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Women's Rights in Retrograde: Understanding the Contentious Politics of Gender Violence Law in Nicaragua

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Last month, Russian President Vladimir Putin [approved a new law](#) reducing the penalty for some forms of domestic abuse from a prison sentence to a fine. Although the legislation has been roundly [criticized](#) by international [human rights observers](#), Russia's move to decriminalize certain forms of domestic violence is not unique. For the last several years, a similar situation has been unfolding in Nicaragua, where a comprehensive law addressing gender-based violence (Law 779) passed in 2012, has been systematically weakened via legislative action and presidential decree. At the time, women's organizations viewed Law 779 as a culminating achievement following decades of advocacy, but [today](#) that law is little more than *papel mojado* (wet paper). For the last five years, I have been closely following the trajectory of Law 779 as part of my broader [research](#) examining [women's experiences with the legal justice system](#) in Nicaragua. The story of how a landmark law against gender-based violence was undermined in Nicaragua is a cautionary tale about the precariousness of women's legal gains in political environments in which conservative religious actors wield [substantial influence](#). It may foreshadow some of the challenges that women's movements in other Latin American countries like [Brazil](#), [Argentina](#), and [Peru](#) could face in defending women's rights given the wave of new [center-right governments](#) in the region.

Law 779 originated with a campaign by local women's organizations in Nicaragua who were deeply concerned about rising rates of femicide and high levels of impunity in the country. In the midst of these women grassroots efforts, the government formed its own inter-agency commission to study the issue. These dual processes (one from below, the other from above) led to the drafting of two legislative proposals that eventually became the Ley Integral Contra La Violencia Hacia Las Mujeres (Law 779), which went into effect in June 2012.

Law 779 expanded the legal definition of violence against women, established special prosecutors and courts to hear gender-based violence cases, and introduced new protections for female victims. One of the law's most important provisions was the elimination of mediation. Prior to Law 779, mediation was commonly used by Nicaraguan police to informally settle disputes between female victims and the accused. According to local women's organizations, this practice only put the lives of women in further jeopardy.

When the details of the law became known, it was the ban on mediation that generated the most controversy. Conservative religious leaders denounced Law 779 as an attack on evangelical values, discriminatory against men, and a tool that would destroy families. One bishop went so far as to compare Law 779 to "[the number of the beast](#)," a biblical reference to the end times. A challenge to the law was filed in the Nicaraguan Supreme Court, which subsequently ruled that the law was constitutional, but the article prohibiting mediation would need to be revised. The National Assembly responded in 2013 by passing a reform of Law 779, which reinstated mediation under limited circumstances (for first time and minor offenses). Then, in 2014, President Daniel Ortega issued an executive order mandating the formation of community councils to resolve domestic violence disputes. According to the presidential decree, women would be obligated to seek "family counseling" via these councils and/or the Ministry of the Family before filing a legal complaint with police.

These changes outraged local feminists, who argued that they represented a [direct violation](#) of regional agreements signed by Nicaragua, such as the 1994 Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women. Yet they were wholly consistent with the religious and pro-family discourse that Ortega has maintained since forming a strategic political alliance with prominent Catholic and evangelical leaders in the early 2000s.

The Catholic Church in Nicaragua has been called "[the fifth branch of government](#)" because of its historical political influence. Prior to the country's 2006 presidential election, Ortega and his long-time partner Rosario Murillo (and [now vice-president](#)) were officially married in the Catholic Church. This act cemented Ortega's alliance with his powerful long-time critic Cardinal Miguel Obando y Bravo, who was [later appointed](#) head of the government's Peace and Reconciliation Commission. Ortega has also reached out to evangelicals, who have become an increasingly influential group in Nicaraguan society, now comprising [approximately 30%](#) of the population. During the 2011 presidential campaign, Ortega adopted the slogan "Christian, Socialist, Solidarity," and at least one prominent group of evangelicals [issued a public statement](#) in support of Ortega. In recent months, some prominent intellectuals in Nicaragua have [criticized](#) evangelical leaders for their silence on the Ortega government's [crackdown on dissent](#). For the most part, however, conservative religious leaders in Nicaragua enjoy widespread favour and respect within the population.

Forty years ago, there was a brief window during which the trajectory of gender relations in Nicaragua might have been radically shifted. The triumph of the Sandinista revolution in 1979 gave birth to a strong popular class consciousness in Nicaragua, but that same kind of critical consciousness was far less widespread on gender-related issues. Then, as now, the Sandinistas were led by Daniel Ortega, but at that time, they faced a powerful counter-revolutionary force backed by U.S. military power which forced the government to devote the vast majority of its resources to survival rather than social and economic reforms. Today, Ortega faces no comparable threats, but he still remains uncommitted—and at times, openly hostile—to implementing reforms that would advance women's rights efforts, preferring instead to maintain the alliances which keep him in power. In such a climate, the church's traditional teaching about appropriate gender roles and sexual behavior continue to hold sway, and even made its way onto the bulletin boards of some government offices I visited during my research. Likewise, local outcry over issues like the country's [total ban on abortion](#) (in effect since 2006) has been limited to a small but vocal group of women's organizations.

Just a few months ago, the Nicaraguan government took an even more [drastic step](#), shutting down the specialized police units established to investigate domestic violence cases, supposedly due to lack of funds. Local women's organizations have publicly [denounced](#) this move, but to no avail thus far. Looking back, the events of the last four years in Nicaragua make clear the fragility of women's legal gains, especially on the issue of gender-based violence. Nicaragua's history shows that progress is neither linear nor inevitable. Vigilance is required to ensure that women's voices are heard and their rights protected.

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