

# Nicaragua

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On June 11, 1992 the National Assembly of the Republic of Nicaragua passed Law No. 150, "Law of Penal Code Reforms." The law, which was subsequently ratified by Violeta Barrios de Chamorro, contains the following provision:

Article 204: Anyone who induces, promotes, propagandizes or practices in scandalous form sexual intercourse between persons of the same sex commits the crime of sodomy and shall incur one to three years' imprisonment.

Article 204 also criminalizes homosexual relations with a person under one's responsibility, regardless of age or whether in private, as "unlawful seduction," punishable by two to four years.

## REACTION TO ARTICLE 204

In response to the passage of the amendment, lesbian and gay activists, along with many allies within the progres-

sive community, launched a campaign "For a Sexuality Free from Prejudices." In June and July 1992, the campaign presented a series of debates and film forums, and more than 4,000 signatures were gathered and delivered to the President's office. The administration did not respond.

The Comisión en Pro del Orgullo Lésbico-Homosexual (Lesbian-Gay Pride Commission) then produced an analysis of Article 204 that was sent to the National Assembly in September 1992. The assembly also failed to respond. In a final step, in November of the same year, the Centro de Derechos Constitucionales (Center for Constitutional Rights) presented an appeal to the Supreme Court challenging the constitutionality of Article 204. The appeal cited numerous articles of the Nicaraguan Constitution, including the right to privacy, to freedom of expression and to non-discrimination

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before the law. After considerable delay, the court dismissed the appeal in March 1994.

The response to Article 204 has extended far beyond Nicaragua's borders. However, although letters of protest have arrived from countries around the world, the law continues to be on the books. There are no known cases thus far of Article 204 being applied to lesbians. The article has been applied primarily to gay male sex workers and to prison inmates. While it has not, to date, been used against lesbians, its existence represents a clear infringement on the rights of lesbians in Nicaragua. Those who are defined by law as criminals have little reason to believe that the justice system will protect them.

## LESBIAN ACTIVISM

Currently, no national lesbian organizations exist in Nicaragua. The lesbian feminist group Nosotras (We) was formed in 1992 by 30 lesbians, with a core group of 10, and remained active until mid-1994. Lesbians have been very involved in the fight against Article 204 and continue to be involved in many feminist organizations and mixed lesbian and gay organizations, such as Neconi, a lesbian and gay collective. The Xochiquetzal Foundation, an officially recognized non-governmental organization (NGO), is directed by two lesbian coordinators. The Foundation works to promote a nonsexist society and open-mindedness toward sexuality; it has programs to prevent sexually transmitted diseases and HIV/AIDS and publishes a quarterly magazine, *Fuera del Closet* (Out of the Closet), which discusses society's myths and prejudices related to sexuality and HIV/AIDS.

In 1988, Colectivo de Educadores Populares Sobre VIH/SIDA (CEP-SIDA, Collective of Popular Educators Concerned with HIV/AIDS) was formed. The group, made up of gay men and lesbians, started performing HIV/AIDS prevention work within the gay and lesbian community. CEP-SIDA was successful in achieving a working relationship with the Ministry of Health, but this relationship became tenuous after the Chamorro government was elected in 1990, and CEP-SIDA ceased operating in mid-1992.

In 1992, in reaction to Article 204, the first Gay and Lesbian Pride Day celebration was organized by the Comisión en Pro del Orgullo Lésbico-Homosexual. The media coverage was balanced and respectful, and for the week following the parade several newspapers carried interviews with lesbians and gay men. The parade has become an annual event. It takes place as part of an annual Day for a Sexuality Free from Prejudices, in which different NGOs and lesbian and gay groups take part.

## LESBIANS AND THE FEMINIST MOVEMENT

Lesbians have attained the most recognition and visibility within feminist organizations. Lesbians work at both the leadership level and as participants in different groups, centers, institutions, and NGOs that work with and for women. Within these groups lesbians have been able to work with heterosexual women and gain acceptance and respect. In these groups, in contrast to society at large, lesbians are able to be open about their sexual orientation with relatively few consequences.

Various attempts have been made to call a meeting of Nicaraguan lesbian feminists who belong to different NGOs. Though there is interest, the meeting has not yet taken place. A new feminist group called La Corriente (The Current), which has lesbian participation, has begun to organize Central American conferences and to publish a magazine.

## LESBIAN LIFE

All women, by the mere fact of being women, are discriminated against in Nicaragua. If someone is lesbian, then she experiences double discrimination. This is intensified if the woman is poor and more so if she is Black or belongs to the Misquita or Suma indigenous groups.

It is extremely difficult to be public about one's lesbianism in Nicaragua. Women who are known to be lesbians face discrimination within their family, their neighborhood, and their workplace. Women who are fired from their jobs because they are lesbians cannot bring legal challenges; there are no laws prohibiting discrimination on the basis of sexual orientation, and regardless of the legal situation most women are silent out of fear that their lesbianism will be made public. Most women remain "in the closet" about their sexuality because they fear rejection and discrimination from family, friends, and colleagues.

These problems are particularly acute for young women.

Recently, two young lesbians, ages 19 and 15, were caught trying to escape to Costa Rica. A newspaper report stated that the two were fleeing from home because their families were trying to break up their relationship. The family of S.M.M.—the older of the two—accepted her lesbianism, but the younger woman's family would not tolerate her lesbianism and, according to the report, had initiated court proceedings against S.M.M., who was being detained by the police. While no further information was stated regarding this case, it is not difficult to see how Article 204 could be used in such a situation.<sup>1</sup>

Allegations of lesbianism can be used as a threat against women involved in custody cases, as was illustrated by a recent dispute over the custody of a six-year-old boy. When the father accused the mother of being a lesbian, she denied the accusation and insisted that it was simply a ploy on the part of her ex-husband to gain custody of their son. Nowhere in the newspaper coverage was the possibility raised that lesbians could in fact be good mothers.<sup>2</sup>

In general, the low level of education in Nicaragua leads to ignorance and fear, particularly for lesbians who are trying to come to terms with their sexuality. This fear results in a great deal of self-doubt and isolation and can lead to depression and even suicide. To counter this isolation, the lesbian and gay movement is seeking to create greater visibility within Nicaraguan society and to provide as much information as possible through events, such as the annual pride parade.

#### NOTES

- 1 "Captura rompe idilio de lesbianas" ("Capture breaks lesbians' idyll"), *Barricada*, 16 June 1995.
- 2 "Acusan a madre soltera de lesbiana" ("Single mother accused of being lesbian"), *Barricada*, 12 May 1995.

ABOUT THE AUTHOR

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