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Nicaragua: Controversial Reforms To Penal Code Ratified By President

by Deborah Tyroler

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On Aug. 13, daily newspaper Barricada reported that President Violeta Chamorro had ratified a series of reforms to the penal code. (For previous coverage of reforms see CAU 06/12/92, 07/03/92.) The reforms, including a controversial amendment concerning homosexuality, were reportedly signed by Chamorro July 8. In an apparent effort to head off debate and protest over the issue, neither the media nor legislators from the Sandinista National Liberation Front (FSLN) were informed of the signing. The package of reforms was originally passed in the National Assembly on June 11. In an Aug. 14 press release, London-based Amnesty International expressed concern that the reforms "could lead to the prosecution and imprisonment of individuals for advocating homosexual rights or for practicing homosexual acts between consenting adults in private." According to Amnesty International, the amended Article 205 of the penal code now stipulates that "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." It further indicates that if one of the individuals engaging in sexual intercourse is in a position of power or authority over the other, even if in private, he or she can be sentenced to between two and four years in prison for "unlawful seduction." In a letter sent to President Chamorro before ratification of the reforms, Amnesty International indicated it would consider prisoners of conscience any persons imprisoned solely on the basis of their homosexuality, as allowed for under the reforms. The US-based International Gay and Lesbian Human Rights Commission (IGLHRC), in an Aug. 7 press release, said it planned to sponsor a wide range of protest activities against the legislation. According to IGLHRC's coordinator for Latin America Enrique Asis, "while other countries are making progress on human rights issues, the Nicaraguan government is moving backwards by making homosexual relations illegal." He added that "states of the former Soviet Union have begun to repeal sodomy laws, while Nicaragua is enacting Latin America's most repressive anti- sodomy legislation." Gay and lesbian activists in Managua are reportedly preparing a series of legal challenges to the reforms, including a possible appeal to the Supreme Court seeking to overturn the legislation as unconstitutional. *****
PANAMA *****

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