

**Good evening. My name is Christina Alicea and I am a student at John Jay College of Criminal Justice. I met Professor Maria Dolores Fernos last week while she was here to attend this event which was originally scheduled for last Tuesday before the snow closed the UN. She was unable to make it here today due to important human rights work she is conducting in Puerto Rico. I am honored to have been selected to read her statement as I too aspire to become a human rights advocate and an attorney. On her behalf, I extend a fraternal welcome to all and thank the Dominican Republic government and fellow panelists for the opportunity to share the status of gender violence in Puerto Rico which is also inclusive of not only Puerto Rican women, but immigrant women from the Latin American and Caribbean region and other parts of the world who immigrate to Puerto Rico.**

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**Strategies against gender violence in Puerto Rico: have they succeeded?**

**By María Dolores Fernós**

As a result of hundreds of years of gender discrimination and exclusion, violence against women has been a staple of our societies worldwide. Some countries have advanced at great speed in the quest for gender equality and others have hardly

moved in that direction. But what has happened in the Caribbean region? Countries in our Caribbean region have worked hard to develop instruments to achieve this goal and important advances have been made which cannot and should not be minimized. Still there is a long way to go.

Specifically regarding advances and challenges in Puerto Rico, the women's movement is first of all conscious that thousands of years of discrimination are not erased automatically nor can equality be achieved with the stroke of a pen. This understanding has helped us to gauge the circumstances at every period and design the strategies accordingly. It has also helped us not to despair and give up. I will share with you today what we have done, the successes we have achieved and also the challenges we face.

In Puerto Rico, the women's movements have followed almost to a T the best practices recommended by the specialized UN organisms to combat gender violence. As an example, I can proudly state that Puerto Rico was the first jurisdiction in our region to adopt legislation making domestic violence a serious crime. This was in 1989. Our statute, Law 54, has been used as model legislation for several countries in the region. It was not our only significant success as the previous year we won the adoption of a law sanctioning sexual harassment in the workplace.

Since the adoption of the law against domestic violence it was strongly resisted by those precisely entrusted with guaranteeing its compliance. Police, prosecutors and even judges waved off its importance and refused to properly tend to complaints, to file charges or to process cases. In response, NGOs and women's organizations made violence against women the main priority in their agendas and kept the pressure, demanding the adoption of protocols to force public officers to respond to victims' needs and to facilitate supervision. Women's service providers and feminist organizations developed strategies to inform and educate the community on the provisions of the law and urged women to take action to protect themselves.

Other strategies, in addition to law reform, were also implemented at the same time. Shelters for victims and their children were established throughout the island, members of the police force, prosecutors and judicial branch employees were trained and specialized domestic violence units were created. In each judicial region specially trained policemen and women as well as prosecutors were appointed to tend exclusively to gender violence cases. In several judicial regions specialized courts were also established.

- But these were never enough as even with these efforts, resistance to the law from the official governmental structure continued. Obviously,

scattered training is not enough and supervision is direly needed, but what entity is independent enough to do this job without strings attached?

To counter this serious problem women's organizations lobbied for the strengthening of the state mechanism for women's rights that had been created in the 1970s. This mechanism, the State Commission for Women's Affairs, had been instrumental in the adoption of the law against sexual harassment in the workforce and the one penalizing domestic violence. However, it had no supervisory faculties and no power to sanction noncompliance with the statutes and public policies we had fought so hard for.

As a result of their demand for a governmental entity with supervisory powers to monitor the compliance with the laws the Women's Advocate Office of Puerto Rico was created in 2001 to substitute the Commission. It is a significant fact that this Office was created under the governorship of a woman, our first woman governor. The law delegated to the Advocate the power to investigate and adjudicate complaints and impose fines. More so, the Woman's Advocate has the power to initiate investigations on her own.

The creation of the Women's Advocate Office was a remarkable breakthrough and I was honored to be appointed the first Women's Advocate, a position I held for seven years until 2007.

Nonetheless, events have transpired that have not allowed for the results that we had expected or hoped for. Even though we took pains to include in the law that the Governor had to receive recommendations from women's rights groups when appointing the Advocate, and for her to be someone with a history of commitment to women's rights, political considerations have dominated the selection of the Advocate after I left office.

Party interests and loyalties have trumped the interests of women and this has greatly affected its actions and, as a consequence, its credibility. In a very evident way it has been transformed into an arm of the Executive. Party interests have detoured its feminist agenda.

At this moment the Office of the Women's Advocate has lost the trust of the women's organizations and of the NGOs which have been at the forefront of all the crucial struggles for gender equality in Puerto Rico. There is not a consensus to prefer its repeal as that would leave a huge hole in the governmental structure for the defense of gender issues in the public debate. But, the question remains: What entity is needed to monitor and to supervise with independence?

Official statistics show a slow decrease in the number of women's deaths by their intimate partners or former partners. So have the incidents of domestic violence reported to police. The public policies and legal reforms achieved in the last three

decades have definitely been crucial in the constant reduction of gender related crimes. From 40 women murdered by their partners or former partners when Law 54 was adopted, it had lowered to 17 in 2007 when I left office, and to 10 in 2016. This is a huge advance that cannot be minimized and it clearly evidences that the strategies we have developed during the last decades have been the right ones and should be continued and strengthened.

There is much more conscience in the general population of gender issues and of the existence of persistent discrimination and violence against women. We see that in the press coverages and also in the support that has been forthcoming from various professional organizations and academic research. But, discrimination and violence against women is a multi-layered monster and once in a while it raises its horrible head. Just this last week it was all over the news that the mayor of one of the most important cities settled a sexual harassment suit brought forth by two employees for \$450,000. The facts were so scandalous that even the Governor, from his same party, asked him to resign. To this day he remains adamant and refuses to step down even as more than 10,000 signatures have been raised in a week demanding his resignation. His son, also an employee at city hall, has also several claims of sexual harassment as has the chief of the municipal police.

Obviously much more has to be done. Convictions are few under the law. The reasons are varied. On the one side women who file charges are subjected to pressures from all sides to abandon her claims. Although Law 54 established five crimes as felonies, (all mandating prison terms of 1-3 years) most cases are plea bargained for lesser charges that will never show in criminal records as a domestic violence crime. This has a huge effect if aggressors attack again. As the record will not show recidivism, the aggressor will be eligible for probation which means not a single day in prison. An academic study found that 70% of convicts for domestic violence never spend a day in jail.

Other strategies are needed and most probably specific amendments to the law. Educational materials with a gendered perspective as recommended by specialized organisms and academic research is a must. A school curriculum that teaches equality and respect for all humans in our rich diversity from the early formative years is one of the most effective tools in the quest for gender equality. This struggle, lasting over 40 years now, we have been unable to win. On two occasions we have succeeded in having such a curriculum mandated by the Governor and both times it has been repealed by the succeeding governor. The main opposition has come from the religious right, which has made this issue a pressure point with politicians, who, unfortunately, have publicly negotiated

before the elections. The curriculum with a gendered perspective has become one of the most important campaign issue.

A recent academic investigation in which I participated with other law professors in order to identify manifestations of violence between adolescents in partner relationships (between 13-18 years) found a that violent familial interrelations between parents are the most powerful predictors of violence in their children's future partner relationships. Violence towards women in partner relationships continues to be presented and viewed as normal. Persistent machismo stereotypes came in a strong second influence on young people's conduct. Education is thus a much needed strategy to counter these models.

We are aware that social understandings that have lasted for hundreds of years are not to be dramatically transformed by a change in a law or in short two or three decades. The process of ideological transformation takes time, must be coherent, and involve several strategies and the participation of several other important societal actors: academia, the media, organized labor, and men as a group must become part of the quest in order for change to occur. But we will stay our course.

Thank you.