Enforcing Gendered Meanings and Social Order: 
The Participation of The National Police in the Nicaraguan 
Women’s and Children’s Police Stations

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“Our objective is to teach women to defend their rights.” – Comisaría police officer

“Don’t get back together with him. If you do it will be your problem. You’d better think twice about it because we’re not going to be writing up one document after another. If you come back here again you’re going straight to court.” – Comisaría police officer cited in Jaugey 1999

The Nicaraguan Women’s and Children’s Police Stations (Comisaría de la Mujer y la Niñez – CMN or Comisaría for short), were founded on November 25th, 1993, as a coordinated effort between the National Police, the Nicaraguan Women’s Institute (INIM – the state women’s machinery) and various women’s NGOs who were later formally represented by the Women’s Network against Violence. Their goal is to reduce, prevent and sanction violence against women. This chapter examines the participation of the National Police in the Nicaraguan Comisarías. The police have perhaps the most direct role in bringing about one of the most important successes of the CMNs: defending women’s democratic and citizenship rights. But do they?

On the one hand, the CMNs are considered a success for a number of reasons. They are a concrete expression of the state’s commitment to make violence against women a public issue, not keep it as a private problem, and therefore upholding women’s democratic and citizenship rights. The large and increasing number of women and children who go to the CMNs every year can be read as a sign of the visibility of the CMNs and their acceptance by the population. They are also touted as a contribution to good governance because of the participation of state agencies and civil society. On the other hand they have a number of important limitations. Many of the cases are discontinued because the women decide not to pursue the charges, about half are settled in the CMN itself through Extra-Judicial Arrangements (Arreglos Extra-Judiciales or AEJs). So few cases go to court and much fewer still result in convictions, yet so far there is no official accounting of this figure within the CMN administration. Thus, even though the project was designed for women to exercise their rights through the judicial system, very few women do so. Often, police women’s oral commitment to upholding women’s rights expressed in interviews is contradicted by their daily practices and beliefs, as highlighted in the introductory quotes.

This paper will show that the outcome of the services provided by the Comisaría is not so much to ensure women’s access to justice through the judicial system but rather that the Police asserts its authority over users to enforce a moral regulation of gender and the social order. It considers the institutional discourse constructed by the police through the concrete effects of their procedures as a way of imposing a particular social and moral order around the division between the public and private spheres. It could be said that the CMNs have indeed put violence against women in the public eye and improved upon the treatment women received in the past (and may still do in regular police stations). For example, statistics show a remarkable increase in reportings, women are listened to by other women police officers, they do not ignore their requests, and women are not questioned about what they were wearing or other questions that are veiled accusations of guilt (CENIDH 1995, Ellsberg et al. 1996, Hidalgo et al. 1998). Indeed the Comisarías are used by many poor women as a public orientation centre to any number of services not necessarily related to pressing charges for violence as well as the entry point for accessing the various services offered by the CMNs. Instead of making violence against women a public and punishable crime, however, police procedures and practices serve to pacify women users and maintain violence against women a private sphere issue.

This is significant for two reasons. First, by making users subject to the police vision of the social order the police enters into contradiction and struggle with the other two national partners – the INIM and the Women’s Network – each of whom have their own discourse around violence against women. This can be understood as an ownership struggle between the three to define the Comisarías according to its own particular discourse. As will be explored later on, one of the major issues of debate between the Police and the Women’s Network has been the use of AEJs. The Women’s Network argues that since the family law violence was passed (law 230) in 1996, all cases of violence (including psychological violence)
should be processed through the judicial system, meanwhile the Police insists that women ask for AEJs. In contrast to both of these positions, many of the women users I interviewed – the vast majority of whom are poor – stated their preference for “living in peace.” Thus the AEJs are a concrete example of “engendering the state” both for struggles between the Comisaría partners (particularly the Police and the Network), but also for individual women – especially poor women – to exercise their citizenship rights. Second, the struggle is not just to regulate the CMNs, for the relevance of these struggles stretches beyond the question of which procedure to apply or how to interpret the domestic violence law to an analysis of the Nicaraguan experience of “engendering democracy”.1 The use of procedures such as AEJs has the effect of privatizing violence because they are processed within the police alone and not through the judicial system or the women’s movement. Therefore we see a re-drawing of the social map: a re-imposing of violence against women as a private issue and the maintenance of state predominance over civil society.

The argument will be developed by analyzing the procedures and practices used in the CMNs. After a brief introduction to the CMNs and outlining a theoretical framework, the first empirical section will focus specifically on explaining those procedures and how their daily enactment enforces/produces the women users as subject to police regulation of social order. In the second section, will examine the CMN police officers’ use of those procedures in the light of the institutionalization of the CMNs. Finally, based on an analysis of these points and a review of the discourse produced on violence against women the gendered subjectivities for women users and women police officers will be contrasted.

EMPIRICAL INTRODUCTION TO THE CMNS

The first Women’s and Children’s Police Station in Nicaragua was inaugurated by President Violeta Barrios de Chamorro in Managua on November 25th, 1993. The idea for these police stations was raised within the women’s movement in the early 1990s and explored with the cooperation of a sympathetic woman police chief. Later, the INIM became the counterpart for the bilateral funding of the projects that were intended to be inter-institutional in its execution and decision-making. These Police Stations are located at a regular police station and are staffed by women – a police chief, two police officers and one or two civilian social workers, hired by the INIM. If the women, teenagers, and girls and boys who go to the CMNs decide to press charges, they are sent to a women’s NGO to receive a forensic medical exam (used as evidence in the police investigation) and psychological and legal counseling, all free of charge. Official police statistics report that in 1999 charges were pressed in 6,885 cases of domestic and sexual violence (PNUD 2000, 128), but they represent only half of the cases dealt with by the CMNs. The other half are settled through Extra-Judicial Arrangements (Arreglos Extra-Judiciales or AEJs) in the police without going to court or receiving specialized services in the centres. Many women who go to the CMNs are sent elsewhere because they are looking for help for civil code issues, for example, divorce, support payments, or child custody. Though the need for a divorce may have arisen due to a situation of violence, the CMNs only deal with domestic and sexual violence as defined in two laws of the criminal code: law 150 on sexual violence and law 230 on family violence.

During the first phase of the CMNs, from 1993 to 1999, sixteen CMNs opened in various parts of the country. In ten of them, the INIM, the Police, and local NGOs cooperate to provide the services and coordinate activities. The other CMNs were formed by the Police and local NGOs without the INIM, though sometimes with partial foreign funding. All the participating organizations (Police, NGOs, INIM, and local representatives of other state institutions) form part of the Territorial Commission at the local level. The Commission carries out a number of functions – including coordinating among the agencies for case follow-up (particularly transfers), publicity at the local level, and educational training – but these vary at the local level, as does their control over decision-making. A National Commission exists on paper but never met during the first phase, even though some of the donors and the Women’s Network pressured the INIM to set it up. Nevertheless, informal, irregular coordination did occur at the national level. It was

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1The term “engendering democracy” is taken from the of Sonia Alvarez’s groundbreaking work on Brazil (Alvarez 1990).
not until 1996, just before national elections, that the CMNs gained a legal existence in the new police code and the law 230 on domestic violence was passed in Nicaragua through the initiative of the Women’s Network against Violence. An external evaluation of eight of the Comisarías was carried out when the funding period ended in mid-1998. The primary critique was the lack of coordination between the three national partners. For example, they criticized having only one entry point for the services – the Police – and that the specialized services provided by NGOs can only be accessed if charges are pressed. The Police was also criticized for placing the CMNs in a subordinate position within its organizational structure – as a “sub-specialty” of Criminal Investigations. The INIM was criticized the most for its unilateral administration and micromanagement of project funds and gross underspending (47%), particularly in terms of reimbursing centres for their services (Hidalgo and Rammelini 1998). It recommended that both the national actors on the one hand, and the donors on the other, come together to jointly design, fund and implement a second stage of the CMNs. A second phase of the project began in March 2001, more than two years after negotiations among the national partners, among the donors, and between the national partners and the donors began. This new project has seen two important shifts: one, the Police is now the sole counterpart of the funds, now the user, not the police, is now supposed to be the centre of the service model.

What emerges from this outline is that the CMNs are a highly contested ground among the actors. There is a “point of articulation” among the actors which exposes how power is exercised through the struggles among the national actors to shape the CMNs. There are a number of contradictions among the project partners that created instabilities regarding how the CMNs should and did operate during the first phase. A common saying was that the problems of the first phase were due to the “double command” (doble mando) which gave one part of the authority to the INIM because it administered the funds, and the other part to the Police to whom the CMNs were assigned under the law. Both the successes and the limits of the Comisarías can be seen as products of these interinstitutional relations, indeed struggles among the project partners to assert their contradictory visions. In fact, the Women’s Network also made a claim to ownership of the CMNs based on its expertise in violence against women and initiating the CMNs. Though these struggles are not developed in this paper other than the debate over AEJs, this is the context which gives these police practices and procedures their broader significance.

METHODS

This paper is based on my dissertation research, which was carried in 18 months spread out over five years, 1996 to 2000. Although I was not researching on a full-time basis, the time allowed me to get to know the Comisarías in-depth and live through the changes over this period with the various actors. Much of this time was dedicated to analyzing the national and local levels of the inter-sectoral relations. I spent between six weeks and two months at each of three Comisarías and also had direct contact with the 8 other Comisarías. I carried out the research using a variety of qualitative methods, including participant observation, open-ended, semi-structured interviews, document analysis, and informal conversations. The research would not have been possible without the cooperation and generosity of so many of the people who work in and with the CMNs and the users, especially because there is very little information available on the Nicaraguan CMNs, and very little of it is public. Though I spent a lot of time in the CMNs, sitting by the desks of the police officers and social workers or in the waiting area, only a couple of times was I asked who I was or what I was doing there by the users. I asked the officers and social workers to ask the users their permission for me to witness their conversation but they often forgot to do so. When they did, the users often first didn’t understand the question or seemed surprised that they were asked, as if the decision was not up to them. No one ever denied me permission. To me this is another example of how authority is exercised. To me, these reactions can be understood partly in terms of international and CMN power dynamics. I commanded authority in part for being a white northerner, but also for working in the CMN along with the police.

3Nelson (1997) and Ng (1996) discuss the importance of informal conversations for doing institutional ethnographies.
THEORETICAL FRAMEWORK

First, the argument is based on examining one key aspect of Nicaraguan democratization – the boundaries drawn between the public and private spheres (Brodie 1995, Corrigan and Sayer 1985, Schild 1998, 1995). The literature on the cultural formation of the state acknowledges that what are considered opposites or dichotomies (public/private, state/civil society) are constituted through a continual political process and struggle. Corrigan and Sayer (1985) consider the state to be a set of non-unitary institutions and practices that organizes both state and civil society. Thus they reject one of the premises of liberal democratic theory, the division between state and civil society, allowing us to question the “natural” or “pre-political” nature of civil society to examine how the state both defines the boundaries between state and civil society and the content of each. The struggles between the INIM, the Police, and the Women’s Network cannot be reduced to getting women’s needs represented by the state based on pluralist interest group theory. For them politics is not just about state institutions and formal processes such as elections, but also about moral regulation: “a project of normalizing, rendering natural, taken for granted, in a word ‘obvious’, what are in fact ontological and epistemological premises of a particular and historical form of social order” (Corrigan and Sayer 1985, 4). They find that “descriptive names (seemingly neutral, natural, universal, obvious) are in fact imposition claims” (Corrigan and Sayer 1985, 7). These are claims to legitimacy, “a means by which politically organized subjection is simultaneously accomplished and concealed, and it is constituted in large part by the activities of institutions of government.” In Nicaragua there is no consensus among the political actors as to what are the boundaries between state and civil society or between public and private, among other political terms. The instabilities and contradictions of the CMNs, for example, disagreements regarding the extra-judicial arrangements, administration of the funds, or the National and Territorial Commissions are expressions of this absence of consensus.

Second, gender is considered to be socially constructed, and, therefore, a category through which power is symbolized and exercised. By using gender as a category of analysis, as Joan W. Scott suggests, we can analyze how the gender identities made available to us in our daily lives (for example, how we make sense of our experience) can be linked to gendered symbols which expose how power operates through the state and other “public” spaces and how power operates through apparently neutral acts (e.g. bureaucratic procedures) to incribe particular gendered meanings (Scott 1986). If this is true, then the women’s movement task is not to “engender” democracy in the sense of putting gender as a concept into the state because it is already there. The struggle between the Police and the Women’s Network over AEJs is to change not only those supposedly gender-neutral practices, but their effects on shaping the social order. Each of the discourses produced by the INIM, the Police, and the Women’s Network makes its own specific “ownership” claim to the CMNs in which it defines the social order, gendered meanings and the roles of the other actors which are subordinate to its own. The consequences of this democratic struggle are that political negotiation among the actors is a basic element of the CMNs. Scott further argues for the need to analyze the political processes which give meaning to “woman” and “man,” based on recognizing that they are “at the same time empty and overflowing” (Scott 1986) because of the multiple meanings attributed to them across time and place. The point is not to reduce the explanatory power of the terms by making them endlessly relative. It is by questioning the assumed natural “fit” between signifier and signified that we can examine the democratic consequences of the CMNs. In the case of the Nicaraguan CMNs the meanings that the three national actors attach to violence against women are not only very different, they are a key part of the power struggle among them. As Mohanty argues, “it is not the experience of being woman, but the meanings attached to gender, race, class and age, at various historical moments that is of strategic significance” (Mohanty 1992, 86).

These gendered meanings are produced through discourse. Discourse captures and links both the ideological (how we think about the world) and the material (what we do in the world). In this sense, discourse is productive, it is “the process through which social reality comes into being” (Escobar 1995, 39). Discourses constitute the world, they set the “horizons of meanings” (de Lauretis, 1986) we attribute to ourselves, our experiences in/of the world, and those that are attributed to us. It brings meaning to experience. Like Escobar’s analysis of development discourse, discourse creates a domain or space of thought and action in which only certain things can be “said or imagined” and “concepts, theories and practices” are created (Escobar, 1995, 39, 42). This is key to the argument made in this paper. We cannot simply assume that a specialized police service for women who have suffered gender-based
violence necessarily makes violence against women not just a public issue but a punishable crime, and allows poor women to see themselves as citizens and subjects of rights. To grasp the effects of police procedures on Nicaraguan women's lives violence against women must not be understood as a private issue because it is natural or pre-political, or that it is just recently becoming a public issue. Instead, assuming violence against women is a private issue must be seen as the product of an impositional claim made by the state. In this way, it can be grasped how gendered meanings attached to police services in the CMNs produce a gender identity of women users as pacified and violence is maintained a private matter.

To analyze the gendered meanings and effects of discourses produced by the National Police I will borrow from Roxana Ng’s (1996) use of Dorothy E. Smith’s institutional ethnology method. Smith’s method allows one to uncover the “conceptual practices of power” through which institutions create knowledge. Smith (1990) examines how accounts of “what actually happened/what is” are mediated by the social organization of its production. Though she draws on a standpoint epistemology that is not used here, Smith’s insightful method allows us to grasp how the meanings coded into seemingly innocuous descriptions or institutional procedures are, in fact, effects of power. Roxana Ng (1996) uses this method to analyze how immigrant women as a category of low-wage labour were produced through the bureaucratic procedures of a women’s employment agency. Although the agency started off as a community advocate for immigrant women, the practices and policies it had to use to qualify for a federal government grant ended up undermining that original intention. The method developed by Smith and Ng will be adapted to show how the Police’s discourse has a material reality in these procedures and material effects.

Women who go to the CMNs must confront this discursive battlefield in order to access the services. They need to frame both their problem and their proposed solution in the terms made available by the CMNs in order to receive attention. The process of self-consciousness, our self and identities are “always grasped and understood within particular discursive configurations” of meaning (de Lauretis 1986, 8). The spatially constructed subject is at the same time constrained by discourse in her power to name while “intent on self-definition”. She is “both subject-ed to social constraint and yet subject in the active sense of maker as well as user of culture”. Borrowing from de Lauretis, all those who enter the CMNs – administrators, police officers, members of women’s groups, and users – are subjected to these discourses, but can also engage the available horizons of meaning to make themselves subjects, users of the culture. An example of this could be women who go to the Police to pressure a man and his family to settle the issue between the families.

These insights provide a critique of traditional approaches to democratization. Early feminist and socialist analyses of democratization criticize O'Donnell and Schmitter’s bureaucratic authoritarian framework (O'Donnell and Schmitter 1986) for, among other things, focusing too much on the agency (Waylen 1993) of institutional politics and actors without looking from the bottom-up to consider other, non-traditional political actors that have emerged – especially women’s movements (Jaquette 1989) or social structures embedded in the state. The contributions of Corrigan and Sayer lead us to examine democratic transitions as a cultural transformation that gives meaning to the institutional and structural changes (Álvarez, Dagnino, and Escobar 1998, Schild 1998). It is not a matter of including others who have been excluded as some critiques have, rather, we can examine how both particular exclusions and inclusions are elements of a certain form of rule and moral order that are being enforced.

A crucial part of consolidating democracy in the region has been to bring the military under civilian control and, particularly in Nicaragua, a shift from national security to citizen and human security. The CMNs appear to be an important contribution to this shift: not only do they apply the rule of law, their mission is to promote a culture of peace, by prioritizing prevention over repression and are a form of community policing (Bernales Ballesteros 1999, Neild 1998). A feminist analysis of security offers a different a critique of the inside/outside divide that premises national security by counterposing it with the

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*Cultural politics is defined as “culture is political because meanings are constitutive of processes that, implicitly or explicitly, seek to redefine social power. That is, when movements deploy alternative conceptions of woman, nature, race, economy, democracy, or citizenship that unsettle dominant meanings, they enact a cultural politics” (Álvarez, Dagnino, and Escobar 1998, 7).*
locations of women’s security and insecurity, it “pushes the ‘horizon of the taken for granted’ of the international agenda” (Hall 1998 in Thompson 1997). Her gender analysis identifies how the national security discourse produces specific subjectivities: violent masculinity and protected, passive femininity (Thompson 1997, 5-6). The international women’s movement has succeeded in getting the issue of gender-based violence to be a part of the international human rights and security agenda by through meaning-producing practices that have shifted the definition of security to examining the threats posed on the ‘inside’ – women at home. Thompson points out a fundamental contradiction or paradox in women’s movement organizing: by calling on the state to take responsibility for ending or reducing violence against women, they may create even more powerful states, while at the same strengthening non-state subjects (Thompson, 11). Just like the image of the man created, this has the effect of reproducing the state as both a potential protector of women’s human rights and a potential violator. In effect the Nicaraguan police has claimed in the CMNs the role of protector of women’s rights, but it does so through enforcing its own procedures.

Sara Nelson’s analysis of the Brazilian Comisárias (DDMs - Delegacias de Defesa da Mulher) advances a somewhat similar argument to the one here that addresses the contradictions of the Brazilian DDMs because it is an arena for analyzing the negotiation of gender identity and feminist politics, especially the contradictions of their negotiation within the repressive wing of the state. “The DDMs were created in resistance to the male-dominated criminal justice system in which they are now located” (Nelson 1997, 63-4). She argues against a dichotomous understanding of the division between the state and civil society which could lead to a critique of the “co-optation” of the women’s movement and instead for an analysis of the articulation of state and civil society. “The [WPS] must simultaneously enforce the law and subvert the system; they must represent the interests of the state and those of a social movement born from opposition to that state” (Nelson 1996, 144). She maintains that even if women do drop charges they have access to services they would not get otherwise by negotiating with the police officers. “The DDMs simultaneously reconfirm a partial hierarchy of power relations and ensure the continuation of state hegemony while they create the space and possibility for its subversion” (Nelson 1997, 26).

FOUNDING THE SPECIALIZED POLICE STATIONS FOR WOMEN

The idea for specialized police stations for women was initially conceived by María Lourdes Bolaños, who founded the Women’s Legal Office (Oficina Legal de la Mujer) of AMNLAE in the 1980s. It was then taken up by the women’s movement in general at the “Unity in Diversity” gathering in 1992. Meanwhile, within the police there was a separate initiative to address violence against women began around the same time, one of whose leaders was Aminta Granera. Later both initiatives joined forces to lobby the President, Violeta Barrios de Chamorro to establish the Comisaría.

Aminta Granera joined the General Secretariat of the Police where one of her main responsibilities was overseeing statistics in 1990 after the Sandinista’s electoral defeat (having served in the Ministry of the Interior during the revolution). It was in the police following the revolution that she and other women began to gain a new kind of consciousness. Because “defense was primary […] I don’t think we ever stopped to think about our rights as women. We were too busy trying to keep the revolutionary project alive” (Granera 1993, 200). “The letup in the war has given us some space … we’re able to think as women, to feel as women, to act and struggle as women and for women” (Granera 1993, 204). Her change in consciousness came about in part by finding a gender gap in the statistics. For example she found that 70% victims are women, while 1% of perpetrators are women. Furthermore, in 1990 and 1991, crime in general had increased 7 and 8%, yet rape had increased 23 and 25%. (Granera 1993, p. 203). Granera is clear that the initiative for a change was born from a movement of women from within the police. “Since the election, a movement has started among women in the military structure, and we’ve

5 AMNLAE (Luisa Amanda Espinoza Nicaraguan Women’s Association) was the mass organization for women affiliated to the FSLN. It now operates as an independent, nation-wide NGO as part of the women’s movement, but retains close ties to the FSLN.
begun to acquire a consciousness that as women we can and must do things for other women” (Granera in Randall, 1993, 203).

Granera’s intention was to radically change how the police responded to women who reported crimes of domestic or sexual violence so that they weren’t made to feel responsible for the crime (Granera in Randall, 1993, 203-204). “Women inside the police department said, ‘this has got to stop’.” Her objective was to set up a women-friendly facility:

“a whole separate police station staffed completely by women officers and specialists…. We’re trying to get a piece of land, or a building, completely away from the ordinary station house, and we want to fix it up so it doesn’t look like a police station. We’ll have lots of pictures on the walls, and plants. And we hope women will feel invited to come, knowing they won’t be treated as objects or in some way made to feel responsible for the crimes committed against them. … We want to start treating this whole problem with respect and tenderness, as women must” (Granera in Randall, 1993, 205).

Though her vision did not include specialized procedures for dealing with cases, she did anticipate specialized training for the officers who would staff the stations. She, like Bolaños, was committed to the active participation of the women’s movement.

The Comisarías did not turn out exactly as Granera had planned. One important difference is that they are located in the regular police station, though they do have a separate entrance. They are, however, staffed by women officers and have civilian specialists (social workers and in some cases psychologists) and they are more appealing than the regular station, decorated with plants and posters about the CMNs and violence against women. Granera was transferred to another area of the police and was replaced by Ileana Torres, one of the members of her staff, in 1996. Torres shares the same mission as Granera, mission that the CMNs must treat women victims of violence differently and facilitate women’s access to justice through the courts, though they have different views on various issues. This view was also expressed to me by all of the police officers I interviewed. “Our objective is to teach women to defend their rights.” “In Criminal Investigations they take the man’s side, here we take the woman’s side.” “We are here to uphold the laws.”

CMN PROCEDURES

(a) Intake

User intake at the Comisaría is the first step for women to access the CMN services. The purpose of intake is twofold: first it screens cases that are not appropriate for the CMN and second it determines what course of action should be followed if it is a case for the CMN. The first purpose is just as important as the second. The Comisaría is the only state office offering direct services exclusively for women and children and in many communities women may not be aware of women’s NGOs or groups offering legal and other services, though they exist in almost all the communities where the CMNs operate. So many of the women who go to the Comisaría are looking for show up wanting a broad range of services, including divorce, child custody, property etc. A question often heard is, “this is where you look after women’s problems, isn’t it?” Though no statistics are kept, based on my observation, about a third of the people who go to the Comisaría get turned away. The Comisarías often have pamphlets by national and local women’s organizations that explain the domestic violence law or women’s rights or specific services available, but these are rarely handed out to those looking for another kind of service, such as a divorce, which could well be linked to violence. Even though so many women go to the Comisaría looking for orientation, the information given out is minimal. Staff usually answer those requests with the name of the organization or state agency that can help them, but sometimes they simply tell them they can’t help them. Thus this aspect of the intake process serves more as a gatekeeping function.

The second purpose of intake is to decide what kind of violence the user has suffered violence and how severe to know which law and procedures apply. She must also determine whether she needs
crisis intervention. Intake is supposed to be done by a police officer instead of one of the civilians, because the police officers are the legal experts, though in practice this is not always the case. To do so requires an initial interview with the user that is usually done in or close to the reception area, in front of the users. If it is a minor crime the user might be given an appointment for the next day to do an Extra-Judicial Arrangement (AEJ), otherwise an intake form will be filled out and the procedures for pressing charges started. Part of assessing the situation of the user is to determine whether she is currently in crisis, but only the social workers are trained for this. But police officers I interviewed at two CMNs who did intake told me they identified users requiring crisis intervention because they cried. Their responses were based on their personal “common sense” understandings of being in crisis, not on specialized psychological evaluation criteria. Thus there is no guarantee that women needing crisis intervention will receive it, depending on who does the intake. What emerges is a model centred on police procedures, not on the needs of the user.

(b) Pressing Charges and AEJs

There are two types of procedures applied to CMN cases: pressing charges and doing AEJs. Pressing charges is seen by the police as the “real work of the CMN” because they “enforce the penal code.” When users decide to press charges they have access to the full range of services offered by the CMNs, including a medical and psychological exam, legal counsel and representation, and psychological counseling. After the initial intake and declaration is done the user is transferred to the doctor and/or psychologist for examination to decide the severity of the violence. The user returns to the CMN with the certificate and the police fill out the rest of the forms, take declarations from witnesses and, in some cases of sexual violence, visit the scene of the crime. The user is then sent to see the lawyer who represents the user in court. Other than being sent to a woman doctor and/or psychologist who is affiliated to the CMN and the complementary services provided by NGOs, the procedures are exactly the same as for any other criminal procedures.

The other procedure used are AEJs, which are applied when the incident is not a major crime or else is not codified in the law. About half of the cases dealt with in the Comisarías are AEJs. AEJs are practiced in the CMNs as well as in the rest of the police, but mostly in the CMNs since they are usually applied to cases of spousal abuse or other forms of family violence or disputes between neighbours. The vast majority are applied to cases of spousal abuse, usually called domestic disputes (ningas conyugales) by the police, and not as labelled in the law 230.6 There are three steps to the AEJ: first, getting an appointment, second, the “appointment” itself when the two parties (“comparecientes”) among the police officers and the two parties who appear before the officer, and third, the document which states the agreement and is signed by all three. The user usually gets an appointment during her first visit to the CMN.

In the second step – the appointment – the two parties appear before the police officer to discuss the situation before signing a mutually agreed arrangement. During the conversation the officer typically asks both parties to express their views about what happened. The discussion can take as little as 10 or 15 minutes or as long as half an hour. In rare cases it can go on for much longer and the social worker may be asked to talk with one or both parties if there are issues around which the two parties cannot agree or perhaps the officer needs support to convince the user to press charges instead. There are no set guidelines for conducting appointments and because the officers have a high degree of discretion, styles vary considerably depending on the case and the officer. In general, however, the police officers do quite a bit of listening at first to assess both sides, allowing direct exchanges between the two parties for varying amounts of time, even allowing for arguments to occur. The police officer will intervene at times to clarify factual information at any time, or to give advice. Again, the kind of advice the officer gives is up to her discretion. The officer steers the parties towards an agreement that emerges from what they themselves raised during the appointment.

6Here I will discuss spousal abuse because this is by far the most common form of AEJ.
In the third step the police officer writes up the arrangement both parties have agreed to. The form starts by giving the full names, ages, addresses and relationship between the two parties and about a half a page is reserved for filling in a description of the situation and the arrangement. It is signed by the two parties and the witnessing police officer. Though the specifics of the arrangements depend on each case, they generally have two elements in common. Again, the officers have some discretion around how to fill out the AEJs. One element is that the parties agree to mutually respect one another and to not “not insult one another” or “not attack physically or verbally” either mutually or unilaterally. The second common element is future action to be taken if the agreement is broken. In two of the Comisarías this concluding statement warns that in the case of a repeat offense the case will be sent to court, whereas in the other Comisaría they stated either that the case would be sent to court or that the person cited would face a fine or a short jail term if repeated. There are two ways these commitments are drawn up, either mutually or unilaterally. One officer explained that she always wrote that both had to agree to respect each other because “they are both disrespectful of each other. The woman’s defense is her tongue.” Another officer said most of the AEJs she prepared were unilateral, defining the aggressor’s commitment to the user. “The majority are unilateral because they are done between spouses (“conyuuges”). The woman is not going to promise to do anything. But the woman does always sign, though I don’t know why.” One study, conducted in part by the National Directorate of CMNs, found that 19% of the AEJs made reference to “maintaining family harmony” (Torres et al. 2000). The same study discovered that in 26 AEJs (1% of the universe) the user agreed to not press charges in the future, in clear violation of her constitutional rights. Twenty percent of AEJs referred to civil (14%) or criminal code (6%) issues, beyond the purview of the CMNs. However 6% is probably an underreported figure. First, the Torres study itself concludes that many cases categorized as “domestic disputes” by the police (35%) are examples of unilateral violence. Second, because police officers don’t always send cases for a medical examination and only rarely a psychological one, they often assess the severity of injuries by what they see.

(c) Assessing the AEJs

The key issue to assess these procedures is whether the users are better able to exercise their citizenship rights: do they know their rights? does the rule of law get applied? does they security improve? Neither of these procedures was developed for use in the CMN, as a way of dealing with the particular issues and dynamics of violence against women, especially family violence. However they do get enacted in specific ways. One dynamic that differentiates CMN cases from other Criminal Investigations cases is the large number of charges that get dropped in the CMNs, though no precise statistics are recorded. Sometimes women drop charges by simply not continuing the procedures. Depending on where she what stage she was at in the process when she abandoned it, the case may be closed in different ways, including being passed on the court if the process was at an advanced stage. If her abuser was put in a holding cell and the case had not proceeded to court, the user will go to back to the CMN and ask that he be released and pay a fine instead. One study found that 42% of women do not return to the Comisaría after initial contact.

Because of the large volume of dropped charges, CMN police have developed the practice of initially following both charges and AEJs. So, for example, an appointment will be made to do an AEJ, but the woman will also be sent to the medical examiner. The police apply both procedures in some cases only, when the user has suffered severe violence but refuses to press charges. This dual tactic should not occur in the strict sense because the procedures apply to mutually exclusive situations of violence. The CMN police explained to me that they know charges must be pressed, but they worry that if they just start the procedures for pressing charges, she may never come back. It’s an honest motive and one that they sincerely think will help defend her rights and protect her safety in the future. Yet their good intentions keep the user thinking that violence is not a public issue and should be treated as a crime. However, there are other ways that the users can be convinced to press charges, for example by talking with the social workers at the station or being transferred to an affiliated women’s NGO for counseling which might give her new tools to think about her rights. The latter option is not part of the formal procedures of the CMN service model, nor has it been initiated informally by the police themselves as an alternative to the
dual tactic. As a result, though the intention of the police is to be flexible regarding the user’s situation and her wishes, instead of bending the rules to be flexible, they bend the rules around her to force her to fit.

Though police officers maintain that the real work of the Comisarías is to apply and uphold the law, because half of the cases are resolved via AEJs – and thus are dealt with exclusively in the CMN – indeed the real work is of the Comisarías is made invisible in the judicial process. The law 230 introduced two important innovations to the Nicaraguan legal system: protective measures in the form of restraining orders, and a recognition of psychological violence. Both are fundamental for switching to a citizen security focus adapted to women’s specific security needs. Yet because AEJs are applied in the CMNs instead of the law 230, these innovations are rarely put into practice.\footnote{The police are not the only weak link in the judicial system: judges often throw out cases of psychological injury or applications for restraining orders, which increases the police’s reluctance to apply the law.} The video \textit{The Day You Love Me (El día que me quieres)} captures one probable case of psychological injury which is ignored by the officer in charge. In the episode “It All Started Because of a Mango,” a woman explains to the police officer how her husband abuses her physically and also psychologically by telling her she’s crazy. Then her husband shows up and explains his version of events, interrupted only by the user to dispute his account. He repeatedly mentions that he told she was crazy. Yet the officer never raises the issue of psychological violence which, if found to be severe, is classified as a serious crime and therefore prosecutable. In my observations, only in rare cases do the police consider sending a woman for psychological assessment.

The debate over the merits of AEJs is heated. On the one hand, most of the CMN police officers defend the AEJs as a valuable way of addressing violence against women. Some argue that they provide users with immediate access to justice which might take very long through the court and/or the woman might not be able to pursue because, even though the services are provided free of charge, she still has to pay transportation, child care, and other costs to follow her case through the courts. A similar argument is that by dealing with the case in the police, they are sure that the abuser will at receive at least some advice about violence against women being unacceptable and a crime, which he would not receive if the case never went to court. Other officers maintained that the AEJs prevent further and more severe acts of violence by applying them when only a minor incident has occurred. Some believe that the AEJs are even more effective than sending the case to court, but there are not statistics to prove that argument. Indeed, 2/3 of users thought they were effective in ending violence against women (Torres et al. 2000). These arguments are based in part on the police authority to enforce women’s rights.

At the same time, other actors (and some police officers) argued that AEJs were in fact a barrier to the exercise of women’s rights. One issue raised is that because the abused woman and her abuser sign the AEJ form and make mutual commitments, both parties in effect responsible for the violence and, therefore, guilty (even if guilt is not specifically mentioned in the document). Another issue is protecting women’s security. Because of very limited resources, follow-up is only done in the most severe cases. So if a user does not return to the CMN, there is no way of knowing if the violence has ended or become less or worse. Follow up is done in some of the more severe cases settled through AEJs, but the former director of the CMNs herself, Ileana Torres, questioned why the AEJs were being applied if that security threat existed. The AEJs are also critiqued as a means of upholding women’s security because they originated under the Somoza dictatorship as a state security measure, allowing the police to act as police and judge summarily. Indeed AEJs are no longer a recognized procedure, but up until about two years ago, they were still being practiced in the CMNs. Now they either send the case to the judge for mediation or do an oral agreement which is not written or signed. A new police procedure has yet to be developed.

In effect, by applying the police act as enforcers but not of the law, since they do not proceed through the rest of the judicial system. It is through this procedure that the police re-assert the commonly held understanding that violence against women is not a crime or a public matter and instead of ignoring women’s complaints, actively exclude them from the exercise of their rights. Furthermore, by dealing with the case only in the CMN and not transferring her to an NGO, the police assert their ownership claim of the CMNs as primarily a police institution.
(d) Explaining to Women Users Their Rights

This section will examine how the CMN police officers interact with women users, in particular the messages they give the users about their rights and procedures, particularly in relation to the AEJs, as well as the messages or advice the police give the users, either during AEJ process or to get them to not withdraw charges.

For the most part, the police tell users very little about their rights. As mentioned for the intake process, the officers often do not hand out information that is accessible to them regarding laws and violence against women. They did not specify to the women which of their legal rights are being threatened, either. The relevant legal rights are those of laws 150 (sexual violence) and 230 (family violence). Usually the officers do not even tell the user which law or article their case falls under. If they do mention the law (most often law 230 on family violence) then they usually do as such “law 230” without explaining what the law is about generally or how it specifically relates to their case. A common example would be “go to the judge so they will apply law 230.” Only if the user specifically asks will they explain what the law 230 is or the judicial process in detail. In exit interviews with users, most of them told me they did not know what the law 230 is, nor could they explain what their rights were. Officers tended to explain rights on “as needs,” when filling out a declaration, for example, would ask if incidents other than what the user mentioned that had occurred.

The only situation in which officers do consistently explain to women the rights involved is if the house is registered in her male partner’s name. Officers always ask this if a restraining order is a possibility and sometimes for AEJs, if the user requests the man to leave the house. Whenever property rights to the shared home arise the officers always ask to whom the house belongs. If the house is shared between the user and her partner or in the man’s name, the officer will not send the user to the judge and will usually try to do an AEJ. So police officers consistently explain to women their rights only when they conflict with their partner’s property rights. The police explained this by saying that the judge does not accept those cases so they do not send them. What emerges is a de facto hierarchy of property rights over women’s right to safety.

It is common for the police officer to convince the user of the need to carry on with the formal procedures, either the AEJ or formal charges. This can happen at various moments: from the time the user first comes to the CMN and explains her situation until the course of action is complete – a signed AEJ, or she is sent to the lawyer, or she comes back to drop the charges. Depending on the officer and her assessment of the user, she may make these interventions more than once, and either in a positive, supportive way or an unsympathetic, threatening way. The two approaches sometimes relate to the officer’s personality or attitude, but can just as easily be a reflection of their frustration at a particular moment. The approaches are not so much relevant because of their differences, and by whom or when is each one used, but rather how the advice is given couched in the police officer’s authority, and not in the user’s rights.8

If the officer uses the supportive approach, the messages often revolve around improving communication in cases of spousal abuse or finding reasons to encourage the woman to not withdraw charges. For example, the officer might say, “look how well you’re communicating here. Now only if you communicate like this at home.” Or often a police officer will encourage a woman to not abandon a case by telling her to “think about your children.” Another officer told me she gives messages to the women users like “You have to love yourself. You are important, you are valuable. If you work on your own you can make it for the kids.” One officer pointed out that it was important to give these messages because it may be their only chance to hear them. It could be argued that these messages are important for them to hear, that poor Nicaraguans may well not hear them from another source, and it’s good that the police officers, with their authority, take the opportunity to give the couple some advice to improve their relationship which will hopefully prevent further violence. If the woman is unsure, yes of course she should say something then to encourage her. But she should also hear that message more than once, i.e. also from the staff in the NGOs. The encouraging messages seem destined to keeping the family together in harmony, and not educating the women about her individual rights. Or telling a woman to think

8 This is also true in the case of advice given to the abuser.
about her kids might keep her following through the steps of the legal proceedings and not withdraw from various pressures. There is a certain common sense appeal to these arguments because Nicaraguan women are often considered — and see themselves — as “being for others” (Lagarde 1996). But at the same time it reproduces that particular reflection and does not move towards introducing a new way of thinking which is based on a new focus of security and the rights.

The other way officers talked to the women users is in an unsympathetic and threatening way. This method is often used when the user did not following the standard police procedures. One officer I interviewed explained to me in an interview that the purpose of the CMNs was to defend women’s rights. Our interview was interrupted by an AXJ appointment. As I left she called in the man and talked alone with him first. Then she called in the woman and during the interview yelled at her repeatedly. In another case, a woman had pressed charges and then decided to pay a fine instead of jail term. But while the officer was filling out forms, the user gets upset and wants him to be jailed again. The officer retorts: “Excuse me. This is no game. When you came you said you were going to file a complaint and you wanted him to rot. We’re not playing games, let’s be clear about that. We told you from the start” (Jaugey 1999). In yet another case, just after signing an AEJ, the officer told the woman, “don’t get back together with him. If you do it will be your problem. You’d better think twice about it because we’re not going to be writing up one document after another. If you come back here again you’re going straight to court” (Jaugey 1999). The officer’s threatening tone made pressing charges and going to court to seem an undesirable course of action, instead of a way of getting their rights defended. And both examples acknowledge implicitly how the cycle of domestic violence works and that a “honeymoon” period will likely follow in which the couple will “make up” and the user will no longer want to continue with legal action — until the next outburst of violence.

What is absent from all of these tactics, whether supportive or threatening, is an explicit discussion of the women’s legal, constitutional and human rights as threatened by spousal abuse or other forms of violence against women. They also all serve to keep violence against women out of court by “resolving” the situation in the CMN alone, thereby keeping violence invisible: though CMNs do address violence against women in the public sphere, but not in the public eye. The police officer’s ‘enforcing’ talk with the users shows us that the officer understands that the pressures are great on the woman to stay in relationship with her abuser. When I directly asked the CMN officers, their explanations of these pressures usually included economic and emotional dependence. A few also cited “machismo” or “related stuff — sexism” as reasons. The officers usually have a more “common sense” analysis of violence against women, not one rooted in a feminist analysis of power. Indeed power, in the sense of power over, is considered only in the case of the police officer’s use of authority in “advising” the users, and not usually when analyzing the violent situation of the user. And even if officers do understand and believe that analysis, they do not communicate it to the users, as illustrated in the supportive kinds of advice given.

INSTITUTIONALIZING THE CMNS

The CMNs were not institutionalized within the police until 1996 but this has not necessarily led to a strengthening of the CMN within the police or the development of specialized procedures to address violence against women. Instead, a contradiction has emerged between pursuing “specific” needs and the original mission of the CMN versus the general (“universal”) police – especially DIC – procedures.9

After three years of de facto existence and no formal presence within the organizational structure of the Police, the first stage of institutionalization of the CMNs came in 1996 when they were included as a part of the new police code (law 228) as a sub-specialty of Criminal Investigations. Prior to which they had no formal, juridical existence. While the police code was being written, Aminta Granera fought for the CMNs to be it’s own specialty, called “Services for Women and Children,” on par with the existing ones such as traffic, criminal investigations, or public security so that it could coordinate its work with the other

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9 This point bears a resemblance to Molyneux’s analysis of the dynamic that led her to propose the practical and strategic interests framework: women’s specific interests were not always addressed in the universal subject of the Sandinista revolution (Molyneux 1985).
operational divisions of the Police, particularly criminal investigations and street patrols. The next stage was the official establishment the National CMN Department one year later by the Director General of the Police. Even after it existed on paper there was still not an office, staff or office equipment for the new Coordinator, Ileana Torres. Though the former national chief of Criminal Investigations took credit for institutionalizing the CMNs as one of his first acts of taking over the position, the CMN Coordinator explained that the office was not set up until a donor insisted on that as a condition to make a donation to the CMNs.

Around the same time that the CMNs were institutionalized, the Police took other initiatives towards mainstreaming gender in the police. The statement of mission and principles published in includes gender as one of those principles (Policia Nacional 1997a). Another was the institutionalization of the Consultative Gender Council (or CCG for Consejo Consultivo de Género), another initiative instigated by the same women officers who founded the CMNs. The CCG started out as more of a professional association for women within the Police by lobbying for women’s increased access to professional training and promotions, though it has also participated in the development of gender training materials, as part of another gender mainstreaming initiative undertaken by the Police Academy to train all new and existing police force members in gender and violence against women. One result of this last initiative is a book introducing a new focus on citizen security for men and women (Policia National 1999).

Despite these pathbreaking advances of the Nicaraguan police, instead of these initiatives mutually reinforcing each other, the way they have been institutionalized has led to their compartmentalization. For example, the book on citizen security states: “In the Nicaraguan National Police, citizen security is understood as the right for men and women to receive services according to the specific risks, damages and disadvantages that each face” (Policia National 1999, 74, translation mine). But the training manuals have not led to any practical changes in CMN procedures. Though the CMN National Department did produce a first draft of a procedures manual which was consulted with the CCG and other areas within the Police, the manual was never completed. Because the National Coordinator was of a lower rank than the other department heads she was not considered on an equal footing to expect feedback and engage with them, thus weakening the institutional character of the CMNs. Though CMN officers should have benefitted from the CCG work to improve women’s employment equity, most of the officers I interviewed knew little about the CCG did or did not think it was very relevant to their work because they identified themselves as part of Criminal Investigations.

This compartmentalization both weakened the links between the different gender initiatives and served to solidify the position of the CMNs as a sub-specialty of the Department of Criminal Investigations (DIC). The CMN police I interviewed, particularly those who had joined since the CMNs had been institutionalized, identified more as a part of the DIC than as a special unit for women and children. For example, they did not consider that they needed any special training for doing the AEJEs in cases of spousal abuse. One of the officers dismissed the question itself by saying “it’s not anything out of this world.” Another officer explained “I observe naturally and do it based on what they say. You analyze things; you analyze people. It’s simple, it’s natural.” Still another officer commented that there was no need for specialized training because “it’s a misdemeanour, training is only for crimes.”

This compartmentalization within Criminal Investigations and identification with that specialty instead of the CMNs can also be explained both by the organizational structure and the CMN budget. The purpose of the National Department is to “direct, create norms, advise, and control” the work of the CMNs (National Police, 1997b). Nevertheless, the CMN National Department acts as an advisory body and does not have decision-making power. The chain of command in terms of formal decision-making went from the chief of a CMN station to the DIC chief of that station to the national DIC chief. The CMNs has never had its own line item within the budget of the National Police, and has relied heavily on small funds from projects, particularly the CMN budget administrated by the Nicaraguan Women’s Institute (INIM).

COMPETING SUBJECTIVITIES AND VISIONS OF VIOLENCE AGAINST WOMEN

The pioneering vision for the CMNs was to have a separate unit for women that would have a weaker identification with the rest of the Police and treat women users differently – “with respect and
tenderness, as women must” (Granera in Randall, 1993, 205). But as a result of the procedures used in the CMNs and the Comisaría’s institutionalization within the DIC, a more ambiguous and contradictory practice has emerged. Though all the CMN officers interviewed shared the vision of upholding women’s rights, their practices and beliefs speak the truth that is enacted on a daily basis in the CMNs. These practices produce a particular discourse on violence against women, the CMNs and the subjectivities available to the officers themselves and the users that conflict with those of the other partners in the CMNs, particularly the Women’s Network and the users themselves.

There is a certain ambiguity in the regarding how to deal with the users. I tended to find that those who had been with the CMNs since the beginning – whether those first on staff with Granera or those who worked in the first CMNs that were opened – were more closely shared that original view and practiced it with the users. Torres, the first National Director for example, was the CMN officer most vocal against the AEJs. Even though because of her weak institutional position she was not able to bring about a stop to them or develop alternative procedures, she did lead a study, along with a women’s group, that argued against the continued use of AEJs (Torres et al. 2000). These officers were also less likely to threaten the users as a means of offering them advice. They also had an analysis of violence that more closely resembled a feminist one. At the same time, however, all the officers identified the CMNs as being an obvious part of Criminal Investigations, enforced police procedures on the users, and considered the Police to be the fundamental partner of the CMNs. Even CMN chiefs who had develop strong links with the women’s movement felt. “The Police is the Comisaría.” “We are the face of the Comisaría.”

The Women’s Network’s discourse contradicted the Police’s by claiming women as subjects of rights, violence as a punishable crime, and their equal role in providing services and administering the CMNs. Their ownership claim of the CMNs was based on being their authors as well as being experts on violence against women. The AEJs were an ongoing item of debate between the Police and the Women’s Network because of the procedure’s effects on the users. They represent a direct contradiction of the Women’s Network analysis of violence against women because they keep violence out of the courts, limiting users’ access to justice through the judicial system and therefore furthering impunity for abusers and reducing her security. Furthermore, the fact that both parties sign the AEJs and in many cases they both make commitments to each other, both are equally at fault, instead of upholding a feminist analysis that uncovers men’s structural position of power in relation to women. As a result of the high number of AEJs practiced, women’s groups participate less in direct service provision to users because a minority of the users are transferred, and less contact meant fewer possibilities to introduce the users to a feminist analysis of their rights and support them with CMN services, even if the chose not to press charges at that time (recognizing the cyclical character of spousal abuse).

While the Police and the Network argued over the benefits and threats over the AEJs and other CMN practices, the users had yet a different analysis of the CMNs and their situation. The police maintain that the users ask for an agreement to be signed in the police station and don’t want the case to go to court, thereby justifying their use of the extra-judicial agreements. Meanwhile the women’s movement argues that the police don’t adequately explain to the users their rights and the options available to them. Both of these claims are true, but they do not reflect the users understandings. While the police in the CMNs want to fit the users into their procedures, the users look to the CMNs as a means towards seeking their objective which they often defined as “living in peace.”

For many users the CMNs are a kind of last resort for their non-judicial vision of justice. In some cases, especially the crime estupro, the CMNs are a parallel justice system. Estupro is commonly found in Latin American penal codes and refers to sexual assault executed with the intention to deceive, i.e. the male aggressor convinces an adolescent woman (or a virgin of any age) to have sex with him with the promise of marriage or ongoing commitment, then leaves her. At the social level, the issue addresses the lack of a woman’s purity and, for example in Nicaragua until recent changes to the penal code (Law 150), could be settled between the two families through marriage or in-kind payment, such as with cattle. This private-sphere form of informal dispute resolution is still a common practice, especially in rural areas. In one case I observed three sisters went to the CMN to make a complaint against a neighbour who had assaulted one of the under-age sisters. The police started the process of pressing charges. When they come back to testify, their story had changed slightly and it turned out that one of the sisters had had a
brief sexual relationship with the man they accused, and then he had attacked her younger sister. As it turned out, they made up the incident of the assault on the younger sister to put pressure on the man to marry the older one. On their first visit to the CMN the eldest sister explained why they waited a few days to come to the Comisaría. “We didn’t look for justice… Our dad asked if she wanted him to pay for her honour (pagar la honra) because he jeopardized her dignity.” On their second visit the sisters said outright that they wanted the man to marry her: “if justice can’t be done the good way, it will have to be done the bad way.”

Users often referred to seeking justice the good way or the bad way, but I never heard the expression used by Police or members of the Women’s Network or women’s NGOs. The good way referred to resolving the situation peacefully between both parties and their families. The bad way either referred to a violent confrontation between the families or the victim getting an outside authority – the police – to intervene on their behalf. The police, then, served as a means of “empowerment” in the sense of increasing the force of their position. For example, in one of the cases captured in El día que me quieres a man and woman sign an AEJ. When she is about to leave, Modesta turns to her former partner and says “it’s up to you now if you keep harassing me.” She says it in a somewhat threatening tone, defending herself with the new authority conferred by the AEJ. Instead of supporting Modesta’s empowered defence of her rights, the officer threatens Modesta herself, “Don’t get back together with him. If you do it will be your problem.” “Alright,” replies Modesta, looking down. What emerges is that the officers and the users do not share a common identification. While the users look to the police to defend themselves, they do not always think of doing so in terms of the criminal justice system, especially when the abuser is a partner or known to the user. And while the users hope to claim authority for themselves in relation to their partners by going to the Comisarias, police reaffirm their own authority over both the user and her abuser. Both the Police and the Women’s Network reject this private sphere justice system because it takes authority away from the public. It is the claim to authority that is key in the Comisaría: both the users' and the police officers' subjectivity is an effect of their claim to authority and because of the claims they make, there is not a common subjectivity as women shared by the police and the users.

CONCLUSION

The argument put forward here is that the Comisarías have ambiguous consequences for Nicaraguan women because of struggles over gender and social order among the national partners. Outcomes that are perceived as successes of Nicaraguan democracy because they improve women’s citizenship, serve at the same time to circumscribe those rights because of the terms imposed on the exercise of those rights. Thus, what might be seen at first glance as successfully placing violence against women on the public agenda, because of the practices of government agencies and state institutions and their struggles with the women’s movement, results in the marginalization and even “privatization” of the issue (in the sense of maintaining the issue in the private sphere) and pacifies the women users of the CMNs. It is through the practices and policies of the police that they assign particular meanings to gender and the division between state and civil society, public and private spheres. In effect, the longstanding cooperation among them is belied by the ongoing contradictions, as each one attempts to impose a particular social and moral order through its discursive positioning of the other actors. Meanwhile, those who go to the CMNs must fit their own sense of their situation into this web of contradictory meanings written into the services provided in order to receive attention. Therefore, the CMNs expose the complexities of “engendering democracy” in Nicaragua. It is not a matter of gaining a foothold into the state – as if gendered meaning did not pre-date the women’s movement’s participation in the state – but uncovering the contradictions in meanings imposed through the practices and procedures used. Indeed the contradictions that Thompson (1997) and Nelson (1997, 1996) both highlighted regarding the state taking up women’s movement’s demands are resonant in the case of the Nicaraguan CMNs between, on the one hand, the mission of the CMNS and beliefs of the CMN officers to uphold women’s rights and, on the other hand, that daily practices used in the CMNs. It remains to be seen if and how the shift to a user-centred model in the second phase of the Comisarías will transform this definition of the public-private split and women users’ exercise of their rights.
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