

**GOVERNMENT OF PUERTO RICO
LA FORTALEZA
SAN JUAN, PUERTO RICO**

Administrative Bulletin Number: OE-2021-013

EXECUTIVE ORDER OF THE GOVERNOR OF PUERTO RICO, HON. PEDRO R. PIERLUISI, DECLARING A STATE OF EMERGENCY AS A RESULT OF THE RISE IN CASES OF GENDER- BASED VIOLENCE IN PUERTO RICO.

WHEREAS: Gender- based violence is an evil that has caused too much harm for way too long and is based on ignorance and attitudes that have no place and must not be tolerated in modern- day Puerto Rico.

WHEREAS: Gender- based violence is defined as conducts that cause physical, sexual, or psychological harm to another and are based on gender stereotypes created by men and women. Gender stereotyping refers to opinions and prejudices based on the social roles or the gender power relations, which are assigned to men and women by a given culture.


WHEREAS: The concept of violence includes threats, assault, emotional or psychological abuse, stalking, isolation, among other similar actions. These actions may occur in public or private places, and between partners, employers, coworkers, or within the community, between friends, family and professors, and even strangers.

WHEREAS: In recent years, gender- based cases specially against women have significantly increased and this is an alarming situation. For instance, in 2019, 7,021 cases of domestic violence were reported, 5,896 of which were against women.

WHEREAS: Gender- based violence has a terrible impact on our society and the rise in these cases brings to the surface the inequalities that still affect our population.

WHEREAS: Article II, Section I of the Constitution of Puerto Rico establishes that: "The dignity of the human being is inviolable. [All persons] are equal before the law. No discrimination shall be made on account of race, color, sex, birth, social origin or condition, or political or religious ideas. Both the laws and the system of public education shall embody these



 I, Juan E. Segarra, USCCI #06-067/translator, certify that the foregoing is a true and accurate translation, to the best of my abilities, of the document in Spanish which I have seen.

principles of essential human equality.

WHEREAS:

It is the public policy of the Government of Puerto Rico to make prevention and attention to gender- based violence in all of its forms a priority, including physical violence emotional and psychological abuse, stalking, harassment, and sexual harassment in any setting, including the workplace.

WHEREAS:

We aspire to have a healthy coexistence where there is respect and everyone's human rights are recognized.

WHEREAS:

We recognize the importance of having our public employees, nonprofit organizations, community-, and faith-based organizations as our first line of defense against gender- based violence.

WHEREAS:

Combating gender- based violence requires a multi-sectoral effort, rather than a single effort from the government sector. This effort must include the input and cooperation from the private sector and nonprofit organizations.

WHEREAS:

We are committed to establish a process to develop a gender perspective curriculum that assists us in combating the factors that contribute to inequality, discrimination, and violence.

WHEREAS:

Our administration is committed to combat poverty, which is a factor that undoubtedly contributes to the possibility of a person getting away from dependence, inequality, discrimination, and gender- based violence situations.

WHEREAS:

On September 4, 2019, a Warning Order was issued in connection with gender- based violence especially against women. As a result of said Order, a document entitled "Action Protocol to Combat Violence against Women in Puerto Rico" was created.

WHEREAS:

On October 26, 2020, through Executive Order, Administrative Bulletin Number OE-2020-78, the services related to the fight against violence against women in Puerto Rico were declared a priority. Said Executive Order created the Multi-sectoral Commission for the Eradication of



Violence Against Women in Puerto Rico (COMUVI, Spanish acronym), for the purpose of implementing the Action Protocol to Fight Violence Against Women in Puerto Rico. In turn, the agencies of the Government of Puerto Rico were directed to set aside budget items to prevent and combat violence against women.

WHEREAS:

Act No. 158-2020 amended Act No. 147 of June 18, 1980, as amended, known as the "Management and Budget Office Organic Act," to empower said agency to "require the various bodies, public corporations, and political subdivisions of the Government of Puerto Rico and on the date determined thereby, to submit the budget requests together with the work plans and the pertinent justifications, as well as all the programmatic, fiscal, and managerial information, the proposed expenses, financial and operating statements, and any other information as necessary, including to require and demand from the various bodies, public corporations, and political subdivisions of the Government, to set aside on the budget requests an item to comply with the public policy to fight violence against women that includes prevention, education, protection, and safety programs.

WHEREAS:

Moreover, Act No. 158-2020 established that "beginning July 1, 2021, each agency, body, subdivision, and public corporation of the Government of Puerto Rico shall have the duty to set aside on their budget a specific item to comply with the public policy on fighting violence against women which includes prevention, education, protection, and safety programs for women." Likewise, it provided that "the agencies of the Government of Puerto Rico that are recipients of federal funds geared to manage situations of violence against women shall have the duty to announce the availability of the funds to allow for the submittal of proposals on or before ninety (90) days after the receipt of the allocation as a fund recipient. As of the date of the notice, the recipient agency shall have ninety (90) days to receive, analyze, adjudicate, notify, and conduct any other procedure as necessary to grant the funds to the agencies and the nonprofit agencies that have



submitted their proposals.”

WHEREAS:

We have enacted legislation to address violence, however, it is necessary to enforce, oversee, and follow up on these measures to achieve changes to protect the people.

WHEREAS:

Even though past administrations have achieved progress in the fight against gender-based violence, it has not been enough and it is critical that we take decisive action to prevent and eradicate this social evil. Said measures must be focused on preventing gender-based violence, guaranteeing the victim’s safety, the effective prosecution of gender-based violence cases, specially those against women, and the rehabilitation and attention to the victim and the aggressor to eradicate the prevalence of this type of conduct.

WHEREAS:

Article 6.10 of Act No. 20-2017, as amended, better known as the “Puerto Rico Public Safety Department Act,” empowers the Governor of Puerto Rico to enact, upon declaring a state of emergency, measures as necessary to protect the safety and health of the people of Puerto Rico.

WHEREAS:

Likewise, subsection (b) of Section 6.10 of Act No. 20-2017, empowers the Governor to prescribe, amend, and revoke any regulations as well as issue, amend, and rescind such orders as deemed convenient which shall be in effect for the duration of the state of emergency or disaster. Regulations prescribed or orders issued during a state of emergency or disaster shall have force of law for the duration of the state of emergency or disaster.

WHEREAS:

Moreover, subsection (c) of Section 6.10 of Act No. 20-2017, empowers the Governor to render effective any state regulations, orders, plans, or measures for emergency or disaster situations and/or modify them at his discretion in order to safeguard the public order.

WHEREAS:

By virtue of the powers granted under the Constitution of Puerto Rico and Act No. 20-2017, the Governor may declare a state of emergency



in Puerto Rico to safeguard the health and security of the people.

THEREFORE:

I, PEDRO R. PIERLUISI, Governor of Puerto Rico, by virtue of the powers inherent to my office and the authority vested in me by the Constitution and the Laws of the Government of Puerto Rico, hereby declare and order the following:

Section 1:

DECLARATION OF EMERGENCY: I hereby declare a state of emergency in Puerto Rico as a result of the rise in the cases of gender- based violence and order that measures be taken to prevent and eradicate this conduct from our society.

Section 2:

PRIORITY SERVICES. It is hereby maintained as a priority service of the Government of Puerto Rico to establish and implement protection, prevention, and education programs as well as protocols to access housing, health services, education, and work in order to prevent and eradicate gender- based violence. Hence, the Office of Management and Budget (“OMB”) is hereby directed to give priority to the requests for funds and budget requests for such purposes, and to carry out tasks as are necessary before the Financial Oversight and Administration Board for Puerto Rico (Financial Oversight Board), with the support of the Puerto Rico Fiscal Agency and Financial Advisory Authority (FAFAA).

Section 3:

COMPLIANCE OFFICER: The Governor shall designate a public official as the compliance official who shall answer directly to the Governor and shall be engaged full-time in the compliance with this Executive Order and the administrative aspects of the committee against violence to be created under this executive order. This includes, but is not limited to overseeing, following up, and monitoring the implementation of the measures provided in this Order.

Section 4:

GENDER- BASED VIOLENCE P.A.R.E COMMITTEE. It is hereby directed the creation of the Gender- based Prevention, Support, Rescue, and Education Committee (PARE, Spanish acronym,


TWB.



Committee), as an Advisory Committee to the Governor, whose purpose shall be to recommend measures and policies established to achieve the objectives of this Executive Order. The PARE Committee shall substitute and give continuity to the works begun by the COMUVI, created under Administrative Bulletin Number OE-2020-78.

Said Committee shall be composed of representatives of the following government agencies, members of the private sector, and nonprofit organizations:

1. Department of the Family;
2. Department of Justice;
3. Department of Education;
4. Women's Advocate Office;
5. Department of Housing;
6. Department of Economic Development;
7. Department of Health;
8. Corrections Department;
9. Police Bureau;
10. Institute of Forensic Sciences;
11. Institute of Statistics;
12. A representative of the Academia;
13. A representative of the media;
14. Three (3) representatives of nonprofit organizations engaged in the fight against gender- based violence in Puerto Rico and/or services to gender- based violence;
15. A compliance official appointed by the Governor.

The representatives of the media, the Academia, and nonprofit organizations shall be selected by the Secretary of the Family with the advice of the Governor. For this, any person who is eligible and interested in participating shall register and fill out the form at www.fortaleza.pr.gov . The Governor may add members at his discretion.

Section 5:

CHAIR OF THE P.A.R.E COMMITTEE. The Secretary of the Family shall be the chair of the PARE Committee and shall meet at least once



a month. The PARE Committee shall establish measures and regulations as are necessary for the operations thereof.

Section 6:

DUTIES OF THE P.A.R.E COMMITTEE. The PARE Committee shall have the following duties and functions:

1. To evaluate the Action Protocol to Combat Violence against Women in Puerto Rico, incorporated into Executive Order 2020-078, and make recommendations to improve it and accelerate its implementation;
2. To conduct public hearings to receive recommendations from all of the government branches and sectors of the society, and discuss their ideas and work plan to combat gender- based violence;
3. To make recommendations on bills, regulatory measures, and programs for the prevention and management of gender- based cases, measures geared to the rehabilitation of victims and their aggressors, as well as propose education programs on gender- perspective;
4. To establish streamlined processes to manage cases of gender- based violence which guarantee the rights of all the parties, and procures the safety of the victims;
5. To promote interagency agreements as well as agreements with nonprofit organizations and the private sector aimed at establishing education campaigns to prevent and combat gender- based violence;
6. To establish training mechanisms for all law enforcement officers and the personnel of the Department of Justice, the Department of Public Safety, and the Corrections and Rehabilitation Department geared to effectively manage gender- based violence;
7. To establish recommendations for the private sector on how to manage the protocol to protect domestic violence victims promulgated under Act No. 217-2006, the "Protocol for



Managing Domestic Violence Situations Act the workplace or the place of employment.”

8. To provide for the mechanisms to establish reliable statistics on the incidence and management of gender- based cases, always guaranteeing the safety of victims;
9. To establish and recommend rehabilitation initiatives geared to break the cycle of gender- based violence in all of its forms;
10. To review the existing protocols to manage cases of sexual harassment in the workplace in Puerto Rico;
11. To promote mechanisms, together with the Institute of Forensic Sciences, to expedite the necessary forensic tests to identify and address sexual violence and harassment cases, including the SAFE kits;
12. To evaluate the initiatives and the needs of the Women’s Advocate Office in light of Act No. 20-2001, in order to submit recommendations and provide it with support in accordance with the objectives of the PARE Committee;
13. To evaluate the plan for the disclosure and distribution of resources of the Crime Victims and Witnesses Compensation Office of the Department of Justice, and ensure that these resources are being distributed equally across the Island;
14. To design an educational campaign and coordinate the publication and dissemination thereof on the media and in coordination with the public and private sectors. The campaign must include posters with information of the services available to victims of gender- based violence to be distributed and displayed in every government office, and to reach out to the private sector to increase the exposure thereof;
15. To create the subcommittees deemed necessary to ensure the monitoring of statistics, the establishment of public policy, the development of educational and media campaigns, the creation of partnerships between the private and the public sector, and achieve the other objectives of this Order;



16. To assess compliance with sections 2 and 3 of Act No. 158-2020;
17. To revise the investigation protocol for cases of violent deaths of women as well as the system to collect and manage statistical data on violent deaths of women in Puerto Rico, as provided in Act No. 157-2020;
18. To coordinate an awareness campaign from every agency of the government of Puerto Rico for agencies to make weekly public statements geared to educate, raise awareness, and combat gender-based violence; and
19. Any other action or initiative as deemed necessary by the PARE Committee to achieve the objectives of this Executive Order.

Section 7:

PROTECTIVE ORDERS. The PARE Committee is hereby directed to revise and issue recommendations on the procedures to request and issue protective orders. As part of this effort, it shall ensure communication with the Office of Court Administration to evaluate the alternatives that would streamline such procedures.

Section 8:

FOLLOW- UP PROGRAM. The Department of Public Safety is hereby directed to develop, in collaboration with the PARE Committee, a program to follow up on and ascertain the safety of any person who has been issued a protective order on the basis of gender-based violence. As part of the program, visits and/or calls shall be carried out to each person on the basis of gender-based violence. It is further directed to enter into collaboration agreements as necessary with public and/or private entities, including the Municipal Police in order to render the program feasible.

Section 9:

SPECIALIZED DIVISIONS OF THE DEPARTMENT OF JUSTICE. The Department of Justice is hereby directed to, in collaboration with the PARE Committee, to evaluate the specialized divisions of the Department of Justice and explore the alternatives to manage, particularly the cases of vulnerable victims, with more sensibility and efficiency, so as to provide them with immediate action to ensure



compliance with the laws against gender- based violence.

Section 10:

LEGAL AID CLINICS. The PARE Committee is hereby directed to collaborate and procure the collaboration of all legal aid clinics of the Law Schools of Puerto Rico, in initiatives specifically aimed at addressing the legal issues that women may have.

Section 11:

TECHNOLOGY. The Department of Public Safety, in collaboration with the PARE Committee, is hereby directed to evaluate technological alternatives to update and improve the tools used to transact and record claims or complaints and the status of the cases. Likewise, it shall evaluate and recommend the implementation of strategies to optimize the communication between security agencies, and implement mechanisms to follow up on victims of gender- based violence or persons to whom protective orders are issued. Moreover, the Puerto Rico Innovation and Technology Service (PRITS) is hereby directed to develop, in collaboration with the DPS and the PARE Committee, an application for mobile devices whereby victims and potential victims are able to request assistance quickly in emergency situations, hiding the message sent to protect the victim from the aggressor.

Section 12:

PINK ALERT PLAN. The PARE Committee is hereby directed to evaluate and make recommendations for the implementation of the protocol known as the “PINK ALERT Plan,” as provided in Act No. 149-2019. Moreover, it shall design in conjunction with the Police Bureau and the Women’s Advocate Office, a media campaign to educate the people about the responsible and timely use of this tool.

Section 13:

ECONOMIC DEVELOPMENT. The Department of Economic Development shall evaluate and broaden the training and skill-building programs for women to make the integration of women into the workforce feasible. Such programs shall include and promote the creation of care centers for children, elderly persons, and dependents with health conditions to facilitate their integration into the workforce.

Section 14:

COMPLIANCE REPORTS. The PARE Committee shall file with the



Governor within forty- five (45) days after the promulgation of this Executive Order an initial report on the work performed and the measures to be implemented immediately to combat gender- based violence. In addition to this report, it shall submit a monthly report on the work performed and shall make recommendations to address the gender- based violence issue. In accordance with our public policy of guaranteeing transparency, the monthly reports shall be made available to the public in general.

Section 15:

RESOURCE IDENTIFICATION.

- a. The OMB, with the support of FAFAA, is hereby directed to identify the necessary funds within the Certified Budget, federal programs, the Emergency Reserve and/or any other available fund to achieve the objectives of this Executive Order. For this task, the OMB must instruct the concerned government entities to submit budget justifications to access the funds identified. Likewise, the OMB must give continuity to the compliance with the identification of budget items as provided in Act No. 158-2020.
- b. The Police Bureau is hereby directed to ensure that the necessary budget justifications are submitted to the OMB and the Oversight Board so as to comply with the provisions of Act No. 83-2020, which establishes the Crimes Against Women and Domestic Violence Unit within the Puerto Rico Police Bureau. The OMB is further directed to identify any available items, the funds necessary to comply with Act No. 83-2020 without any delay.
- c. Every government agency, without exception, as of Fiscal Year 2021-2022 and thereafter, is hereby directed to set aside within their budget an item to allocate resources to achieve the objectives of this Executive Order and/or programs to prevent and address gender- based violence and comply with Act No. 158-2020. The aforementioned resources shall include, but not be limited to, programs for the prevention, education, protection,



and safety measures aimed at combating gender- based violence. At the request of the PARE Committee, government agencies shall file semiannual reports on the efforts made to combat gender- based violence.

- d. Every government agency that receives federal funds aimed at combating gender- based violence shall establish mechanisms for nonprofit organizations and entities that are eligible are able to submit the necessary proposals to receive these funds. In turn, insofar as the allocation of funds and the applicable regulations so allow, recipient agencies shall establish an expedited process to grant the funds to proponents who meet the requirements established in the Act, or the budget appropriation, to allow for the undelayed allocation of said funds.

Section 16:

ACTION PROTOCOL TO COMBAT VIOLENCE AGAINST WOMEN IN PUERTO RICO. In order to guarantee the continuity of the initiatives implemented under Executive Order 2020-078 the Action Protocol to Combat Violence against Women in Puerto Rico remains in effect. However, the PARE Committee is hereby empowered to revise such protocol and make recommendations and changes as necessary to achieve the objectives of this Executive Order. Until a new Protocol is approved, the protocol approved under Executive Order 2020-078 shall remain in effect and all government agencies shall comply therewith.

Section 17:

REPEAL AND EFFECTIVENESS. This Executive Order shall become effective on the date of signature and until June 30, 2022, and the Governor may extend this date at the request of the PARE Committee and render ineffective any other Executive Order that is inconsistent with this Executive Order, whether in whole or in part, to the extent of such inconsistency. All the provisions of Executive Order 2020-078 shall remain in effect to the extent they are not inconsistent with this Executive Order. Moreover, any initiative implemented under the aforementioned Executive Order shall continue in effect until they are revised by the PARE Committee and additional recommendations in



connection therewith are issued.

Section 18:

DEFINITION OF AGENCY. As used in this Executive Order, the term "Agency" refers to any agency, instrumentality, office, or department of the Executive Branch of the Government of Puerto Rico, including public corporations, regardless of its name.

Section 19:

NON-CREATION OF ENFORCEABLE RIGHTS. This Executive Order is not intended to create any rights, substantive or procedural, enforceable at law or equity, by any person or entity, in any matter, civil, criminal, or administrative, against the Government of Puerto Rico or its agencies, officials, employees, or any other person.

Section 20:

SEVERABILITY. The provisions of this Executive Order are separate and independent from each other, and if any part, section, provision, or sentence of this Executive Order is held to be unconstitutional, void, or invalid by a court of competent jurisdiction, such holding shall not affect the validity of the remaining provisions, which shall remain in full force.

Section 21:

PUBLICATION. This Executive Order must be filed immediately with the Department of State and the broadest possible publication is hereby ordered.

Section 22:

EFFECTIVENESS. This Executive Order shall take effect immediately.

IN WITNESS WHEREOF, I hereby issue this Executive Order under my signature and cause the Great Seal of the Government of Puerto Rico to be affixed, in La Fortaleza, San Juan, Puerto Rico, on this 25th day of January of 2021.



PEDRO R. PIERLUISI
GOVERNOR

Promulgated in accordance with the law on this 25th day of January of 2021.

I, Juan E. Segarra, USCCI #06-067/translator, certify that the foregoing is a true and accurate translation, to the best of my abilities, of the document in Spanish which I have seen.

CERTIFIED TRANSLATION



LAWRENCE N. SEILHAMER RODRÍGUEZ
SECRETARY OF STATE



I, Juan E. Segarra, USCCI #06-067/translator, certify that the foregoing is a true and accurate translation, to the best of my abilities, of the document in Spanish which I have seen.