

# Immigration and Refugee Board of Canada

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> Responses to Information Requests

## Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment, please email the [Knowledge and Information Management Unit](#).

16 August 2013

### NIC104516.FE

Nicaragua: information on family violence, including legislation, protection provided by government and support services (September 2010-July 2013)  
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

#### 1. Violence Against Women (Femicides)

According to information from the Network of Women against Violence (Red de Mujeres contra la Violencia) that appeared in 2012 in an article published by Comunicaciones Aliadas, an NGO in Lima [translation] "specializing in the production of information and analysis about events across Latin America and the Caribbean" (Comunicaciones Aliadas n.d.), 800 women have been killed over the past ten years (ibid. July 6, 2012). This same article states that, according to Catholic Women for the Right to Choose (Mujeres Católicas por el Derecho de Decidir), 26 women were killed between January and March 2012, 9 more than during the same period in 2011 (ibid.). Sources report that in 2012, a total of 85 women were murdered (Nicanoticias Feb. 15, 2013; Agencia EFE Apr. 11, 2013; CENIDH 2013, 3). According to the annual report of the Nicaraguan Centre for Human Rights (Centro Nicaragüense de Derechos Humanos, CENIDH), these 85 women were [translation] "brutally killed by their husbands, boyfriends or others known to them" (ibid.).

According to the data from the Network of Women against Violence that appeared in 2013 in an article from Televisión del Sur (TeleSUR), a television station in Caracas (n.d.), [translation] "43 women were murdered between January and June 2013", 8 more than during the same period in 2012 (TeleSUR et al. July 15, 2013). The Network of Women against Violence pointed out that 23 of these women apparently did not go to any of the police stations for women (Comisarías de la Mujer y la Niñez) to report that they were victims of family violence (and to identify their assailants), while 3 others did go to a police station for women and agreed to mediation with the assailant before being killed (ibid.). The article also reports the claim of the representative of the Nicaraguan Federation Coordinating NGOs Working with Children and Teenagers (Federación Coordinadora Nicaragüense de ONG que Trabajan con la Niñez y la Adolescencia, CODENI), that [translation] "at least 10 of [these] victims [...] were under 18" (ibid.).

According to Catholic Women for the Right to Choose as well as other civil society organizations that have had information published by the Women's Tribunal against Femicide (Tribuna de Mujeres contra los Femicidios), a group of eight women's organizations and networks receiving support from Oxfam (Tribuna de Mujeres n.d.), 89 femicides were committed between January 2013 and July 11, 2013, which represents [translation] "on average one [femicide] every four days" (ibid. July 11, 2013). This article from the Tribunal also quotes the president of the Supreme Court of Justice as saying that in 92 percent of cases of violence heard in Nicaraguan courts, the victims are women or girls (ibid.).

#### 2. Family and Sexual Violence

According to an article published in 2010 by *La Prensa*, a Managua newspaper, [translation] "family and sexual violence in Nicaragua [...] continued to increase" between 2005 and 2010 (*La Prensa* March 9, 2010). The article says that, according to a study by the director of the Institute for Forensic Medicine (Instituto de Medicina Legal, IML), the number of recorded cases of family violence rose from 10,228 to 11,313 and the number of cases of sexual violence from 3,450 to 4,960 between 2005 and 2010 (*ibid.*). The study also found that women affected by violence were 26 to 40 years old, married, had two to four children, had attended elementary school and were in the main housewives (*ibid.*).

For family violence in Nicaragua in 2010 and 2011, the IML reported:

	2010	2011
Number of medical examinations conducted nationally by the IML	11,082	10,644
Administrative regions and municipalities with the most cases of family violence per 10,000 inhabitants	1- Diriamba (475 cases) 2- Masaya (471 cases) 3- Masatepe (431 cases)	1- Diriamba (522 cases) 2- Jinotepe (487 cases) 3- Masaya (306 cases)
Percentage of medical examinations connected to cases of spousal violence	49%	53%
Percentage of medical examinations connected to cases of family violence (i.e. committed by another family member)	46%	38%
Proportion of women affected by violence	75%	75%

(Nicaragua June 2010, 22-23; *ibid.* August 2012, 20-21).

According to a study by the directorate of police stations for women (Dirección Comisarías de la Mujer y la Niñez), the data from which were published in the annual report of the CENIDH, a total of 32,085 reports of family and sexual violence were made at these police stations in 2012 (CENIDH 2013, 114). The study found that in 2012, family violence increased by 34% and sexual violence by 2% over the preceding year (*ibid.*).

### 3. Comprehensive Law on Violence Against Women

The Comprehensive Law on Violence Against Women (also known as Law 779) (CENIDH 2013, 3) came into effect on June 22, 2012 (Comunicaciones Aliadas July 6, 2012; Tribuna de Mujeres June 11, 2013). According to an article published in 2013 by El 19 Digital, a Nicaraguan online newspaper (CINCO Apr. 16, 2009, 14),

[translation]

The Law [...] seeks to counteract violence against women, to protect their rights and guarantee them a life without violence, thus promoting their development and well-being in accordance with principles of equality and non-discrimination.

It also establishes comprehensive protections to prevent, punish and eradicate violence and to help women who are victims [of violence] by introducing changes in socio-cultural and patriarchal habits [...]. (June 10, 2013)

According to the *Country Reports on Human Rights Practices for 2012* published by the U.S. Department of State, the law "criminalizes spousal and all forms of rape, regardless of the relationship between the victim and the accused" (U.S. Apr. 19, 2013, 20).

Articles 9 to 18 of Title II of Chapter 1 of Law 779 set the following penalties for acts of violence against women which are related to family violence:

- Femicide: 15 to 30 years' imprisonment;
- Physical violence: 8 months to 13 years 4 months' imprisonment;
- Psychological violence: 8 months to 13 years 4 months' imprisonment;
- Economic and inheritance-related violence: 1 to 5 years' imprisonment;
- Intimidating or threatening a woman: 6 months to 2 years' imprisonment;
- Abducting a child to put pressure on a woman: 2 to 4 years' imprisonment;

- Failure, on the part of a person involved in criminal law procedure who has responsibility for reporting violent acts of which they are aware and which are committed in a public place against a woman or a minor, to report such acts: 200 to 500 days' fine;
- Failure, on the part of an official at a job centre or in education or any other field, to report acts of sexual abuse of which they are aware and which have been committed by anyone working under them: 50 to 100 days' fine (Nicaragua 2012).

According to Nicaragua's Penal Code, the amounts of fines are determined by the court based on the financial status of the accused (ibid. 2007, art. 64).

According to paragraph n) of article 4 of Law 779, every trial is public unless the victim requests that it not be public (ibid. 2012). Furthermore, article 46 prohibits mediation between victim and perpetrator (ibid.). However, Amnesty International reports that "some magistrates have recently been quoted as saying that mediation may be acceptable in cases of violence against women where the abuser receives a sentence of five years or less" (AI May 3, 2013).

According to *Country Reports 2012*, Law 779 also "created new positions for judges specializing in gender-based violence" (U.S. Apr. 19, 2013, 20).

Sources say there was an increase in the number of violent acts reported after the Law went into effect (TeleSUR et al. July 15, 2013; Tribuna de Mujeres July 11, 2013; BBC May 11, 2013). According to a report prepared by the police stations for women, information from which was published by the EFE agency, a total of 6,706 violent acts were reported between January and March 2012 (ibid.), while 8,768 such acts were reported over the same period in 2013, an increase of 30 percent (ibid.). According to an article published by the Women's Tribunal, the Supreme Court of Justice stated that between June 21, 2012 (the day before Law 779 came into effect) and May 28, 2013, a total of 7,500 men who had subjected women to [translation] "mistreatment" were reported to authorities (Tribuna de Mujeres July 11, 2013). Information on the outcome of these cases could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the annual report of CENIDH for 2012, the adoption of Law 779 is a positive development, [translation] "although we are still seeing no significant progress with regard to prevention and punishment of violence against women and girls" (2013, 3).

In correspondence sent to the Research Directorate on July 23, 2013, a representative of Nicaragua's Standing Commission on Human Rights (Comisión Permanente de Derechos Humanos, CPDH) told us that: [translation]

[t]he situation [regarding family violence] has changed now that there is a more protective legal framework. However, this does not mean that real protection of women has improved or that institutions have changed the way they respond to the problem of violence. Laws exist and a few institutions have begun to establish bodies that specialize in this issue. However, enforcement of the new Law and of its policies on violence has not become widespread. That is mainly because this is not really a government policy but rather a matter of rhetoric. (CPDH July 23, 2013)

According to the CPDH representative, the Law is [translation] "applied in a very arbitrary and subjective manner" (ibid.). He said it seems that [translation] "officials at the police stations for women have not been prepared for this, so that in many cases [...], the Law has been applied arbitrarily with respect to the use of mechanisms and procedures for conducting investigations" (ibid.). Also, some sources note [translation] "[that] no financial resources have been allocated for enforcement" (ibid.; CENIDH 2013, 112). The *Country Reports for 2012* mention the claim by women's rights organizations that insufficient resources were allocated to carry out the stipulations of the Law (U.S. Apr. 19, 2013, 20-21). In an article published by TeleSUR and other media, Lorna Norori, a psychologist and specialist in violence against minors and women, pointed out [translation] "the urgent need to approve a budget to enforce Law 779" (TeleSUR et al. July 15, 2013).

The director of the Institute of Forensic Medicine, quoted in an article published by the EFE agency, said that in 2011, 77.5 percent of the 33,535 cases of family and sexual violence that were heard by the courts were described by Nicaraguan judges as [translation] "minor infractions" (Agencia EFE Jan. 10, 2012). According to the director, failure to punish perpetrators and the insecurity of the victims mean that [translation] "more murders could be committed" (ibid.).

#### 4. Protocol for Responding to Abuse Within the Family and to Sexual Assault

This Protocol (*Protocolo de actuación en delitos de maltrato familiar y agresiones sexuales*), which was approved by the National Interinstitutional Commission [in 2003 (AI 2010)] under the Code of Penal Procedure,

[translation]

seeks to be a work tool and reference for professionals in the field of gender-based violence against women. It takes the form of a manual and is also directed at victims in that it provides important information about their rights and explains what they should do in case of assault and how they should go about doing it. (Nicaragua Feb. 2003, 4)

The Protocol contains ethical guidance for police officers (including those who work at police stations for women), medical personnel (including employees of the Institute of Forensic Medicine and doctors), Justice Ministry officials and judges (ibid., 2-3 and 15). More specifically, the Protocol sets out guidelines for:

- police officers by providing guidance on how to receive a complaint, how to investigate the allegations, how to question the victim and how to behave (ibid., 19-26);
- health workers by providing guidance on identifying signs of abuse (ibid., 27-31);
- Justice Ministry employees, by providing guidance on laying charges, mediation, protection of the victim and the hearing (ibid., 32-36);
- judges, by setting out the rights of victims and of the accused as well as guidelines for assessing evidence, for protecting witnesses and victims, and for avoiding revictimization (ibid., 37-50);

According to Amnesty International, "many lawyers and psychiatrists working with survivors are concerned that not enough has been done to ensure that the standards of care set out in the Protocol are put into action by state officials." (2010, 15). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

## **5. Protection Provided by the Government and Support Services**

### **5.1 Reporting Family Violence to the Authorities**

According to the CPDH representative,

[translation]

women [who are victims of family violence] go to the police stations for women but, seeing the lengthy delays, poor treatment, negligence and lack of results, they turn to human rights groups and women's organizations. The former support them in gaining access to the justice system while the latter provide psychological help, enabling emotional recovery. (CPDH July 23, 2013)

Again according to the CPDH representative, [translation] "most victims [of family violence] do not report the perpetrators" (ibid.). While there are no official data on this subject, the representative did say that [translation] "many women see family violence as a matter concerning the private sphere" (ibid.). He also pointed out that victims are not inclined to report the perpetrator at police stations for women because [translation] "the police response in such cases is not what the victims are expecting (given the specialized nature of these units)" (ibid.).

According to psychologist Lorna Norori, the justice system contains people who are [translation] "detractors of Law 779" and have "undertaken the mission of distorting the rules" (ibid.). She says that the various government agencies must [translation] "stop delaying legal proceedings and 'revictimizing' women who have suffered some kind of violence" (quoted by TeleSUR et al. July 15, 2013). The women's rights prosecutor, interviewed by the EFE agency in 2010, also mentioned the phenomenon of [translation] "revictimization" of women who try to get help from the national police, the Justice Ministry or the justice system (Agencia EFE Jan. 10 2012).

According to the *Country Reports for 2012*, "Many women were reluctant to report abuse due to enforced medical examinations for survivors of rape and other sexual crimes" (U.S. Apr. 19, 2013, 20). Furthermore, "social stigma, fear of retribution, impunity for perpetrators, and loss of economic security" also make them hesitant (ibid.). The Women's Network Against Violence claimed that 60 percent of the crimes against women between January and September 2011 went unpunished and that "attackers and abusers with political connections enjoyed impunity" (ibid.).

The article published in 2013 by the Women's Tribunal states that the President of Nicaragua announced that each of the country's 153 municipalities would have its own police stations for women by the end of 2013 (July 11, 2013). In May and June 2013, media reports stated that 99 such stations had yet to be built (El 19 Digital June 10, 2013; La Voz del Sandinismo May 10, 2013).

### **5.2 Shelters and Other Support Services**

According to an article published in 2010 by the Spanish International Cooperation Agency for Development (Agencia Española de Cooperación Internacional para el Desarrollo, AECID), there are 10 shelters and residences in Nicaragua (Spain Feb. 8, 2010). They are in the cities of Somoto, Estelí, Jalapa, Ciudad Darío, León and Managua, and in the North Atlantic autonomous region (ibid.). There are apparently four in Managua, including one which is under construction (ibid.). Also according to the article, these shelters and residences provide women and girls who are victims of family and sexual violence a safe place as well as psychological, medical and legal assistance (ibid.). They also provide occupational training (ibid.).

An article published by Medicus Mundi, an Austrian civil society organization with health-related projects in Latin America (Medicus Mundi n.d.a), stated that a residence called Las Golondrinas has been under construction in Managua since 2010 (ibid. n.d.b). The expected date of completion was April 2013 (ibid.). Further information about this residence could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

On February 5, 2010, a national meeting of heads of shelters and residences is reported to have taken place in Jalapa (ibid.). The purpose was to design a common model for the assistance being provided at shelters and residences so as to give the best possible care to women and girls who are victims of family and sexual violence (ibid.). Further information about this common care model or whether it has been implemented could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

An article published in 2012 by Fundación Superemos, a private not-for-profit foundation established in 1999 "devoted to education and training programs" (Fundación Superemos n.d.), states that a shelter for women and girls who are victims of family violence in the administrative regions of northern Nicaragua opened its doors in June 2012 (ibid. July 21, 2012). The shelter is located in Estelí, in the same building as the Foundation's office (ibid.). Between May 2012 and July 21, 2012, when the article was published, the shelter apparently assisted a total of 12 women (ibid.). In addition to being given a place to live, [translation] "the women received training in pastry-making, farming, computing, jewellery making [and other kinds of] manual work" (ibid.). They were also [translation] "given an opportunity to take part in workshops on personal development, gender and preventive health" (ibid.). Aside from providing services at the shelter, the Foundation also visits communities in the administrative region of Estelí, as part of a program called Systematic Response for Social Integration (Intervención Sistemática de Integración Social, ISIS) (ibid.). The purpose of these visits is to provide training on personal development and gender-based relationships as well as training in certain trades (ibid.). According to the article, the ISIS program is carried out in conjunction with the national police and the Family Ministry (ibid.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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**Oral sources:** Attempts to reach the following individuals and organizations were unsuccessful: Comisión Interamericana de Derechos Humanos; Comisión Permanente de Derechos Humanos de Nicaragua; Fundación Mujeres Nicaragüenses para el Desarrollo Autogestionado; Grupo Venancia; Instituto Nicaragüense de la Mujer; Ministerio de Salud; Observatorio de Violencia hacia las mujeres; Oficina del Alto Comisionado para los Derechos Humanos; Policía Nacional; Red de Mujeres contra la violencia.

**Web sites:** Acción Médica Cristiana; Agencia Pulsar; Banque interaméricaine de développement; Bolsa de noticias; *Confidencial*; *El Economista*; ecoi.net; Factiva; Freedom House; *Hoy*; Human Rights Watch; Movimiento Contra el Abuso Sexual; Nations Unies – Fonds des Nations Unies pour l'enfance, Organisation mondiale de la santé; Nicaragua – Instituto de Medicina Legal; Instituto Nacional de Información de Desarrollo, Ministerio de la Familia, Adolescencia y Niñez, Policía Nacional; *El Nuevo Diario*; Observatorio Centroamericano sobre Violencia; Observatorio de Derechos Humanos de Niños, Niñas y Adolescentes; Plataforma Interamericana de Derechos Humanos; Prensa Latina; *Sí Mujer*; Trinchera.

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