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Recommended Citation
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Category/Department: Nicaragua
Published: 2012-07-26

The circumstances surrounding the death of Aleyda Damaris Alaniz Dávila were tragically typical of such crimes. The 21-year-old victim had spent time of late with another man, with whom she recently had a child. Her husband, 27-year-old Lenar Castellón Blandón, had his own extra-marital love interest. On the afternoon of June 23, the two argued. A gun went off. The bullet entered Alaniz Dávila’s chest and exited her back. The young Nicaraguan woman fell to the floor and died within minutes. Police arrested the husband, who remains in custody pending trial.

Sadly, stories of this kind are commonplace in Nicaragua, where, according to local women’s rights groups, more than 700 femicides—murders of women at the hands of men—have occurred in the past decade (NotiCen, Oct. 18, 2007). There is, however, one crucial thing that sets the Alaniz Dávila case apart: it is the first such incident reported in Nicaragua since authorities began enforcing the Ley Integral contra la Violencia hacia las Mujeres, Ley 779.

Approved by the Asamblea Legislativa (AL) in January, the much-heralded law went into effect on June 22, just one day before Alaniz Dávila’s death. Backers of the penal reform claim it affords the country’s women much-needed protection from various forms of gender-specific abuse, including femicide, which Ley 779 distinguishes from "normal" homicide. The law defines femicide as "the most extreme form of gender violence, understood as violence exercised by men against women, in their desire to obtain power, domination, or control. This includes murders resulting from domestic or interfamilial violence. It is the deprivation of a women’s life because of reasons related to her gender."

Ley 779 establishes a series of sentencing guidelines, dictating, for example, that a person who commits femicide be jailed for up to 30 years, depending on the exact nature of the crime. Someone found guilty of physically abusing a woman can expect a jail sentence of between eight months—in cases where only slight injury was caused—and 13 years plus four months for instances involving serious injury. The same sliding scale applies to cases of psychological abuse.

Included in the law as well is an article pertaining to "patrimonial and economic violence," a concept that covers cases in which a perpetrator might destroy a woman’s belongings, abscond with her earnings, deny her access to food or work, or exploit her economically. Anyone found guilty of threatening or intimidating a woman can be jailed for up to two years. The law also makes it a crime—punishable by fines—to not report cases of violence, including sexual abuse. That goes for neighbors who might overhear a domestic dispute or state employees who learn, for example, that a woman has been sexually assaulted.

"Violence against women in all of its forms and scope must be considered a manifestation of discrimination and inequality," Ley 779 reads. "[It must] be recognized by the state as a problem of public health and public safety, particularly when it comes to physical, psychological, sexual, patrimonial, and economic violence, among others."
Sex abuse an "epidemic" in Nicaragua

Rights groups like the Red de Mujeres Contra la Violencia (RMCV) have argued for years that new legislation was needed to better protect Nicaragua’s women from violence—particularly at the hands of their spouses or family members—and to end what they claim is a pattern of impunity for the perpetrators of such crimes.

During the first six months of this year, 32 cases of femicide were reported in Nicaragua, according to the RMCV. Eight of those women were raped prior to being murdered. Yet, as of late June, when Ley 779 went into effect, only one of those cases had been resolved. Sixteen men accused of those crimes were in jail but had yet to go to trial, while eight alleged perpetrators were on the lam, the organization claims.

"This law was necessary because there’s been a wave of killings," RMCV coordinator Mariela Domínguez told the online news site Trinchera. "Many killers are fugitives from the law. Punishments have been minimal, not matching the needs that we women demand."

Nicaragua’s high incidence of gender-based violence has attracted attention abroad as well. In late 2010 the influential human rights group Amnesty International (AI) published a scathing report about sexual abuse in the Central American country, citing police records to suggest that, in the lion’s share of cases (roughly two-thirds), victims are girls under the age of 17 (NotiCen, Jan. 13, 2011). AI again mentioned the problem in this year’s Annual Report, noting that "rape and sexual abuse were widespread" and "remained a concern."

Another international rights group, Ipas, is also sounding the alarm. Marta María Blandón, director of the organization’s Central American branch, told La Prensa in May that Nicaraguan authorities ought to recognize sexual abuse as an epidemic and react accordingly by declaring a "yellow alert." Nicaragua’s Instituto Médico Legal (IML) receives an average of 5,000 such reports per year, she explained.

"What’s even more alarming is that 80% [of the victims], according to IML data, are girls under the age of 17," said Blandón. "We’re talking about an epidemic. The authorities ought to declare a yellow alert. That’s what they’d do if there were 5,000 cases of dengue or 5,000 cases of swine flu."

Lacking funds to enforce the law

Just how effective Ley 779 will be in tackling the "epidemic" remains to be seen, particularly since Nicaragua’s Ministerio Público (MP) has not yet secured the budget funds needed to fully enforce it. The ministry estimates it will need more than US$72 million to train judges and other state officials, hire dozens of new prosecutors and assistants, and open several offices to receive and assist gender-based violence victims. As the new law dictates, authorities hope to eventually assign 18 judges to handle Ley 779 cases. So far the Corte Suprema de Justicia (CSJ) can only dedicate six judges to the task.

"We’re going to have to look for [the funds] because the law says the state is obliged to offer budget money. But if we can’t come up with the money here, we’ll have to see who can help us," Nicaragua’s Attorney General Julio Centeno Gómez told reporters.

Gómez’s statements were hardly reassuring for members of the RMCV, who staged a protest June 22 in front of the CSJ in Managua. In a statement read by an organization representative, the RMCV
blasted the Nicaraguan state for its "historic tendency" to not match new legislation with the funds needed to properly implement it.

Members of the organization worry as well that chauvinistic mores ingrained in both the Nicaraguan culture and its state institutions will limit how far Ley 779 can really go in addressing the problem of gender-based violence. For the RMCV, a galling example of just how strongly machismo operates within the judiciary is the emblematic case of Fátima Hernández, a state employee and rape victim who has garnered international attention for her years-long struggle for "just a little bit of justice."

Hernández spent nearly a month and a half in the hospital in 2009 following a brutal rape at the hands of one of her colleagues. Her attacker, Farinton Reyes Larios, was eventually arrested and sentenced to eight years in prison—but only after Hernández went on several hunger strikes that brought her enough media attention to finally pressure authorities to act. Less than a year later, however, the CSJ revisited the case. In July 2011, the court trimmed Reyes’ sentence to just four years, claiming Hernández was "permissive" in the attack. Four months later, Reyes was released for good.

"The Court sought to justify its decision on the grounds that Farinton Reyes had committed the crime while under the influence of alcohol and in a state of sexual excitement that he could not control," AI wrote in its Annual Report 2012. "The judges also argued that Fátima Hernández had acted permissively and cooperated in the rape."

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