11-5-2015

Costa Rica to Consider Declaring Street Harassment a Crime

George Rodríguez

Follow this and additional works at: https://digitalrepository.unm.edu/noticen

Recommended Citation

This Article is brought to you for free and open access by the Latin America Digital Beat (LADB) at UNM Digital Repository. It has been accepted for inclusion in NotiCen by an authorized administrator of UNM Digital Repository. For more information, please contact amywinter@unm.edu.
Costa Rica to Consider Declaring Street Harassment a Crime

by George Rodriguez

Category/Department: Costa Rica
Published: 2015-11-05

Costa Rican women’s organizations have had it with gender-based street harassment, a deeply rooted cultural male conduct—ranging from piropos (compliments) to abusive physical contact—which goes basically unpunished.

Gathered in the Alianza Colectivos, several of those groups are in the process of drafting a Ley Contra el Acoso Callejero (law against street harassment), a bill they plan to introduce by December in the Asamblea Legislativa (AL)—Costa Rica’s unicameral, 57-member parliament.

In this Central American nation, gender-based street harassment is a contravention that, in case the offender is actually accused and found guilty, carries a fine as sole punishment.

Although the groups’ initiative stems from women’s expressed need to walk down Costa Rican streets and use other public spaces free of such pressure, the bill extends to cover harassment based on other factors—such as race, age, sexual identity, disability.

The bill, promoted by Alianza Colectivos—a gathering of women’s rights organizations—and announced last month during a press conference at the AL, is backed by the congresswomen making up the Grupo de Mujeres Parlamentarias, as well as by several of their male colleagues.

Once its expected prompt passage takes place, the bill will strengthen Costa Rica’s ample human rights legislation, which includes the Ley contra la Violencia Doméstica and the Ley de Penalización de la Violencia contra las Mujeres.

This country has also ratified international and continental instruments such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted by the UN in 1979, and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women—also known as the Belém do Pará Convention, named after the northern Brazilian city where it was adopted in 1994.

Proponents battle all types of discrimination

Tatiana Saprissa, coordinator of Piropos o Acoso (Compliments or Harassment), said, "The gender struggle is not only for women, since we also fight street harassment ... against the LGBTI [lesbian, gay, bisexual, transgender, intersex] community, and we also want to penalize racist and xenophobic harassment as a crime. It’s any kind of pressure happening on the street that affects us all, men and women."

In Alianza Colectivos leader Angela Delgado’s coinciding view, "Public space is where gender-based violence against women takes place, and also against the trans [transgender] population, against the LGBTI population."
Saprissa also pointed out that, "although harassment, in the case of women, is recurrent, we want to be totally inclusive ... and not forget the death of 23 women already so far this year in the country. They’re femicides that have happened and must not be forgotten."

Regarding this crime, recent estimates by the Instituto Nacional de las Mujeres (INAMU) show it has been on the rise since the start of this century, having jumped from 25 in 2003 to 42 in 2011, dropping to 26 the following year and to 18 in 2014, but picking up momentum again this year.

Among its core aims, the initiative focuses on reforming the country’s Código Penal by defining the crime of street harassment and establishing punishment according to the gravity of the offense.

Colectivo Acción Respeto spokesperson Alejandra Arburola said, "If a person is a repeat offender, or if street harassment is aimed at minors, people with disabilities, elderly persons, punishment should be greater. And, if the person is found guilty of the crime, it should be entered in their police record."

Arburola added that police forces must be trained "on gender-based violence and street harassment, to be familiar with the problem."

Another component of the planned law consists of establishing a protocol on attention to sexual harassment in public places, strengthening treatment for victims by setting up precautionary measures, simplifying the complaint process, and defining the role of different public institutions that deal with the problem.

In ruling Partido Acción Ciudadana (PAC) Deputy Emilia Molina’s opinion, "Above all, we’d like the proposal ... to be a collective construction, bringing in all civil-society groups, and that we, congresswomen and congressmen, also take part."

"And that the discussion also be part of a dialog process in which we may effectively propose a bill in keeping with the feeling of those who suffer street harassment," added Molina, a former head of the PAC congressional bloc.

In fellow PAC Deputy Marcela Guerrero’s view, "The only responsibility [members of congress have] is to eradicate all forms of violence in this society. An effort must be made to have a culture of respect. Costa Rica can’t remain blind and mute before the impunity of a person who psychologically, physically, or sexually offends any human being’s integrity."

"There must be punishment, and not only moral punishment or punishment that implies only public shame, but it must be punishment that set limits in a society that must increasingly make efforts toward a culture of respect," Guerrero, a former AL vice president, added.

Partido Liberación Nacional (PLN) Deputy Maureen Clarke, a former INAMU president, said, "This is a vivid example of how a woman’s body has been turned into something seen almost as in public domain, in the case of sexual harassment against women. And it has increasingly degenerated to the degree in which, at least in general, men feel they have the right and the authority to publicly do whatever they want with women.

The congresswoman also expressed the hope of having "a text, as real as possible, to effectively penalize harassment in general, not only against women, because there are all kinds of harassment. But it seems to me that [harassment] against women’s bodies is so serious, so serious that it has gone beyond the elementary limits of human coexistence."
In this regard, Molina said, "This is not a new issue, it’s a very old issue women have suffered for so many years."

And independent Deputy Carmen Quesada said, "This isn't an issue of women. It’s an issue of men and women, and it’s about having this culture take a turn so [harassment] doesn’t go on, because the majority doesn't speak about it, but it is part of the fear we, as women, face."

**Cost of speaking out**

Nine days before the initiative was announced, a young man did speak out against gender-based street pressure. On Oct. 4, Gerardo Cruz caught video images, in San José, the Costa Rican capital, of a man—later identified as Fernando Luis Umaña—taking cell-phone images of an unsuspecting young woman’s buttocks and thighs from almost under the short skirt she was wearing.

Cruz, 22, warned the victim about what had just happened and immediately followed the aggressor for several blocks in downtown San José, telling Umaña, in strong terms, that what he had done was not only wrong but disgusting. The man hurriedly took a cab. Cruz’s video of the incident became viral on the Internet.

Three days later, as he was about to be interviewed by a local television crew close to his home in suburban San José, Cruz was attacked by unidentified persons and stabbed several times close to his heart. Cruz has remained for weeks in critical but slowly improving condition in a public hospital, with police authorities waiting for his full recovery to obtain his testimony of the attack. Although police authorities have specifically warned against drawing quick conclusions, the general view is that the attack was in retaliation for Cruz’s action.

More than two weeks after Cruz caught and shared the images, Umaña admitted during a television interview—in statements that were at times confusing—to what he described as having made a mistake, asked for forgiveness, and denied any link to the stabbing.

"My sincere apologies, and if in any way I failed not only Gerard’s family but the entire people of Costa Rica, if I’ve failed, my most sincere apologies," he said in statements broadcast Oct. 22 by the local television station Channel 7. "I feel very much hurt by all that’s happened. I’ve prayed, from my heart, for Gerardo Cruz to recover. I have nothing against him or against anyone. The media do their work, but I think there are ways to, let’s say, approach the information."

"When people scorn you, humiliate you, that’s the part where it hurts me," he said. "I’d like to, let’s say, close that chapter in my life and to talk with all the media, transparently, as it must be, and because the truth is that I don’t have to hide from anyone. I made a mistake, we agree, but as a human I also have the right to lift myself and seek, let’s say, all the professional and spiritual help one needs,"

The following day, Channel 11 reproduced statements by Umaña saying he wanted to "tell Gerardo’s family that I have them in my prayers." Referring to the attack against Cruz, he said, "I had no part, let’s say, in the incident. I, in due time, called judiciary authorities, provided all my information for [the incident] to be cleared up."

"It’s a completely isolated event," Umaña said. "This event has been blown out of proportion. It’s incredible how it has spread, so I feel hurt. I have to pay, and turn my cheek so they hit me on the other one. I made a mistake, and my most sincere apologies to all."
In its second report on women’s rights in Costa Rica, issued in July, INAMU said that a high percentages of women—some, before the age of 15—have suffered gender-based harassment in its diverse expressions—raging from verbal aggression to physical violence.

Heading the list, 79.1% of women surveyed for the study said they have been the target of "comments or piropos" in public spaces, while 74.7% mentioned "suggestive glances." Another 62.8% told the poll they have been the object of "sexist jokes," and 59.2% said they have heard "comments about their body or the way they dress."

-- End --