

Legislating Against Violence

Puerto Rico Legislating against domestic violence

This article was written approximately eight months after the "Law for the Prevention of Domestic Violence" (better known as Law 54) took effect in Puerto Rico.

Marilucy Gonzales-Baez - who works for the Puerto Rican Institute of Civil Rights (IPDC) - analyzes the law, looks at different groups' reactions to it and suggests ways to make it more effective.

The "Law for the Prevention of Domestic Violence" is the result of a long process of consciousness-raising about the alarming problem of domestic violence on the island. It has a dual function: to respond to the conflict and to prevent it by providing social remedies. Law 54 characterizes the offence and recognizes that domestic violence is a felony. It is an improvement on civil remedies, provides for a re-education process for the aggressor and encourages the use of education as a preventative tool. All of this is seen in the context of violence occurring between people with an affective relationship.

Since Law 54 went into effect, various groups have expressed their reservations about it and made recommendations ranging from possible amendments to its elimination. The criticisms include: the large number of voluntary dismissals of domestic violence cases; prison overcrowding; the fact that the judicial system was not prepared for the large number of cases presented; the scope of the definition of the offences; and others.

We have pointed out that not enough time has elapsed to be able to make a critical and responsible evaluation of how the law has been implemented. At the same time, we have identified some steps that would facilitate an effective implementation of the law. For example the police and other related law enforcement personnel should be trained in the implementation of the law and the remedies it provides, and judges should be given seminars on the social causes of domestic violence, the cycle of violence and the emotional and physical consequences it has on the victim and her children. In addition, in order to carry out the stated public policy of preserving "the physical integrity of the victims of violence, especially women and children, to ensure their safety and save their lives", we have emphasized the need to assign public funds for shelters for women who are the victims of domestic violence and their children.

We have recently accepted an invitation by Senator Velda Gonzales and Representative Zaida Hernandez, to meet with the different directors of government agencies to discuss how to make the law more effective. We are also compiling

information from organizations which provide services to victims of domestic violence, to be able to detect not only the law's effectiveness, but also its flaws. Our objective is to point out adequate solutions that can guarantee the success of the law.

We will definitely not permit this law to be used as a scapegoat for sexist attitudes and justifications for social problems whose origins are not in the legislation to protect women but in social and economic inequality, discrimination and the absence of adequate government policies that can respond to these problems.

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