

CHAPTER II

BACKGROUND: LESBIAN LIVES IN COSTA RICA.

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INTRODUCTION

Costa Rica has an extensive legal framework, perhaps one of the most extensive in the Central American region. Law is not everything, however: an act of legislation does not in itself guarantee any right, nor does it protect minds or bodies without an ample complement of tools and instruments of vigilance, punishment, and record-keeping.

Our central subject is the relationship between law and life, between the codes and provision and their impact on experience. We will begin, then, with the life that legislation tries to control and change--with the question of what it means to be a lesbian in Costa Rica today.

A. Who are lesbians, and what are they like in Costa Rica?

It is worthwhile to pause and reflect not only on legal terminology, but on the repertory of language itself and its limitations in describing life. All the terms through which we interpret sexuality are prisms: they are precious tools, but they can warp as well as illuminate. And all these terms are subject to contest. In this report we use "sexual orientation" to refer to the way in which a person's capacity for emotional and physical attraction is directed; the terms is gender-based, and is defined by whether that capacity is directed primarily toward the same or the opposite gender, or towards both. It is important to note, though, that in prioritizing the *gender of the object-choice* over (for example) the *role* one plays in sexual fantasy or act, this term imposes a particular mode of classification on sexual experience--one which may differ from the implicit conceptualizations of many individuals and cultures around the world.

We use "*lesbian*" to refer to women for whom that capacity for emotional and physical attraction is primarily directed toward people of the same gender--toward other women. Here, too, though, difficulties arise. This "inner" definition ignores the fact that knowledge about that capacity and its direction, about that "orientation," can never be absolute or fixed rather than fluid--either for an "objective" observer or for the subject herself. For the observer, the

inner life of another human being remains shrouded in the opacity that resists intersubjectivity; for the subject herself, veils of reflexivity cloud the impossible, ideal transparency of a perfect self-knowledge.

Thus while lesbian identity is grounded in the inner fact of desire, the "lesbian" can only emerge through an interaction with society. Forces of stigma on the one hand and of positive self-affirmation on the other conjoin to create lesbian identity, community, and "life-style." It is only through this process by which lesbians become "known" and socially intelligible that they also become visible to, and objects of, the law.

There are many ways in which people come to terms with and create lesbian life, in which they give their own meanings to being a "lesbian." Analyzing or describing the lesbian "life-style" in any part of the world is a difficult task, and in some ways dangerous: it can give rise to reductive and harmful generalizations. There is no one defined pattern or unique type, no more than there is for the heterosexual population. Some women stay in the closet all of their lives, hiding their desires from most and admitting into that closet only a few female friends or couples. Others take on the task of integrating themselves into a lesbian community quickly, and embark on the never-ending quest for new sexual, affective, or social experiences. Still others, on the contrary, take it on more slowly, calmly and unhurriedly managing every aspect of its impact on their lives, keeping a low profile and leading a life of stable relationships, sporadic socializing, and alternating gay and lesbian environments with heterosexual ones.

We could endlessly describe other examples, other attitudes and behaviors of lesbians—there are innumerable models to follow!

Nevertheless, for those people who are completely unfamiliar with the life-styles, customs, tastes, and concerns of lesbians, we shall provide some images and aspects.

Lesbians lead their lives the best they can, according to their resources. They enjoy music, cinema, outdoor sports, reading, dancing, painting, singing, etc.

Their worries include their aging parents, their siblings with learning or behavioral problems, tooth decay and backaches, their bosses' and coworkers' bad moods, the health of their pets, and all the other things we all worry about.

Costa Rican lesbian customs? Getting together with friends occasionally to drink some beers, tell jokes and swap gossip, or to go watch a movie or two, working to build a stable and healthy relationship with their mate or to



establish a sexual and affective bond, visiting their families frequently, going on outings to have a good time.

At this juncture surely many readers are asking themselves, what among these traits distinguishes lesbians from other women?

Nothing.

We make no pretense of describing women who are absolutely different, because that is not what they are. Whatever subtle differences may be found between "straight" women and lesbians are created in particular cases: as a product of those women's socialization with their peers, of the reactions of their circle to their lesbianism, of their experiences in relationships--and of each woman's own personality.

Let us analyze some of the social forces that can generate real or perceived differences between women who are heterosexual and those who are not:

1. Family and immediate circle.

Ideas about what it means to be a "lesbian" come from many sources in society and the media: but particularly for the young, it is family, old friends, neighbors, schoolmates and the rest who both offer sources of such images and ideas, and interpretive frameworks for ones that stem from elsewhere. It is generally the members of the child's immediate circle who sketch and give significance to the outlines of the outside world; they are the ones who inculcate in us--and burden us with--beliefs, prejudices and stereotypes.

For instance, if when we are girls family members point out to us women on the street who wear no makeup, have short hair, wear or athletic shoes or a T-shirt and carry no purse, and say to us in a derogatory tone: "That one is a dyke"--then they are enforcing a model of femininity. They may also be teaching a young lesbian that choosing a feminine model for oneself may help to protect and insulate one from neighborhood gossip.

Similarly, when your family is gathered around the television set and a lesbian character appears, if your mother shudders as if a cockroach had fallen on her and says "disgusting"; if your father murmurs (but perfectly audibly) that he "knows what they need"; and if your siblings bend over laughing in agreement--then you will very likely, if you grow up and fall in love with another woman, take pains to hide it from your family, making the process of acceptance much more prolonged and painful. And it is also very possible that you yourself will develop homophobic attitudes and behaviors.

The family and the immediate circle first mold and implant images of the "deviant" and the acceptable. They have the first and often the strongest voice in defining what gays and lesbians are like, how they behave, what they do. The family helps generate the "difference" of gays and lesbians. Sometimes, this difference that families imagine may translate into reality, in terms of assimilated patterns of behavior. Indeed, as a consequence of the internal struggle every lesbian must face, between her self-rejection and her self-acceptance, there may well arise women of strong character, not submissive in the least, with rapid or "rough" gestures and a firm gait.

These effects are less important, however, than the task of recognizing the powerful role of the family itself in setting the conditions of acceptance or resistance: and finding legal and other means to ensure that family power is regulated, responsible, and accountable to others as well as to its members. These tasks are particularly important for women. For the family's strictures underlie the restrictions imposed by society and the State: and its power is particularly unequivocal as applied to women. As Radhika Coomaraswamy, the United Nations Special Rapporteur on Violence Against Women, has written:

The institution of the family is also an arena where historical power relations are often played out. On the one hand, the family can be the source of positive nurturing and caring values where individuals bond through mutual respect and love. On the other hand, it can be a social institution where labour is exploited, where male sexual power is violently expressed and where a certain type of socialization disempowers women. Female sexual identity is often created by the family environment. The negative images of the self which often inhibit women from realizing their full potential may be linked to familial expectation. The family is, therefore, the source of positive humane values, yet in some instances it is the site for violence against women and a socialization process which may result in justifying violence against women.¹⁶

2. Socialization.

Like most people, most lesbians seek a group identity. Encounters with other lesbian women tend to take place in gay/lesbian bars and discos or in the houses of lesbian friends. The latter is particularly important in a country where few facilities provide the requisite privacy and security.

¹⁶ Preliminary Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, UN Commission on Human Rights, E/CN.4/1995/42, 22 November 1994.

In earlier years, there were often stereotypical behavioral patterns to follow, which provided membership cards, as it were, to the community: the "butch" and the "femme"--in other words, the lesbian woman assuming what were seen as "masculine" behaviors, attitudes, and bearing, as against the lesbian with a "feminine" look and tone of voice.

These roles seem to have lost much of their stringency today. Identification as expressed through behavior and dress derives much more from the individual personality and tastes of each woman: some prefer to be butch, others to be feminine, and others to be androgynous, exhibiting an excess of neither quality. The feminist struggle has contributed to the last option, by emphasizing the validity of expressing individuality and simply seeking the "most comfortable" clothing and look.

Still other characteristics or behaviors are often imputed to lesbians. Some may indeed originate from the ways in which many lesbians were "socialized into" lesbian identity in certain settings, particularly bars. They are not general or reliable indicators: but many Costa Ricans might point to women who speak in a stronger and louder tone of voice, drink more alcohol than other women (without implying alcoholism!) and walk with a certain attitude, half defiant and half afraid...

Can one identify a lesbian by just looking at her? No. There are many women who have opted to leave behind uncomfortable shoes and clothing, as well as excessive makeup: they look simpler and more comfortable, but they are not lesbians. There are also very feminine women who wear very delicate shoes and clothing, who are made up and have perfect long and manicured nails, and they are lesbians. There is no single or reliable indicator of the sexual orientation of any of them: to know, one has to ask.

Yet the *belief* in these indicators reflects a double need: the need of lesbians themselves to construct a community out of conditions of secrecy, to be visible to one another; and the need of society, of the larger community, to manage its members, to make inner deviancy outwardly apparent so that it can be controlled and if necessary punished or expelled.

If lesbian communities can give women solidarity and strength, the larger community is often the agent of a policing and stigmatizing effort, particularly directed at controlling the lives, movements, and sexualities of women. The United Nations' Special Rapporteur on Violence Against Women points to some of these dualities in the meaning of "community" when she writes that "With regard to women's human rights, the term community is . . . a Janus-faced concept. On the one hand, the community

is often the site for the denial of women's rights. Whether in terms of the strictures of ethnic and religious communities, the social construction of marriage, discrimination in the workplace or educational institutions, or rape and sexual harassment in public spaces, the community may be the site for brutality, violence and discrimination against women. On the other hand, the community is often a nurturing space, which provides women with social support and solidarity, especially when they are seeking redress from the State."

The Special Rapporteur continues:

For most women, the community provides the contours for the enjoyment of social space. It determines the nature of their social interactions and the type of values that will condition their lives. Community is a social space outside the family but not fully under the control of the State. . . . The community may also be the site of restrictions on and regulations of female sexuality. In many instances, women and girl children are subjected to violence by their communities because of their sexuality and sexual behaviour. A key component of community identity, and therefore the demarcation of community boundaries, is the preservation of communal honour. Such honour is frequently perceived, by both community and non-community members, as residing in the sexual behaviour of the women of the community. Communities, therefore, "police" the behaviour of their female members. A woman who is perceived to be acting in a manner deemed to be sexually inappropriate by communal standards is liable to be punished. . . . In many cases, the restrictions on women's sexuality, as defined by the community, are sanctioned by the State through the promulgation of laws and policies reflecting the communal values. In most communities, the option available to women for sexual activity is confined to marriage with a man from the same community. Women who choose options which are disapproved of by the community, whether to have a sexual relationship with a man in a non-marital relationship, to have such a relationship outside of ethnic, religious or class communities, or to live out their sexuality in ways other than heterosexuality, are often subjected to violence and degrading treatment. . . . Women, "unprotected" by a marriage union with a man, are vulnerable members of the community, often marginalized in community social practices and the victims of social ostracism and abuse.¹⁷

¹⁷ Report of the Special Rapporteur on Violence against Women, its Causes and Consequences, UN Commission on Human Rights, E/CN.4/1997/46, 12 February 1997.

3. Relationships.

Our first loves and sleepless nights, our lasting relationships and our first breakup leave patterns in the way we imagine ourselves and manage our lives.

If we have lived in a relationship based on respect, equality, and freedom from stereotyped roles, if our love has been received and reciprocated, we will probably be inclined to perpetuate this type of relationship.

If, on the contrary, our relationships have offered a model of violence, inflexible roles, violation of trust, infidelity, and disrespect, we risk perpetuating these patterns. The prejudices and erroneous concepts that our intimate circle and society may have inculcated in us will find, in our personal lives, no strong center of resistance.

- A. Yet the very capacity of our relationships to furnish strength and a model of understanding is endangered by the fact that they are themselves unrecognized and misunderstood. The State's refusal to give any status to those relationships, coupled with society's practice of condemnation, puts them necessarily on the defensive, shunted into invisibility and denied the conditions to develop fully in trust and candor with the world outside.

B. Lesbians, State, and Society

Lesbian women, as we have seen, have no absolute, consistent difference with other women, no radically incommensurate "inner nature." Their differences arise from their interactions with their environment: and that environment is what sets limits on the rapidity or painfulness of self-acceptance, the availability and "safety level" of opportunities to meet and socialize, the physical security and the access to state or private-sector benefits which women may enjoy.

That environment--and the components of family, community, society which comprise it--is still shaped by, and under the ultimate disposition of, the State.

The subject of this study, then, is how the State actually molds that environment, by action or inaction.

Here, to begin with, are a few examples of the environment the State colludes in creating.

- In Costa Rica the law penalizes sodomy; however, this law is only directed at male homosexuality. Still, the law has a double effect. It

creates a stigma that embraces the whole phenomenon of homosexuality. Yet it ensures that, even within that sphere of stigma, lesbians remain invisible.

- In Costa Rica the State has a religion, Roman Catholicism. The Costa Rican Constitution states that “The State adopts the Catholic, Apostolic and Roman religion as its own, and contributes to its sustenance, without impeding the free exercise of other cults in the Republic, provided they do not oppose the universal moral based on good customs” (Article 75)¹⁸. This fact gives this Church enormous power, and influence on legislation and government programs. The representatives of this church openly make statements against the homosexual population.
- In Costa Rica, legislation obliges the State to protect the family and yet prohibits people of the same sex from building one. As a result they remain excluded from certain tax, health, financial and social benefits that the State grants to families.
- In Costa Rica, workplace discrimination is a fact; the State offers little or no defense against it. The impediments to bringing a case forward and winning the legal battle make it almost impossible to defend the job of a gay man or a lesbian.
- In Costa Rica, public and private health services are not equipped to care for lesbians appropriately: heterosexuality is immediately assumed after an affirmative answer to the question about having an “active sex life.”
- In Costa Rica, the educational system renders the existence of sexual orientations other than the heterosexual one invisible; teachers and professors react violently and negatively to bringing up this topic in their classrooms. Education at the primary and secondary levels, which is free and mandatory, is the field with the greatest degree of rejection of lesbian or gay professionals and/or students.
- In Costa Rica, police and support and rescue organizations are not trained to handle the situations and needs of the Costa Rican homosexual population in an appropriate and respectful way.

These failures on the State's part mean the State will not act to change the environment of silence and shame that enshrouds homosexuality in Costa

¹⁸ *(La Religión Católica, Apostólica, Romana es la del Estado, el cual contribuye a su mantenimiento, sin impedir el libre ejercicio en la República de otros cultos que no se opongan a la moral universal ni a las buenas costumbres).*

Rica. The general population has a double morality, a strong and manipulative one, which establishes the priority of men's sexuality and men's needs over women's. Male homosexuality is more visible than that of women: machismo denies women's sexuality. When it acknowledges sex between women it deploys it for men's own arousal, as if it were something that two women do to increase men's sexual pleasure.

The communications media have accorded little importance and consequently little visibility to the lesbian population; it has only been mentioned in the last few years, since the topic of artificial insemination was discussed in the legislature, in the context of a proposed law to prohibit the insemination of single women. Decree 24029 S (1995) was vetoed and currently technology-assisted insemination is illegal for all women, regardless of their civil status, in Costa Rica. On July 1999 there was a spate of sensationalist reporting on two women from Guanacaste who underwent a marriage ceremony together; the media highlighted their rejection by their relatives and neighbors, as well as comparing the women's roles to the stereotypical roles of heterosexuals.

The lesbian media is nearly nonexistent. Currently there is only one lesbian magazine in circulation in our country, and it has had to address gay men's topics in order to get advertisers, distributors, and sellers. Costa Rica's one gay magazine and gay newspaper¹⁹ have made attempts to include lesbian themes; these have, however, been insufficient and superficial. For example, in one "women seeking women" section of personals advertisements, there was only one ad --from a heterosexual man looking for two lesbian women to fulfill his sexual fantasies.

The result is isolation. There are indeed many places for gay/lesbian socializing in the country; their greatest concentration is in its capital city and on a beach along the Pacific (Manuel Antonio). However, there are very many rural communities where this possibility does not exist, and this is why many gay men and lesbian women migrate from these areas to seek spaces in which they can enjoy greater freedom, far from their birth families. In general, urban lesbians benefit from and take advantage of the double morality and vocabulary of the straight population of the cities, and they manage their lesbianism in a more stable way—they have more varied options for socializing, and they lead a discreet, semi-closeted life.

Rural lesbians face greater difficulties if their socioeconomic status is low and they lack the resources to escape to the city, even if only occasionally. Many marry; many have several children and only sporadic social or sexual

¹⁹ The magazine referred to is called *Gayness*. It can be consulted on line at www.gaynesscr.com. It started publishing in 1998. It is distributed for free in Costa Rica and also circulated to Nicaragua, Panama, Honduras, El Salvador and Guatemala. Monthly. 4000 copies.

encounters with other lesbians, or are “platonic lesbians” who spend their lives dreaming and fantasizing about lesbian experiences and relationships while never realizing them.

Once in a relationship, lesbians find little support from society. For example: telephone hotlines meant to address domestic violence do not have staff prepared to deal with violent situations between same-sex couples; there is not even one hotline providing support and counseling for lesbians.

Costa Rican lesbians must face much internalized anxiety and aggressiveness; due to the lack of alternative role models they quickly conform to old stereotypes. They live with the fear that their families or neighborhoods will find out.

Like the gay male population, lesbians endure invisibility in almost all political and social arenas in our country. This resistance to tolerance and to dialogue with lesbian women is founded principally on ignorance, on the fear of difference, and on the machismo and phallocentrism of our Hispanic cultures.

There are in Costa Rica important figures in politics, society, and entertainment who are suspected to be lesbian; however, just as it is practically impossible to get heterosexual women who occupy posts or positions of public importance to accept and support the struggle for the rights of lesbian women, it is impossible to induce these women to speak out or take a stand. The fear of arousing or confirming a suspicion paralyzes them.

According to research previously done by CIPAC/DDHH. the consequences of this isolation and invisibility on the lesbian community as a whole are severe. Two studies, based on questionnaires answered by women who visit lesbian-identified bars and socialization venues in Costa Rica, give a preliminary overview of the community--and show some of the barriers its members face.

*Exploratory study concerning gay/lesbian suicide*²⁰.

45 women were contacted for this study in the year 2000. 44% between 20 and 26 years old, and 33% between 27 and 39 years. Only 8 women were under 20 years old.

71% of these women considered or defined themselves as lesbian, while 24% considered themselves bisexual. One stated she was heterosexual²¹ and another did not know how to classify her sexual orientation.

²⁰ CIPAC/DDHH. “Suicidio en la población homosexual costarricense (investigación exploratoria)”. San José, Costa Rica, 2000.

²¹ The survey was conducted among patrons of a self-identified lesbian bar in San Jose.

62% of the sample of women had at least a secondary education, 26% had not completed secondary school, while the rest had technical or vocational preparation or study.

51% of the women surveyed worked and 49% were students. Of these women 42% had a monthly income between ¢75,000 and ¢125,000²², 24% a monthly income of less than ¢75,000, and another 24% a monthly income between ¢125,000 and ¢225,000, while only 4% had an income of greater than ¢225,001 monthly. Average monthly salary at that time was approximately between 110.000-120.000 colones.

75.5% of the women surveyed for this study still lived with their original families, 11% lived alone, and 6% lived with their partners, another 6% living with friends.

The women who participated in this study stated that they had such strong and negative thoughts regarding homosexuality as “*disgust, disdain and rejection*,” others mentioned that they associated this term with “*fear, sadness, discomfort and nervousness*”. This is made manifest by the fact that 58% of the sample expresses that their greatest worry is their double life and the fear that the people of their close circle will find out.

19 women (42% of the sample) knew at least one lesbian who had tried to take her own life; 13% had learnt of successful suicide attempts on the parts of other lesbians. The reasons that lead women to take such drastic measures (when known) were: being infected with HIV, rejection by the family and relationship problems.

18% of the sample referred having suicidal thoughts. 11% had effectively attempted suicide at least once and 60% of them in more than one occasion. The reasons were mainly relationship problems and rejection by the family. None of them received psychological support after the attempts. Without exception, all those women who tried to take their own lives were under 26 years of age.

Study concerning workplace discrimination²³

99 women participated in this study; of these, 16% were under the age of 20 years and 42% between the ages of 20 and 30 years. The rest were between the ages of 30 and 45 years, with the exception of 2% of the women who were older than 51 years.

²² Exchange rate in effect at the time of this writing: US\$ 1.00 / ¢300.00

²³ CIPAC. “*Diversidad sexual y trabajo en Costa Rica. Un estudio legal y vivencial*”. San José, 1999

In this sample 61% of the women defined themselves as lesbian, 25% as bisexual, 6% as heterosexual²⁴, and the remaining 8% as “other” (without specifying) or “not sure.”

With regard to education, 70% had at least a secondary education, 16% at least primary education and 13% some technical or vocational study. 32% of the sample had attended university.

2% of the sample did not have a monthly income. 10% received less than ₡75,000 monthly, 31% received between ₡75,000 and ₡125,000 monthly, 19% received between ₡125,001 and ₡225,000, and 9% had a monthly income of more than ₡225,001. The remaining 31% did not respond to this question concerning their income²⁵.

From this information we can indicate or summarize some of the social and demographic characteristics of the lesbian population of San José that frequents gay/lesbian socialization venues. The studies samples were taken from meeting places for the lesbian and gay communities in San Jose and, in some cases, interviews conducted at the subjects’ own homes.

Age groups :

	Suicide study	Workpl. discrim. study	TOTALS	Percentages
Under 20 years	8	16	24	16.6%
Between 20 and 26 years	20	42	62	43 %
Over 27 years	17	41	58	40.4 %
TOTALS	45	99	144	100%

Sexual orientation self-identification:

Self-identification	Suicide study	Workpl. discrim. study	TOTALS	Percentages
Lesbian	32	60	92	63.8%
Bisexual	11	25	36	25%
Heterosexual	1	6	7	4.8%
Not sure or undefined	1	8	9	6.4%
TOTALS	45	99	144	100%

²⁴ Like in the previous case, this study was conducted among a bar’s population.

²⁵ Exchange rate in effect at the time of this writing: US\$ 1.00 / ₡300.00

Monthly income levels:²⁶

²⁶ *Exchange rate in effect at the time of this writing: US\$ 1.00 / ₱300.00*

o m e l e v e l				
N o m o n t h l y i n c o m e		2	2	1.4 %
I n c o m e b e l o w \$ 7 5 , 0 0 0 2 7	11	10	21	14. 6%
B e t w e e n \$ 7 5 , 0 0 1 a n d \$ 1 2	19	31	50	34. 7%
				14

The study done by CIPAC/DDHH with regard to workplace discrimination also found that the number of lesbian women who hide their sexual orientation is pretty high (39% of the sample), and that the fear of being “discovered” is a constant in their lives. Also, 11% of the lesbians participating in the study referred to have been fired at least once due to her sexual orientation (against 4.7% of their male counterparts). Many lesbians and gays quit at the first sign that their sexual orientation has been discovered by their bosses or co-workers (men appeal to this “solution” in a greater proportion than women: 13% versus 11% of the sample).

Finally, it is important to note that the State has set the minimum wage at ¢ 70,000.00 month. Given this, close to 51% of the population of lesbian women that frequents gay/lesbian socialization venues in San José is part of the subsistence-level or lower-income economic class. This in itself explains why many never leave their original (parents’) home and become independent. The fear of discovery and the lack of even minimal economic preconditions for autonomy inhibit people from asserting, or even forming, an identity as part of the lesbian community--explaining, perhaps, the presence of a significant percentage of women identifying as "heterosexual" at these lesbian venues.

There is thus a comprehensive picture: invisibility creates the conditions in which invisibility can be sustained and flourish. The invisibility of lesbian women in society and in the political arena will continue for many more years. Only the appearance of a nucleus of strong women, with financial resources to guarantee that they can speak out without hesitation, able to analyze and respond to their society and with no fear of public life--only such a group of women will be able to alleviate this situation in our country. Will this generation produce these women?

Costa Rican lesbians need, among other things, a strong and independent movement reaching to achieve political consequence, independent of the gay movement, that promotes an opening in our formal and informal educational systems, regarding respect for differences and the promotion of tolerance.