

HURRICANE MARÍA'S SURVIVORS: "WOMEN'S SAFETY WAS NOT PRIORITIZED"

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INTRODUCTION

On September 20, 2017, Hurricane María, one of the strongest Atlantic hurricanes on record, made landfall in Puerto Rico resulting in catastrophic damage to the island. The federal and Puerto Rican governments' disorganized, slow, and ineffective response in the ensuing weeks and months has been well documented, including by the Federal Emergency Management Agency (FEMA) itself.¹ Less visible, however, is the impact of these failures on vulnerable populations on the island. Women and girls, specifically, are typically disproportionately impacted in emergencies. In Puerto Rico, women's rights activists have declared gender-based violence (GBV) a crisis in the aftermath of the hurricane.

On the eve of the one-year anniversary of Hurricane María, Refugees International (RI) traveled to Puerto Rico to examine the extent

to which disaster preparedness and response activities incorporated the elevated protection risk the disaster presented – and continues to present – to Puerto Rican women and girls. Based on interviews with local women's organizations, female community leaders, government officials, and affected individuals, RI found that women's specific protection risks, such as GBV, were not prioritized in disaster preparedness planning, during the emergency response to the disaster, nor in the recovery phase.

VIOLENCE AGAINST WOMEN

According to RI interviews with organizations providing services to GBV survivors, and as was documented in several news reports,² vio-

1. Alice Thomas, "Meeting the urgent needs of Hurricane Maria survivors in Puerto Rico," *Refugees International*, December 17, 2017, <https://www.refugeesinternational.org/reports/2017/12/14/meeting-the-urgent-needs-of-hurricane-maria-survivors-in-puerto-rico>
Federal Emergency Management Agency (FEMA), "2017 Hurricane Season FEMA After-Action Response," July 12, 2018, <https://www.fema.gov/media-library-data/1531743865541-d16794d43d3082544435e1471da07880/2017FEMAHurricaneAAR.pdf>

2. The Crime Report, "Domestic Violence Soared Following Puerto Rico Hurricane," February 1, 2018, <https://thecrimereport.com>

lence against women in Puerto Rico increased after Hurricane María. This is hardly surprising given that GBV almost invariably increases with any natural disaster. In Puerto Rico, however, documenting the full nature and scope of the increase in GBV incidents in the hurricane's aftermath has proven challenging for two main reasons. First, the three hotlines used to report incidents went dead with the collapse of the island's telecommunications system. Even weeks after the hurricane, the 911 call center, the Office of the Women's Ombudsperson's emergency line, and the line to the Center for Assistance to Rape Victims, were not fully restored. Second, key systems designed to prevent and respond to GBV collapsed. Police officers – including those assigned to the Special Unit for Domestic Violence – were detailed to other tasks such as directing traffic. Judicial tribunals responsible for handling cases of violence against women were closed. According to women's activists with whom RI spoke, police officers were often unwilling or unable to record new cases of GBV immediately following the hurricane.

Despite the failure of authorities to effectively monitor GBV cases in Hurricane María's wake, activists working with domestic violence shelters told RI that the number of women they now house has dramatically increased relative to previous years. In one shelter alone, 233 women sought refuge between September and April 2018, in comparison to 187 during that time frame the previous year.³ Coordinadora Paz Para La Mujer, Puerto Rico's leading anti-violence coalition, went so far as to declare that GBV has become a crisis as a result of the disaster.⁴

“The most-reported incidents to the police in the aftermath of the hurricane were cases of domestic violence. These incidents far surpassed reported incidents of common crimes such as theft.”

**-INSTITUTO CARIBEÑO DE DERECHOS HUMANOS
Y CLÍNICA INTERNACIONAL DE DERECHOS HU-
MANOS DE LA FACULTAD DE DERECHO (CIDH)**

There has also been an increase in the number of femicides compared to the previous year. At least fourteen cases have been documented between January and August 2018, compared to eleven in all of 2017.⁵ Perhaps the most revealing and disturbing statistic is that, despite the break down in police and emergency response communications, the most-reported incidents to the police in the aftermath of the hurricane were cases of domestic violence. These incidents far surpassed reported incidents of common crimes such as theft.⁶

“The violence after the hurricane was worse than the violence during the hurricane.”

**-NGO REPRESENTATIVE WORKING
ON CHILD PROTECTION**

[org/2018/02/01/domestic-violence-soared-following-puerto-rico-hurricane/](http://www.elnuevodia.com/noticias/locales/nota/masvulnerableslasmujeostraselpasodemaria-2434047/)

3. Leysa Caro González, “Más vulnerables las mujeres tras el paso de María,” *El Nuevo Día*, July 10, 2018, <https://www.elnuevodia.com/noticias/locales/nota/masvulnerableslasmujeostraselpasodemaria-2434047/>

4. Coordinadora Paz para la Mujer, Inc. (CPM), “Organizaciones Que Trabajan Por Las Mujeres Declaran Crisis Nacional,” July 19, 2005, https://www.pazparalamujer.org/pdf/comunicado_11072018.pdf

5. Primerahora, “Los asesinatos de mujeres por violencia de genero ya superan todos los de 2017,” August 22, 2018, <http://www.primerahora.com/noticias/policia-tribunales/nota/losasesinatosdemujeresporviolenciadegeneroyasuperantodoslosdel2017-1298598/>

6. Instituto Caribeño de Derechos Humanos y Clínica Internacional de Derechos Humanos de la Facultad de Derecho (CIDH), “Justicia Ambiental Desigualdad y Pobreza en Puerto Rico,” *Universidad Interamericana de Puerto Rico*, December 7, 2017, p. 168, <https://noticiasmicrojuris.files.wordpress.com/2018/05/final-informe-cidh-audiencia-pr-dic-2017.pdf>

FAILURE TO PROTECT WOMEN AND GIRLS AND TO PRIORITIZE DOMESTIC VIOLENCE SHELTERS

Tens of thousands of Puerto Ricans sought refuge from Hurricane María in government-run displacement shelters, including schools and other public buildings. They stayed in these shelters for anywhere from one night to several months. Three months after the hurricane, for example, thirty-nine buildings were still serving as shelters for the displaced.⁷

Government authorities are responsible for ensuring the health and safety of evacuees and displaced persons during the response to a disaster, including management of evacuation shelters such as those used in Puerto Rico. This also includes mitigating GBV-related risks which arise when women and girls and men and boys are residing in overcrowded spaces for long periods of time with strangers and possibly GBV perpetrators. Widely accepted practices for mitigating GBV-related risks include mechanisms for screening entrants to evaluate whether there are perpetrators, providing lighting, gender-segregated toilets and showers with locks, and separate quarters for separated and unaccompanied minors.

According to civil society organizations with whom RI spoke, however, Puerto Rican authorities at all levels failed to introduce GBV prevention and response protocols in these shelters. Deeply concerned about the lack of these critical and life-saving measures, women's rights leaders tried to fill the gap. They offered training on GBV case identification and management to the staff at Puerto Rico's Department of Families and contacted the Office

of the Women's Ombudsperson – the most senior and official representative of women's rights on the island – to inquire whether protocols had been introduced.

RI learned of at least two distinct attempts to provide relevant authorities with assistance to develop protection guidelines for the shelters, including protocols on handling GBV cases. In one case, an anti-domestic violence coalition actually drafted a proposal which they made available to authorities, “but nobody grabbed it.” Another leader in the women's protection field told RI that she had contacted the Department of Housing offering to assist in developing a protocol for protecting survivors of GBV, but that her offer was politely declined.

The seeming failure of authorities to prioritize the protection risks faced by women and girls during the disaster had serious consequences. A women's organization in one municipality sent GBV and mental health expert staff to monitor what was occurring, and reported back that there were cases of violence, and that municipal staff with little training “were simply overwhelmed.” Moreover, complaints of sexual harassment of women residing in shelters at the hands of aid providers have now come to light.⁸ There were also instances in which GBV survivors found themselves in the same shelter as their perpetrators. In one case, a mother and daughter had their 60-day restraining orders expire while they were at the shelter. They became fearful for their lives as aggressors and gang members affiliated with their aggressors began to harass them. The women's organization tending to the case eventually helped to fly them to the mainland United States for their own protection. In the absence of robust action from authorities, there were few alternatives.

There is also considerable doubt over whether federal and Puerto Rican authorities adequate-

7. Status PR, December 2017, accessed December 14, 2017, <http://www.status.pr>.

8. Inter-American Commission on Human Rights (IACHR), “IACHR Expresses Deep Concern about the Human Rights Situation in Puerto Rico, Organization of American States (OAS), January 18, 2018, http://www.oas.org/en/iachr/media_center/PReleases/2018/004.asp

ly prioritized the island's eight domestic violence shelters during the response – institutions that house extremely vulnerable women and children. Carmen Lebrón Gonzalez, the Women's Ombudsperson at the time, asserted publicly that there were emergency plans for domestic violence shelters that were "activated and functioned."⁹ Yet those working in or with domestic violence shelters disagree.

After the hurricane, only five of the island's eight domestic violence shelters were functional. According to shelter staff, at no point did any authorities visit the shelters to undertake a needs assessment or request input from shelter directors on the emergency response. According to numerous interviews, domestic violence shelters were not included in the island's emergency plans. When help came, it was haphazard and misinformed. According to one shelter director, one day FEMA simply dropped off some boxes of menstrual hygiene materials, which were not a priority need at the time. In another case, assistance came through a Red Cross chapter in the form of boxes of water, and nothing more. In yet another case, a shelter was gifted expired baby formula and pampers. Members of women's organizations working with the domestic violence shelters told RI that absent any formal governmental interventions, directors mobilized to secure funding from allies on the island and abroad and had to personally travel to the central Center for Emergency Operations in San Juan to lobby for assistance.

RI was unable to secure a copy of the emergency plan that Ms. Lebrón Gonzalez referenced as existing for domestic violence shelters, and the Office of the Women's Ombudsperson has currently undergone a transition in personnel since the hurricane. At

the time of RI's visit, a newly appointed Ombudsperson was in office for less than three weeks. In short, RI was unable to find evidence to support the notion that shelters were prioritized in emergency plans.

In the experience of those working closest with the shelters, domestic violence shelters were not prioritized along with hospitals or nursing homes to receive emergency assistance. They assert that a gender perspective was not incorporated into the emergency response. Finally, the absence of protocols for GBV in the aftermath of the emergency affected the ability of domestic violence shelters to respond to ongoing cases of violence. As one women's rights defender described it, "Women's safety was not prioritized."

RI is not alone in these findings. In December 2017, the Caribbean Institute for Human Rights and the Interamerican University of Puerto Rico prepared a submission to the Inter-American Commission on Human Rights.¹⁰ The submission documents show how women were disproportionately affected in the emergency, and how the absence of protocols led to increased violence.

"...neither the state nor the federal government have protocols for managing harassment, sexual assault or domestic violence cases in the shelters. This led to a lack of screening for sex offenders during admission into government shelters, even though state agencies have an official list identifying these persons. At least one case of sexual assault against a three-year-old girl in a shelter located in Aibonito is known of."¹¹

9. Claire Tighe and Lauren Gurley, "Datos oficiales de violencia contra la mujer en Puerto Rico no son confiables después del huracán María," *Centro de Periodismo Investigativo (CPI)*, May 17, 2018, <http://periodismoinvestigativo.com/2018/05/datos-oficiales-de-violencia-contra-la-mujer-en-puerto-rico-no-son-confiables-despues-del-huracan-maria/>

10. CIDH, "Justicia Ambiental Desigualdad y Pobreza en Puerto Rico," p. 173, (see footnote 6).

11. CIDH, "Justicia Ambiental Desigualdad y Pobreza en Puerto Rico," *Universidad Interamericana de Puerto Rico*, December 7, 2017, p. 173, Translated by Francisca Vigaud-Walsh, <https://noticiasmicrojuris.files.wordpress.com/2018/05/final-informe-cidh-audien-cia-pr-dic-2017.pdf>

WOMEN'S PROTECTION AND PARTICIPATION IN THE RECOVERY

The protection failures identified in the aftermath of Hurricane María underscore the continued difficulty encountered in prioritizing women's needs and highlight the need for a gender-responsive recovery plan. In theory, there is plenty of opportunity for this to occur. Puerto Rico's Central Recovery & Reconstruction Office (COR3) has developed a comprehensive economic and disaster recovery plan for Puerto Rico, "Transformation and Innovation in the Wake of Devastation."¹² The U.S. Congress has recently allocated \$20 billion to support the Puerto Rico Disaster Recovery Action Plan.¹³ This funding is to be made available through "Community Development Block Grant-Disaster Recovery (CDBG-DR)" grants disbursed by the U.S. Department of Housing and Urban Development (HUD) pursuant to an Action Plan developed by the Puerto Rican government.

The COR3 plan acknowledges that women were disproportionately affected by Hurricane María and calls for flexible funding arrangements for domestic violence shelters as a means of "avoid[ing] facility closures" and "allow[ing] for continuity of service provision to populations disproportionately affected by disaster." Meanwhile, the HUD-approved Action Plan recognizes the needs (e.g. housing, mental health care) of women and survivors of domestic violence and provides a \$12.5 million allocation for housing for GBV survivors.¹⁴ The fact that these plans acknowledge women's

needs and allocate significant funding for GBV survivor housing is highly welcome. However, RI found that most civil society leaders in the women's protection space were either unaware of these initiatives and/or had not been consulted as the plans were prepared. As such, RI remains concerned that implementation of recovery plans related to GBV will not include the critical input of civil society leaders working directly with survivors.

In fact, there have been significant barriers to true community participation in the recovery planning process. In the case of COR3, the public had only nine days to comment on the draft plan. Until the civil society organization Espacios Abiertos sued the Puerto Rican government, the draft plan was only available in English.¹⁵ Similarly, the public was given only 14 days to comment on the HUD-approved Action Plan, which was also initially published only in English. These failures have led civil society to repeatedly demand extended comment periods and public hearings.

Their collective advocacy is bearing some fruit, but concerns persist. One civil society leader with whom RI spoke shared that she was aware of the Action Plan but had little opportunity to participate. Another stated that the organization simply was not given enough time to provide meaningful input. Those who did manage to provide input made key suggestions, such as an inclusion of detailed criteria for what constitutes vulnerable populations in the Action Plan, and a series of guiding principles that must be considered including the need for the plan to include specific protections for women and other historically marginalized communities. These organizations were disappointed when no formal replies to their comments were provided. Further, no women's organization involved in domestic

12. Government of Puerto Rico, Central Office for Recovery, Reconstruction, and Resiliency, Ricardo Rossello Nevares, "Transformation and Innovation in the Wake of Devastation," July 9, 2018, <http://www.p3.pr.gov/assets/pr-draft-recovery-plan-for-comment-july-9-2018.pdf>

13. Departamento de la Vivienda, Gobierno de Puerto Rico, "Puerto Rico Disaster Recovery Action Plan," 2018, http://www.cdbg-dr.pr.gov/wp-content/uploads/2018/07/HUD-Approved-Action-Plan_EN.pdf

14. El Nuevo Día, "Accountability benefits Puerto Rico," July 31, 2018, <https://www.elnuevodia.com/english/english/nota/accountability-benefitspuertorico-2438459/>

15. Espacios Abiertos, "Obligado gobierno a traducir plan recuperación de Puerto Rico," *Prensa Latina*, July 27, 2018, <https://www.prensa-latina.cu/index.php?o=rn&id=198644&SEO=obligado-gobierno-a-traducir-plan-recuperacion-de-puerto-rico>

violence shelter operations with whom RI spoke was aware of how funding might be directed toward shelter operations. Concern has prompted a representative of an anti-domestic violence coalition to solicit meetings at the Governor's residence to impress upon relevant authorities the need to be involved in recovery plans. Finally, RI learned that the Office of the Woman's Ombudsperson is not a core member of the interagency group of Puerto Rican authorities working on recovery and disaster preparedness efforts.

HUMANITARIAN GUIDELINES ON PROTECTION IN NATURAL DISASTERS

During and in the aftermath of natural disasters, traditional social safety nets are weakened, and the exposure to risks is heightened. Protection concerns are particularly acute in communities suffering from economic inequality and discrimination. Puerto Rico was no exception. At the international level, a multitude of best practices have been documented, standards have been set, and guidance documents have been produced to both prevent and manage GBV in natural disasters. This guidance also includes ensuring that women participate in recovery and disaster risk reduction efforts. These international humanitarian guidance documents include, but are not limited to, the Inter Agency Standing Committee's (IASC)¹⁶ Operational Guidelines on the Protec-

tion of Persons in Situations of Natural Disasters,¹⁷ the IASC Guidelines for Integrating Gender-Based Violence in Humanitarian Action,¹⁸ and the United Nations Sendai Framework for Disaster Risk Reduction 2015-2030.¹⁹

In Puerto Rico, however, these standards and practices were not brought to bear. All authorities responsible for government-run shelters have an obligation to introduce protocols and provide services that ensure the safety of those seeking refuge. These include the transportation of persons who want to evacuate from disaster-affected areas, lighting of water points, toilets, and showers in shelters to prevent or reduce instances of GBV, and the provision of legal aid to victims of human rights violations. These protocols and services are not simply good practice. They are life-saving interventions and are required in order to respect the rights of the vulnerable during and after a disaster.

Given the lack of adherence to important standards and practice and the resulting consequences, the Inter-American Commission on Human Rights in January 2018 called upon the United States "to adopt measures to respond effectively to the situation of the displaced population, in accordance with its international human rights obligations and taking into account the Guiding Principles on Internal Displacement" in Puerto Rico.

16. The Inter-Agency Standing Committee is the primary mechanism for interagency coordination of humanitarian assistance. For more information, see <https://interagencystandingcommittee.org>.

17. Inter-Agency Standing Committee (IASC), "Operational Guidelines on the Protection of Persons in Situations of Natural Disasters," *The Brookings-Bern Project on Internal Displacement*, January 2011, https://www.ohchr.org/Documents/Issues/IDPersons/Operational-Guidelines_IDP.pdf

18. IASC, "Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Aid: Reducing risk, promoting resilience and aiding recovery," 2015, https://gbvguidelines.org/wp/wp-content/uploads/2015/09/2015-IASC-Gender-based-Violence-Guidelines_lo-res.pdf. These Guidelines represent a comprehensive revision to the original 2005 IASC *Guidelines for Gender-Based Violence Interventions in Humanitarian Settings*, see: https://interagencystandingcommittee.org/system/files/legacy_files/tfgender_GBVGuidelines2005.pdf.

19. United Nations Office for Disaster Risk Reduction (UNISDR), "Sendai Framework for Disaster Risk Reduction 2015-2030," 2015, https://www.unisdr.org/files/43291_sendaiframeworkfordrren.pdf.

RECOMMENDATIONS

It is now understood that violence against women increased after Hurricane María. Based on interviews with local women's organizations, female community leaders, government officials, and affected individuals, RI found a lack of prioritization of GBV at every stage of the Hurricane María emergency. GBV was not prioritized during disaster preparedness planning, during the response, nor in the recovery phase. Women's shelters were not included in the island's emergency preparedness plans, nor were protection protocols in place at hurricane shelters. Rather than ensuring that these and other shortcomings are addressed during the recovery phase, the Puerto Rican government is compounding the problem by failing to provide the women's rights community with the opportunity to meaningfully participate in government-led recovery plans thereby ensuring that recovery is gender-responsive. GBV is not inevitable, and the GBV crisis in Puerto Rico demands responsible federal and Puerto Rican authorities to correct course.

- In developing and/or revising disaster management plans, FEMA and the Puerto Rican Emergency Management Agency (PREMA) must:
 - include measures to respond effectively to the protection risks vulnerable populations face during disasters by adhering to international best practices for disaster response. Emergency response plans should be developed in accordance with the Guiding Principles on Internal Displacement, and the IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters.
 - develop measures for GBV prevention and response, including protocols to address the health and safety needs of women in both disaster and domestic violence shelters. These include identifying and managing GBV cases, access to sexual and reproductive health services, and counselling for victims of sexual and other abuses. These should be developed in accordance with the IASC Guidelines for Integrating Gender-Based Violence in Humanitarian Action.
 - incorporate a gender analysis, needs assessments, and vulnerability criteria, and put in place safeguards to ensure that the most vulnerable individuals are not overlooked in an emergency response. Community leaders are often best placed to identify the relevant vulnerability criteria and prioritize vulnerable groups.
- PREMA, in cooperation with the Office of the Woman's Ombudsperson, should launch a capacity-building initiative for all municipal emergency and stand-by volunteer personnel on protection and the application of GBV prevention and response protocols.
- To prepare for the next disbursement of HUD Community Development Block Grants, Puerto Rican authorities, together with the Office of the Women's Ombudsperson, must guarantee that civil society organizations, including the women's rights community, are provided with a meaningful opportunity to participate in recovery planning. This must include notice of and opportunity to participate in public hearings, sufficient time for the public to comment on draft recovery plans, and meaningful government responses to the public's comments. In addition, the Puerto Rican government should conduct outreach to and formal consultations with the women's protection community as it develops initial drafts of and implements all recovery plans.
- The independent Office of the Women's Ombudsperson must become part of the formal emergency responders' group to represent women's rights and needs, and must promote women's inclusion, participation, and empowerment in ongoing recovery plans.

FRANCISCA VIGAUD-WALSH, SENIOR ADVOCATE FOR WOMEN AND GIRLS AT REFUGEES INTERNATIONAL (RI), AND ALICE THOMAS, RI'S CLIMATE DISPLACEMENT PROGRAM MANAGER, TRAVELED TO PUERTO RICO IN AUGUST 2018 TO ASSESS THE UNMET HUMANITARIAN NEEDS AND PROGRESS TOWARDS RECOVERY IN THE YEAR SINCE HURRICANE MARÍA. REFUGEES INTERNATIONAL EXTENDS ITS SPECIAL THANKS TO THE PUERTO RICAN WOMEN WHO SHARED THEIR STORIES.

ABOUT THE AUTHOR

FRANCISCA VIGAUD-WALSH is the senior advocate for women and girls at Refugees International where her research focuses on the humanitarian community's capacity to respond to violence against women and girls and protect them from further abuse in displacement. Follow her on Twitter @cubanahumana.

ABOUT REFUGEES INTERNATIONAL

Refugees International advocates for lifesaving assistance and protection for displaced people and promotes solutions to displacement crises around the world. We are an independent organization and do not accept any government or UN funding.