour conditions are below acceptable standard and abuses occur including excessively long working days, physical, psychological and sexual abuse, excessive overtime as well as denying the rights of pregnant workers, no health insurance and unions have been prohibited.

The Women's Movement "María Elena Cuadra" (MEC) that has been working for more twelve years for full incorporation and participation of women in Nicaraguan society in conditions of equality, based on the principles of equality, freedom, and social justice has assumed the legal representation of a group of a garment factory that left the country leaving its workers with no jobs and salaries.

In September 2006 several pregnant maquiladora workers visited MEC's offices to denounce that the Korean Company UNO GARMENT had not been paying health insurance to any worker, despite the fact that they had been contributing a percentage of their salary to cover their health insurance.

Consequently, UNO GARMENT employees, with the support of the MEC, made a formal complaint to the Ministry of Labour (MITRAB) for labour abuses and demanded that the Ministry inspected the factory. Unfortunately, after MITRAB concluded the inspections UNO GARMENT left the country clandestinely without giving any redundancy packages, health insurance or compensation to the 580 affected workers.

MEC assumed the legal representation of the affected workers and set up a

by **Jazmin Sol Terroso**¹

commission to deal with the issue. This commission, formed by seven workers and MEC's legal representatives, denounced UNO GARMENT's actions to MITRAB and to the legal representative of the National Commission of EPZs. MEC's representatives' main argument was that according to articles 9, 10, 178, 179 and 180 of Nicaraguan labour code it is responsibility of the parent company to pay the workers compensations. Bearing in mind that SAE TECNOTEX had hired UNO GARMENT, the defence argued that the parent company should pay the 580 affected workers everything that they were owed.

In December 2006, SAE TECNOTEX paid the 580 affected workers redundancy packages and compensation. Subsequently, the National Commission of EPZs (CZF) and MITRAB produced a joint statement saying that they would, "strive to protect workers labour rights".

MEC have played a key role in the struggle to improve labour standards for women providing legal assistance and representation in many cases like the one just presented. They have carried out national campaigns, activities and initiatives aimed to respect and secure labour rights of all workers in the maquiladoras.

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International day of non-violence against women in Tegucigalpa, Honduras



Rebeca E. Zúñiga-Hamlin

The Centre of Women's Studies-Honduras (CEM-H) and the Women's Collective against Violence organised a march in Tegucigalpa, Honduras, to celebrate the International Day of Non-Violence against Women. Over 500 women took part from a range of social organisations, trade unionists, urban settlers, professionals, young and old, and rural women from the capital's neighbouring municipalities. Bearing placards and street-wide banners, distributing leaflets and information, they lived up the streets of the Honduran capital with music and drums, specially-made T-shirts and colourful costumes.

The march took the women 20 blocks around one of the city's main streets, paralysing traffic in the centre. They were assigned routes and paraded placards with slogans demanding "NO to violence and poverty against women", "Budget for investigation into women's deaths", "Stop painful beatings and words; STOP violence against women", "The murdered have names, the murderers too: Stop impunity!

No more murders". The march ended in Plaza La Merced, at the foot of the National Congress in the centre of Tegucigalpa, where a memorial was held for the murdered women. A wall displayed photos and names of some of the victims.

The memorial speakers included a union representative, who denounced the violence women suffer in the workplace, pointing to the maquila (textile factory) workers as particularly vulnerable to sexual assault. She said many femicide victims in Honduras were women workers, and demanded justice for crimes that still enjoy impunity.

The representative from CEM-H, Suyapa Martínez, spoke of the recent growth of women's organisations denouncing femicides in Honduras, and criticised the institutional weaknesses of the criminal investigation bodies that fail to account for women's violent deaths. She pointed to the lack of priority the government has given these crimes against women; to the greater state resource priority given to protecting big business' private property than to protecting women's lives. She demanded

improvements to the emergency police line 114, which receives calls from female victims of violence, more resource allocation to the Special Prosecutor for Women in the Public Prosecutor's Office, and the creation of a Special Crime Unit to investigate crimes against women, within the General Agency for Criminal Investigation.

Carmen Castro from the Women's Collective against Violence noted that despite the link between poverty and violence, the Honduran Poverty Reduction Strategy Paper (PRSP) barely addresses women's needs, and the prevention of violence against women has received even less attention. She denounced the fact that less than 1 per cent of PRSP resources are directly allocated for women and demanded equality and justice in the assignment of resources and public policy priorities in order to protect the life and rights of women facing sexist violence and the rising number of femicides.

The event ended with a remembrance celebration for the murdered women's lives. Flowers were laid by the wall decorated with their photos.

Abortion in Nicaragua under the Ortega government

by Helen Dixon

For the first time in Nicaraguan history, during the election campaign of 2006, a presidential candidate - Edmundo Jarquín of the dissident Sandinista party Movimiento Renovador Sandinista MRS - dared to support openly a broad range of women's rights. When asked by reporters about the taboo issue of abortion he stated his agreement with therapeutic abortion, saying he was sincere and would not change his opinions for electoral convenience. The FSLN, now dominated by the Ortega family, Sandinista big businessmen and a pact with the ultra right wing, was quick to take advantage and immediately declared itself to be "pro-life", upgrading its image and influence as a fundamentalist Christian alternative.

The Catholic Church hierarchy then used the electoral environment to do what it had not been able to achieve over the last 16 years in spite of the defeat of the revolution - it organised a huge anti-abortion march, and pressured the different parties represented in the National Assembly (Sandinista Front for National Liberation - FSLN, Constitutional Liberal Party - PLC and Nicaraguan Liberal Alliance - ALN) around the issue. The politicians, eager to placate the powerful Catholic Church during an electoral campaign, abolished the 1837 law that permitted therapeutic abortions. This was the only form of legal abortion in Nicaragua which allowed for emergency

intervention when a woman's life or health was threatened by her pregnancy. Doctors now face up to 8 years in prison if they interrupt a pregnancy, even when they are trying to save the life of the mother.

During this whole process, the women's movement organised a series of marches and political actions to defend women's rights and to raise the real issues at stake behind the opportunistic decision by politicians. In the recent procession to "bury intolerance" as part of the International Poetry Festival in Granada, there was also an intervention by women artists *las artas*¹ called "we won't tolerate the burials" (see photo) and this and other symbolic actions have helped to keep the issue on the public and media agenda.

Since the measures came into effect many women have died although there are two cases that clearly demonstrate the effect that the law has had in the medical establishment. Doctors are now leaving pregnant women to die instead of intervening immediately when their lives are threatened. The first woman to die was Yasmina Bojorge an 18 year old teenage mother who left behind her four-year old son called Lesker. The most recent case was on January 30. Doctors refused to provide Francis Zamora, a pregnant 22 year-old mother of three, the medical care necessary to save her life as she perished from infection. Her mother was quoted as saying "They told me there was nothing they could

do, they told me that the laws had changed" maybe had they performed the procedure on time, my daughter wouldn't have died".²

In spite of these deaths and the present life and death debate about therapeutic abortions, the Ortega government has reiterated its position and entrenched its support for Cardinal Obando y Bravo, offering him a government office as head of the Council for Peace and Reconciliation in evident breach of the secular constitution. He is presently awaiting a green light from the Vatican.

At the same time, feminists from both the Autonomous Women's Movement and the recently formed Feminist Movement have appealed the abolition of abortion to the Supreme Court arguing that the measure is in open violation of women's right to life as well as other rights established in Nicaragua's Constitution. The Supreme Court has still not officially notified its acceptance of the appeal. But the women's movement here, more consolidated over the last years, will certainly not leave the government and politicians in peace until women's right to life is finally restored.

1. Double meaning: "the arts" made feminine and "women who have had enough".

2. The Central American Women's Fund has circulated this information in English along with a call for donations for a fund to fight for the right to therapeutic abortion. Contact info@fcmujeres.org or after march 8th webpage www.fcmujeres.org



Helen Dixon

Questioning poverty reduction strategies and violence against women

As a part of the events marking November 24th the international day calling for an end on violence against women, the Centre for Women Studies – Honduras (CEM-H) organised a forum to discuss the situation in Honduras. The forum was attended by a range of people including a government minister, representatives from the National Women's Institute (Instituto de la Mujer), Non-Governmental Organisations (NGOs) and women's organisations, as well as representatives from community groups and relatives of women victims of violence.

Among the presentations, María Antonia Martínez (CLADEM – Latin American Commission for the Rights of Women) talked about the Poverty Reduction Strategies (PRS) process in Honduras. She highlighted the challenges for women's organisations to participate in decision-making and to present projects for funding in relation to the PRS. In her view these funds are not going to eradicate poverty in Honduras as root causes were not being addressed. She added that there is a lack of response by the state to tackle violence against women despite the fact that the Honduran government has signed up to the Inter-American convention on violence and has to report every four years on improvements. The challenge remains how to modify cultural patterns and unequal gender relations that are the roots of

by **Marilyn Thomson**

violence against women. For example, there is social tolerance of domestic violence and there the need of a campaign to denounce sexual harassment and other types of violence such as trafficking and sexual tourism, violence carried out by the state and its agents such as in the criminal justice system.

Mirta Kennedy from CEM-H introduced their research project on femicides. She explained that the term is a political concept that encompasses all murders of women, the lack of measures to address them and the impunity for the perpetrators. Femicide is an extreme expression of violence against women and the panorama in Honduras is very pessimistic: It will require bringing efforts together to make the problem more visible through information campaigns and prevention activities; addressing impunity through legal measures and political will and the creation of conditions to protect vulnerable women such as mutual support and alarm systems.

Suyapa Martínez from CEM-H presented the preliminary finding of their research on femicides in Honduras. She explained that official data is scattered and unreliable. To find cases of femicide they had to scrutinise handwritten records at the police

headquarters, cross reference and compile information from newspaper reports and interviews with the data available from the police Criminal Investigations Department (CID). Although the database at the CID registers murders the figures are unreliable as they also include abortions and other types of crimes. In 2005 there were 2,322 murders reported of which 109 (10 per cent) were women and 332 cases of reported rapes. In 63 per cent of the cases of women murdered the victims have not been identified and their cases have not been investigated. Therefore they do not know who committed many of the murders, the information they have shows that 11 per cent of the murders were carried out by partners. Also that a high number were carried out as revenge by gangs (maras), drug trafficking rings and powerful men are also thought to be involved though no hard proof has been revealed given the lack of investigation of the cases. Although there are laws prohibiting firearms, 51 per cent of the murders were committed using guns.

The forum was an important opportunity to raise awareness of the issues that women are confronting. CEMH will continue their efforts to denounce femicides at all levels. Many challenges remain and in 2007 they will continue their work with community leaders and young people including men, at the same time they will lobby for stranger policies and their implementation.



Rebeca E. Zúñiga-Hamlin

Richer or poorer: international labour policies and women workers

by Tiana Doht¹

How can work be regulated to benefit women workers?

Do corporate interests dictate development agendas?

What are the roles of non-governmental organisations (NGOs) and trade unions in the campaign for women's labour rights?

These were only a few of the questions raised and debated at the first of five Economic and Social Research Council (ESRC)-funded seminars exploring the challenges of promoting women's rights in the global economy. The series, titled 'Richer or Poorer,' is run by City University in collaboration with Trade Union Congress (TUC) and University of Leeds. It provides a momentous opportunity for development agencies, activists, trade unions and academics to engage in dialogues on how to bring a greater gender focus into international trade and labour policies.

Members of Central America Women's Network (CAWN) attended the first seminar 'Can Work Still Be Regulated?' kicking off the series on 9 February 2007 in London. The seminar focused on labour codes, corporate social responsibility, consumer power and trade justice. Case studies presented by the Ethical Trading Initiative (ETI), Organisation for Economic Co-Operation and Development (OECD) and One World Action illustrated the difficulties of enforcing labour codes within corporations that defy regulation with seemingly unlimited capital and flexibility. On the other end of the spectrum, fragmented workforces lack the solidarity to articulate and defend their interests.

The roles of national governments, NGOs and trade unions in these issues played a predominant part in the discussions. Trade unions were called upon to innovate ways of organizing workers made vulnerable by poverty, transnational migration, casual contract work, gender discrimination and harassment.

The charge of NGOs hinged on building solidarity and alliances particularly between North and South, raising awareness of issues and rights, and pressuring policy-makers.

An area of some ambiguity was the role of the state. Although participants at the seminar questioned the ability and willingness of governments to stand up to corporate power, a consensus formed around the responsibility of the state to adopt gender-focused legislative measures with teeth. Holding corporations accountable for enforcing labour codes is a task that eludes most other social actors, and states must be expected to fulfil their obligation to protect all workers irrespective of gender.

Other concerns were voiced around businesses dictating development agendas, using corporate social responsibility (CSR) as a tool to legitimize their position in the agenda-setting process. Feminist perspectives have been swept aside or mainstreamed into universalised objectives such as the Millennium Development Goals (MDGs). Though controversial from a feminist standpoint, the MDGs were nevertheless argued to be an entry point for engaging policy-makers and building alliances across organisations with diverse perspectives and mandates.

A challenge put forth at the seminar was how to reframe development policies to reflect existing women's rights frameworks such as Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Beijing Platform For Action. These frameworks more directly address feminist concerns including embedded structural inequalities and the practical needs of women that are largely bypassed in mainstream development policy.

Looking around the room at the gathering of social actors, TUC Deputy General Secretary Frances O'Grady remarked that she expected nothing less than a blueprint for changing the world to emerge from the discussions. The opening seminar in the ESRC series represents an extraordinary preliminary step toward this goal. The issues raised get to the heart of injustices faced globally by women workers today. While many details remain to be thrashed out, the dialogues of these meetings hold the potential to yield powerful agendas and far-reaching results.

1. Tiana Doht is an volunteer at CAWN, she can be contacted at tiana_doht@yahoo.com

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PUBLICATIONS

New CCC Brochure: "CCC Solidarity Action: Making a Difference for Workers"

This short brochure looks at the solidarity work of the Clean Clothes campaign over the last two decades and the difference this has made for workers on the ground. Whilst acknowledging there is still along way to go the brochure highlights the fact that campaigning in solidarity with workers can and has made a difference.

● The publication can be downloaded at:
<http://www.cleanclothes.org/ftp/07-01-cccpub.pdf>

Nobel Peace Prize winner in 1992, Rigoberta Menchú, will run for Guatemala's presidential election.



Rigoberta Menchú, the Nobel Peace Prize laureate who has long been a symbol of indigenous pride and resistance has

announced that she will be the candidate for president for the left party Encuentro por Guatemala (Encounter for Guatemala-EG) during the next national electoral process planned for September 2007. Menchú has announced that she is in the process of forming an indigenous party Winaq which will run in coalition with EG.

Menchú's candidature will carry important historic and social significance as indigenous people make more than 40 percent of Guatemala's population and traditionally has been excluded and marginalised from decision making processes. Up to now, no other woman, or indigenous person has ever been elected for president in Guatemala. Moreover, Rigoberta Menchú could become the first Latin America indigenous woman head of state.

Nicaraguan Women Struggle for the Right to Health

Nicaraguan Feminist Organisations continue their struggle to revoke Law No 603, the law that prohibits therapeutic abortions. It prohibits abortions even in cases when the life of the mother is in danger or if the woman has been sexually assaulted. The Bill was presented by the conservative Catholic Church and approved by the National Assembly last October with the support of the majority of Sandinista deputies. Last 15th January, women from all over the country presented a legal challenge in the Supreme Court of Justice, which has now started its process of consultation with 18 of the 20 medical associations that represent 95 percent of the of the scientific community in the



country. Women's organisations are demanding the bill is overturned on the basis that it violates women's human rights, constitutional protections, as well as international treaties.

Hydroelectric plant COPALAR plans endangers a whole community in Nicaragua

Community members and activists have mobilised against the 650 watt mega-project to build a dam that will flood Bocana de Paiwas. Prize-winning feminist radio station, Radio Palabra de Mujer and the Casa de la Mujer de Bocana de Paiwas in the Autonomous North Region of the Caribbean of Nicaragua (RAAS) have denounced the project which would damage the livelihoods of community members. The community mobilised, but the new government led by President Ortega and his Sandinista party are unlikely to halt the project. Ortega has not made a public statement on the current state of negotiations, but it was his Sandinista deputies have expressed their support to the project during its presentation to the National Assembly last year.

UPCOMING CONFERENCES

Conference 'Central America: Challenged transition?' 14th & 15th June 2007

Organised by:

The Institute for the Study of the Americas, University of London in association with the University of Glasgow and Chatham House

Venue: IALS, Russell Square, University of London

Themes to include:

New patterns of violence and state responses, migration and remittances, economic & development prospects, regional integration and free trade, gender equity, indigenous politics and human rights.

- For more information, please see:

www.sas.ac.uk/americas

or contact Mo Hume

m.hume@lbss.gla.ac.uk or

Cath Collins:

CCollins@chathamhouse.org.uk

WIDE Annual Conference 2007 14 - 17 June 2007

The Network Women in Development Europe (WIDE), a European network of development NGOs, gender specialists and human rights activists is having its annual conference: Madrid, Spain

- Further information:

<http://www.eurosur.org/wide/home.htm>

Solidarity Resurgent

Nicaragua - U.S. Solidarity Conference in Managua, July 13-15, 2007

● More information and registration forms are available on the Nicaragua Network webpage at www.nicanet.org.

Fair trade study tour

The Nicaraguan Solidarity Campaign (NSC) is organising its Women's fair trade study tour from 27 July - 11 August 2007 expected cost £530 plus airfare. Please contact NSC for further information

- Email: nsc@nicaraguasc.org.uk

Tel.: 0207-272-9619

Visit: www.nicaraguasc.org.uk

TAKE ACTION

Hermosa case in El Salvador

Throughout 2006 activists throughout Europe and North America took action to support workers in El Salvador who lost their jobs following the closure of the Hermosa factory in May 2005. We asked the brands sourcing from Hermosa to ensure that workers receive the severance pay, overtime and outstanding wages owed to them. A fund has now been set up to offer limited support to the workers, but fails to meet the campaign demands in two ways. Firstly the fund has been set up as a 'humanitarian gesture,' and fails to acknowledge that the brands, who had been buying from the Hermosa factory for number of years, share responsibility for the current situation.

Secondly the initial amount distributed (US\$36,000) is small compared to the amount legally owed to the workers (\$825,000). More action is needed to push the brands to contribute or increase their contribution to the fund and to comply with the other demands of the workers. To find out more about the case and to take action see <http://www.labourbehindthelabel.org/content/view/155/73/>