Recognizing Freedom From Domestic Violence and Violence Against Women
as a Fundamental Human Right

Local Resolutions, Presidential Proclamations, and Other Statements of Principle*

This packet contains resolutions and an ordinance from fifteen municipalities across the United States, all of which recognize freedom from domestic violence and/or violence against women as a fundamental human right. In addition, the packet contains two presidential proclamations and a statement by Democratic Leader Nancy Pelosi.

2. Austin, TX (2014)
5. Chicago, IL (2014)
6. Cincinnati, OH (2011)
7. Erie County, NY (2012)
8. Jacksonville, FL (2014)
    Miami-Dade, FL Anti-Discrimination Ordinance Amendment (2014)
11. Montgomery City and County, AL (2012)
14. Travis County, TX (2014)
15. Washington, DC (2013)
17. Presidential Proclamation: National Domestic Violence Awareness Month (2014)

I. Local Resolutions/Proclamations that recognize “freedom from domestic violence as a human right” and/or the duty of government to protect against violence against women

Between 2011 and 2014, Albany, Austin, Baltimore, Boston, Chicago, Cincinnati, Erie County, Jacksonville, Miami Springs, Miami-Dade County, Montgomery City and County (Alabama), Tompkins County, Travis County (Texas), and Washington, D.C. passed local resolutions that recognize freedom from domestic violence as a human right. Most of these resolutions cite to international human rights law and to the landmark case of *Jessica Lenahan (Gonzales) v. United States*. The Austin, Chicago, Jacksonville, Miami Springs, Miami-Dade County, Travis County, and Washington, D.C. resolutions go a step further, in that they direct local officials to incorporate the principles contained in the resolutions into governmental policies and practices. The Boston resolution recognizes that no individual shall infringe upon the right to be free from domestic violence. The Austin and Travis County resolutions call upon the County, with the aid of the Austin/Travis County Family Violence Task Force, to produce biennial reports over the next six years that evaluate the current practices and procedures of domestic violence services provided by the County. The Chicago resolution reaffirms the City’s commitment to disseminate domestic violence information, and to collaborate with non-governmental organizations and local businesses in combating domestic violence. It further mandates that the City’s departments

* As of November 25, 2014
incorporate the resolution’s human rights principles into their policies and practices. The resolutions from D.C., Chicago, Cincinnati, Erie County, Tompkins County, Miami-Dade County, Miami-Springs, Albany County and Jacksonville resolve that government has a responsibility to secure the right to be free from domestic violence. The latter four specifically note that government has a “moral responsibility” to do so. Jacksonville’s resolution also calls upon the city to “re-evaluate current laws and policies” regarding relationship violence. The Montgomery City and County (Alabama), Erie County, and Chicago proclamations declare October as domestic violence awareness month, and the Montgomery and Chicago proclamations provide that the cities and city council members join U.S. and world leaders in “recognizing domestic violence as a human rights concern.”

The Seattle resolution has a different objective: it was passed prior to the 2013 reauthorization of VAWA and calls upon the federal government to reapprove VAWA, in order to “ensure the right to be protected against violence.”

II. Legislation citing to domestic violence resolutions

The Miami-Dade County (FL) Commission amended its anti-discrimination ordinance in July 2014, adding victims of domestic violence, dating violence, or stalking to the list of protected classes regarding discrimination in employment, family leave, public accommodations, credit and financing practices, and housing accommodations. The amendment cited the language from the 2012 Miami-Dade domestic violence resolution in its preamble: “Whereas on July 17, 2012, Resolution Number R-644-12 was adopted whereby this Board expressed its intent to join world leaders and leaders within the United States in recognition of domestic violence as a human rights concern and declare that the freedom from domestic violence is a fundamental human right[ . . . ] . . .”

III. Presidential Proclamations and Democratic Leader Nancy Pelosi Statement

In 2014, President Barack Obama issued two proclamations on violence against women reaffirming the “basic human right to be free from violence and abuse.” The first proclamation commemorated the 20th anniversary of the Violence Against Women Act (“VAWA”), and the second declared the month of October as National Domestic Violence Awareness Month.

On October 1, 2014, Democratic Leader Nancy Pelosi issued a statement recognizing October as Domestic Violence Awareness Month and declaring that “[f]reedom from abuse is a basic human right — and all victims of violence deserve our support.”

For additional information on passing or implementing a local resolution, please contact:

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Local resolutions are not the only way that local governments are recognizing and addressing domestic violence as a human rights concern. Three cities—Berkeley, Los Angeles, and San Francisco—have implemented local ordinances that incorporate the provisions of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) into local law (known as “CEDAW ordinances”). These ordinances address discrimination against women broadly, as well as the prevention of violence against women specifically. The San Francisco Department on the Status of Women is coordinating a “Cities for CEDAW” campaign to encourage other cities to implement the human rights principles in the treaty, which the U.S. Conference of Mayors endorsed in June of 2014. For information on the Campaign, visit http://sfgov.org/dosw/cities-cedaw or contact Andrea Evans, Senior Development Director, Gender Equality Principles Initiative, San Francisco Department on the Status of Women, at andrea.evans@sfgov.org.
Albany, NY
(City)
2012
RESOLUTIONS INTRODUCED

1.11.13R RESOLUTION OF THE COMMON COUNCIL RE-APPOINTING ANDREW JOYCE TO THE CABLE TELEVISION PUBLIC, EDUCATION AND GOVERNMENT ACCESS OVERSIGHT BOARD

2.11.13R RESOLUTION OF THE COMMON COUNCIL RE-APPOINTING JOSEPH M. BONILLA TO THE CABLE TELEVISION PUBLIC, EDUCATION AND GOVERNMENT ACCESS OVERSIGHT BOARD

3.11.13R RESOLUTION OF THE COMMON COUNCIL RECOGNIZING THE FREEDOM FROM DOMESTIC VIOLENCE AS A FUNDAMENTAL HUMAN RIGHT
Council Member Fahey introduced the following:

Resolution Number 3.11.13R

RESOLUTION OF THE COMMON COUNCIL RECOGNIZING THE FREEDOM FROM DOMESTIC VIOLENCE AS A FUNDAMENTAL HUMAN RIGHT

WHEREAS, world leaders and leaders within the United States recognize that domestic violence is a human rights concern; and

WHEREAS, in 2011, the United Nations Special Rapporteur on Violence Against Women identified several deficiencies in the regulation of domestic violence in the United States, including the need to explore more uniform remedies for victims of domestic violence; the need to re-evaluate existing mechanisms for protecting victims and punishing offenders at federal, state, and local levels, given that calls for help often do not result in either arrests or successful prosecutions; and the need for additional public education campaigns that condemn all forms of violence; and

WHEREAS, on August 17, 2011, the Inter-American Commission on Human Rights found the United States in violation of Articles I, II, VII, and XVII of the American Declaration for breaching its duty to protect Jessica Lenahan and her children from domestic violence; and

WHEREAS, more than 1 in 3 women and more than 1 in 4 men in the United States will experience rape, physical violence, and/or stalking by an intimate partner at some point in their lives, according to the Centers for Disease Control; and

WHEREAS, 44% of African American women, 37% of Hispanic women, and 35% of white women have experienced rape, physical violence, and/or stalking by an intimate partner; and 39% of African American men, 27% of Hispanic men, and 28% of white men have experienced rape, physical violence, and/or stalking by an intimate partner, according to the Centers for Disease Control; and

WHEREAS, 73 New Yorkers died as a result of intimate partner homicide in 2010 according to the New York State Office for the Prevention of Domestic Violence; and

WHEREAS, the Domestic Violence Legal Connection of the Capital District Women’s Bar Association Legal Project provided pro bono and reduced fee civil representation to 1,209 victims of Domestic Violence in 2010; and

WHEREAS, Equinox provided services to 1,612 persons who experienced domestic violence in 2010 either in person or over the telephone on their 24-hour domestic violence hotline including; providing shelter for 237 adults and their 116 children and helping 374 victims obtain final orders of protection from the courts; and
WHEREAS, New York Courts issued a total of 301,488 orders of protection in 2010, of which 219,876 were required to be recorded in the Unified Court System’s Domestic Violence Registry; and

WHEREAS, the number of required orders of protection issued in New York State increased 6% from 2009 to 2010 and 34% from 2007; and

WHEREAS, in 2010, almost 1,100 individuals under the age of 21 filed family offense petitions in New York State Family Courts under the expanded definition of “intimate relationship,” a 22% increase from 2009; and

WHEREAS, 11% of New York State high school students surveyed in 2009 reported that they were hit, slapped or physically hurt on purpose by their boyfriend or girlfriend; and

WHEREAS, the New York State Division of Criminal Justice Services reports that 4,705 Albany County residents were victims of domestic violence offenses in 2009 and 2010; and

WHEREAS, in 2010 and 2011, the Office of Court Administration indicates that over 3,000 temporary or final orders of protection were issued in Albany Family Court; and

WHEREAS, in 2011 there were over 9,400 reported cases of domestic violence in the Capital District alone – some of the highest reported numbers of any district in New York State; and

WHEREAS, survivors of domestic violence experience physical injuries, long-term psychological damage, financial instability, trouble finding safe housing; and

WHEREAS, police and sheriff’s departments, courts, cities, counties, social services agencies, and other local government entities constitute the first line of defense against domestic violence.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany joins world leaders and leaders within the United States in recognition of domestic violence as a human rights concern and declares that the freedom from domestic violence is a fundamental human right.

BE IT FURTHER RESOLVED, that state and local governments should continue to secure this human right on behalf of their citizens.
TO: Nala Woodard, City Clerk
FROM: Cathy Fahey, Council Member
RE: Request for Common Council Legislation
    Supporting Memorandum
DATE: December 20, 2012

RESOLUTION NUMBER 3.11.13R

TITLE: RESOLUTION OF THE COMMON COUNCIL RECOGNIZING THE FREEDOM FROM DOMESTIC VIOLENCE AS A FUNDAMENTAL HUMAN RIGHT

GENERAL PURPOSE OF LEGISLATION: FOR the purpose of joining world leaders and leaders within the United States in recognition of domestic violence as a human rights concern and declaring that the freedom from all domestic violence, regardless of whether inflicted by a current or former spouse, a current or former intimate partner, or a family member is a fundamental human right.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW: This resolution declares that freedom from domestic violence is a human right.

FISCAL IMPACT: None.
Albany, NY
(County)
Executive Order
2012
EXECUTIVE ORDER AND DIRECTIVE 12-05
Issued by
ALBANY COUNTY EXECUTIVE DANIEL McCoy

Whereas, Albany County hereby declares freedom from domestic violence to be a fundamental human right; and

Whereas, 73 New Yorkers were victims of intimate partner homicide in 2010 according to the New York State Office for the Prevention of Domestic Violence; and

Whereas, Equinox provided services through their 24-hour domestic violence hotline to 1,612 persons who experienced domestic violence in 2010; also in 2010, Equinox provided shelter for 237 adults and their 116 children and helped 363 victims retrieve orders of protection from the courts; and

Whereas, New York courts issued a total of 301,488 orders of protection in 2010, of which 219,876 were required to be recorded in the Unified Court System's Domestic Violence Registry; and

Whereas, the number of required orders of protection issued in New York State increased 6% from 2009 to 2010, and 34% from 2007; and

Whereas, in 2010, almost 1,100 individuals under the age of 21 filed family offense petitions in New York State Family Courts under the expanded definition of "intimate relationship", a 22% increase from 2009; and

Whereas, 11% of New York State high school students surveyed in 2009 reported that they were intentionally hit, slapped or physically hurt by their boyfriend or girlfriend (New York State Domestic Violence Dashboard Project 2010 Data); and

Whereas, the Albany County Crime Victims and Sexual Violence Center provided services, including information, referral services and criminal advocacy for approximately 2,231 victims of domestic violence in 2011.

Whereas, survivors of domestic violence experience physical injuries, long-term psychological damage, financial instability, and difficulty finding safe housing; and
Whereas, police and sheriff’s departments, courts, cities, counties, social service agencies, and other local government entities constitute the first line of defense against domestic violence; and

THEREFORE, I, Daniel McCoy, Albany County Executive, by virtue of the powers vested in me pursuant to the Albany County Charter and the laws of the State of New York, HEREBY ORDER AND DIRECT THAT:

(1) The County joins world leaders and leaders within the United States in recognition of domestic violence as a human rights concern and declares freedom from domestic violence to be a fundamental human right; and

(2) This Order shall serve as a declaration assuring the citizens of the County that the County government bears a moral responsibility to secure this human right on behalf of its people; and

(3) This Order shall serve as a charge to all County agencies to incorporate these principles into their policies and practices; and

(4) A copy of this Order be sent to the Chair of the Albany County Legislature, the Albany County Sheriff’s Department as well as the mayors and/or head executives of each municipality within Albany County.

Dated: 31st day of October, 2012
Albany, NY

Daniel P. McCoy
Albany County Executive
Albany, NY
(County)
Proclamation of the Albany County Legislature
2012
Proclamation of the Albany County Legislature
Concerning the Freedom from Domestic Violence as a Fundamental Human Right

FOR the purpose of joining world leaders and leaders within the United States in recognition of domestic violence as a human rights concern and declaring that the freedom from all domestic violence, regardless of whether inflicted by a current or former spouse, a current or former intimate partner, or a family member is a fundamental human right.

WHEREAS, world leaders and leaders within the United States recognize that domestic violence is a human rights concern; and

WHEREAS, in 2011, the United Nations Special Rapporteur on Violence Against Women identified several deficiencies in the regulation of domestic violence in the United States, including the need to explore more uniform remedies for victims of domestic violence; the need to re-evaluate existing mechanisms for protecting victims and punishing offenders at federal, state, and local levels, given that calls for help often do not result in either arrests or successful prosecutions; and the need for additional public education campaigns that condemn all forms of violence; and

WHEREAS, on August 17, 2011, the Inter-American Commission on Human Rights found the United States in violation of Articles I, II, VII, and XVII of the American Declaration for breaching its duty to protect Jessica Lenahan and her children from domestic violence; and

WHEREAS, more than 1 in 3 women and more than 1 in 4 men in the United States will experience rape, physical violence, and/or stalking by an intimate partner at some point in their lives, according to the Centers for Disease Control; and

WHEREAS, 44% of African American women, 37% of Hispanic women, and 35% of white women have experienced rape, physical violence, and/or stalking by an intimate partner; and 39% of African American men, 27% of Hispanic men, and 28% of white men have experienced rape, physical violence, and/or stalking by an intimate partner, according to the Centers for Disease Control; and

WHEREAS, 73 New Yorkers died as a result of intimate partner homicide in 2010 according to the New York State Office for the Prevention of Domestic Violence; and

WHEREAS, the Domestic Violence Legal Connection of the Capital District Women’s Bar Association Legal Project provided pro bono and reduced fee civil representation to 1,209 victims of Domestic Violence in 2010; and

WHEREAS, Equinox provided services to 1,612 persons who experienced domestic violence in 2010 either in person or over the telephone on their 24-hour domestic violence hotline including; providing shelter for 237 adults and their 116 children and helping 374 victims obtain final orders of protection from the courts; and

WHEREAS, New York Courts issued a total of 301,488 orders of protection in 2010, of which 219,876 were required to be recorded in the Unified Court System’s Domestic Violence Registry; and

WHEREAS, the number of required orders of protection issued in New York State increased 6% from 2009 to 2010 and 34% from 2007; and

WHEREAS, in 2010, almost 1,100 individuals under the age of 21 filed family offense petitions in New York State Family Courts under the expanded definition of intimate relationship; a 22% increase from 2009; and

WHEREAS, 11% of New York State high school students surveyed in 2009 reported that they were hit, slapped or physically hurt on purpose by their boyfriend or girlfriend; and

WHEREAS, the New York State Division of Criminal Justice Services reports that 4,705 Albany County residents were victims of domestic violence offenses in 2009 and 2010; and

WHEREAS, in 2010 and 2011, the Office of Court Administration indicates that over 3,000 temporary or final orders of protection were issued in Albany Family Court; and

WHEREAS, in 2011 there were over 9,400 reported cases of domestic violence in the Capital District alone – some of the highest reported numbers of any district in New York State; and

WHEREAS, survivors of domestic violence experience physical injuries, long-term psychological damage, financial instability, trouble finding safe housing; and

WHEREAS, police and sheriff’s departments, courts, cities, counties, social services agencies, and other local government entities constitute the first line of defense against domestic violence.

NOW, THEREFORE, BE IT RESOLVED BY THE ALBANY COUNTY LEGISLATURE, this Body joins world leaders and leaders within the United States in recognition of domestic violence as a human rights concern and declares that the freedom from domestic violence is a fundamental human right.

AND BE IT FURTHER RESOLVED, that local governments should continue to secure this human right on behalf of their citizens.

AND BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to the Albany County Executive, the Albany County District Attorney, the Albany County Sheriff’s Department and the Albany County Courts.
Austin, TX
2014
WHEREAS, the Austin City Council seeks to enhance the public welfare by declaring that freedom from domestic violence is a fundamental human right; and

WHEREAS, the Center for Disease Control has estimated that one in four women in the U.S. and one in seven men in the U.S. experience severe physical violence by an intimate partner; and

WHEREAS, the United Nations has recognized domestic violence as a human rights issue; and

WHEREAS, the Texas Department of Public Safety reports that the total number of family violence incidents in Texas in 2012 was 188,992, a 6.2 percent increase from the total number of family violence incidents in Texas in 2011; and

WHEREAS, the Texas Department of Public Safety reports that the total number of family violence incidents in Travis County in 2012 was 8,893, a 14.3 percent increase from the total number of family violence incidents in Travis County in 2011; and

WHEREAS, the United Nations Special Rapporteur on Violence Against Women has stated that “violence against women is the most pervasive human rights violation” and that responses to violence should recognize human rights as a premise; and
WHEREAS, the United Nations Special Rapporteur on Violence Against Women has urged the United States to reassess laws and policies for protecting domestic violence survivors; and

WHEREAS, survivors of domestic violence have the fundamental right to be free from torture and cruel, inhuman, or degrading treatment; and

WHEREAS, the Texas Constitution provides that a crime victim has the "right to be reasonably protected from the accused throughout the criminal justice process"; and

WHEREAS, Tex. Local Gov’t Code § 51.001 authorizes the Austin City Council to enact this resolution; and

WHEREAS, law enforcement, city and local agencies, courts and other local government entities are charged with protecting those who suffer cruelty, oppression, and violence; and

WHEREAS, survivors of domestic violence face many challenges, some of which directly or indirectly relate to services provided by the City of Austin; and

WHEREAS, the Austin/Travis County Family Violence Task Force (ATCFVTF) was created in 1989 by leaders in the Austin community, including members of the Austin Police Department, the Travis County Sheriff’s Office, Travis County judges, City of Austin Municipal judges, and the District and
County Attorney's offices, in order to help identify and implement improvements in system response to domestic violence and sexual assault through education and policy development; and

WHEREAS, in 2011, the Inter-American Commission on Human Rights found in Jessica Lenahan (Gonzales) v. United States that the United States' failure to protect women from gender-based violence constitutes discrimination and a human rights violation and urged the United States to enact law and policy reforms at all levels to protect survivors of domestic violence; and

WHEREAS, the mission of ATCFVTF is to reduce family violence and promote safety through a coordinated community response and is a voluntary community endeavor, which meet monthly, and is open to anyone interested in the prevention of family violence; and

WHEREAS, the ATCFVTF addresses all elements of the spectrum of issues related to domestic violence, including prevention and early intervention; and

WHEREAS, over the past 24 years, the coordinated community response has resulted in numerous initiatives, most notably a specialized family violence court established in 1999, and has expanded to include many other community partners; and
WHEREAS, the ATCFVTF has created a Sub-Committee on Human Rights; and

WHEREAS, the ATCFVTF has partnered with the University of Texas School of Law's Domestic Violence Clinic, which enables students to assume semester-long projects in order to advocate for the rights of domestic violence survivors; and

WHEREAS, the recognition that domestic violence is a human rights issue will raise public awareness and encourage family-violence education in communities; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. That the City recognizes that domestic violence is a human rights concern;

2. That the City declares that freedom from domestic violence is a fundamental human right;

3. That the City will incorporate these principles into their policies and continue to secure this human right on behalf of their citizens;

4. That the City requests that the Austin/Travis County Family Violence Task Force identify the gaps and barriers in the City's service delivery to survivors of domestic violence;
5. That the City requests that the Austin/Travis County Family Violence Task Force provide biennial reports over the next six years on the challenges faced by survivors of domestic violence and recommendations on how to improve services to those survivors, with a report dedicated to each of the following topics: (1) law enforcement and probation, (2) mental and physical healthcare, and (3) criminal prosecution;

6. That the City will cooperate with the Austin/Travis County Family Violence Task Force in the compilation of its reports.

ADOPTED: April 17, 2014  ATTEST: Jannette S. Goodall
City Clerk
Baltimore, MD
2012
CITY OF BALTIMORE
COUNCIL BILL 12-0034R
(Resolution)

Introduced by: Councilmembers Curran, Henry, Stokes, Kraft, Branch, Middleton, Holton, Cole, Mosby, Scott, Clarke, Reisinger, President Young, Councilmember Welch
Introduced and adopted: March 19, 2012

A COUNCIL RESOLUTION CONCERNING

The Freedom from Domestic Violence is a Fundamental Human Right

FOR the purpose of joining world leaders and leaders within the United States in recognition of
domestic violence as a human rights concern and declaring that the freedom from domestic
violence is a fundamental human right.

Recitals

WHEREAS, more than 1 in 3 women and more than 1 in 4 men in the United States will
experience rape, physical violence, and/or stalking by an intimate partner at some point in their
lives, according to the Centers for Disease Control; and

WHEREAS, 44% percent of African American women, 37% of Hispanic women, and 35% of
white women have experienced rape, physical violence, and/or stalking by an intimate partner;
and 39% of African American men, 27% of Hispanic men, and 28% of white men have
experienced rape, physical violence, and/or stalking by an intimate partner, according to the
Centers for Disease Control; and

WHEREAS, 43 Marylanders died as a result of domestic violence between July 2010 and June
2011 according to the Maryland Network Against Domestic Violence; and

WHEREAS, the Women’s Law Center of Maryland provided services to over 800 people who
experienced domestic violence in 2010, including: Protection Order advocacy for 769 clients,
immigration representation and services for 62 clients, and information and referrals on hundreds
of Family Law Hotline calls related to domestic violence; and

WHEREAS, the House of Ruth of Maryland provided services to more than 600 women and
children at 13 Baltimore locations in 2010, including: shelter to 114 families and 193 additional
women, psychotherapy to over 400 women and children through its Domestic Violence Support
Center, and childcare at its Kidspace developmental daycare center; and

WHEREAS, 4,265 Protective Order petitions were filed for protection from domestic violence
in Baltimore City between July 1, 2009 and June 30, 2010, with a total of 25,091 such petitions
in Maryland District Courts during that year, according to the Maryland Administrative Office of
the Courts; and

EXPLANATION: Underlining indicates matter added by amendment.
Strike out indicates matter deleted by amendment.
Council Bill 12-0034R

WHEREAS, the petitioner requesting protection from abuse was represented by an attorney in only 23 of 369 proceedings observed at the Baltimore City Eastside District Court by University of Baltimore Family Law Clinic Court Watch Project between September 19, 2011 and October 14, 2011; and

WHEREAS, survivors of domestic violence experience physical injuries, long-term psychological damage, financial instability, and trouble finding safe housing; and

WHEREAS, police and sheriff’s departments, courts, cities, social services agencies, and other local government entities constitute the first line of defense against domestic violence; and

WHEREAS, world leaders and leaders within the United States recognize that domestic violence is a human rights concern; and

WHEREAS, the United Nations Declaration on the Elimination of Violence Against Women, adopted in 1993, recognizes the urgent need for the universal application to women of the rights and principles with regard to equality, security, liberty, integrity, and dignity of all human beings; and

WHEREAS, the United Nations Special Rapporteur on Violence Against Women has urged the United States government to reassess existing mechanisms for protecting domestic violence survivors and for punishing abusers, stating that “violence against women is the most pervasive human rights violation which continues to challenge every country in the world, and the U.S. is not exception”; and

WHEREAS, on August 17, 2011, the Inter-American Commission on Human Rights found the United States in violation of Articles I, II, VII, and XVII of the American Declaration for breaching its duty to protect Jessica Lenahan and her children from domestic violence, also determining that the U.S.’s failure to protect women from gender-based violence constitutes discrimination and denies women their right to equality.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, this Body joins world leaders and leaders within the United States in recognition of domestic violence as a human rights concern and declares that the freedom from domestic violence as a fundamental human right.

AND BE IT FURTHER RESOLVED, that state and local governments should continue to secure this human right on behalf of their citizens.

AND BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to the Mayor, the Honorable Chairs and Members of the Baltimore City Senate and House Delegations to the Maryland General Assembly, the Police Commissioner, the Director of the Mayor’s Office of Criminal Justice, and the Mayor’s Legislative Liaison to the City Council.
Boston, MA
2014
WHEREAS: Eleven percent of high school students and six percent of middle school students throughout the United States reported being physically abused by a date sometime in their lifetimes; and

WHEREAS: Almost half of the teenagers throughout the United States, aged 13-18, reported having a controlling partner, while 80% reported knowing someone who has been controlled by a partner; and

WHEREAS: Twenty-four people per minute are victims of rape, physical violence or stalking by an intimate partner in the United States; and

WHEREAS: It is estimated that more than one in two women and one in four men throughout the Commonwealth of Massachusetts experience domestic violence within their lifetimes; and

WHEREAS: Over two thousand unduplicated incidents of sexual assaults were reported to rape crisis centers in the Commonwealth of Massachusetts between July 1, 2011 and June 30, 2012; and

WHEREAS: The Massachusetts 2012 Domestic Violence Census, with 54 organizations represented, reported providing services to a staggering 1,752 adults and children on the one day they were assessed; and

WHEREAS: Between 2003-2013, there were 277 domestic violence-related homicides in the Commonwealth of Massachusetts, with 60% of the victims being women or girls; and

WHEREAS: The Boston City Council proclaimed the City of Boston a “Human Rights City” on April 20, 2011 and, as a Human Rights City, is a model for communities around the world; and

WHEREAS: Public safety officials, including members of the Police and Sheriff departments, along with city and local agencies, courts and other local government entities constitute the first line of defense against domestic violence for many individuals; and

WHEREAS: Domestic violence encompasses various forms of abuse not always recognizable to members of the community, nor do victims or perpetrators of domestic violence fit a particular stereotype associated with the issue; Therefore, Be It

RESOLVED: That the Boston City Council, in meeting assembled, acknowledges that there is no singular, stereotypical example of domestic violence and that this issue affects every segment of society, regardless of gender, age, ethnicity, sexual orientation, religious affiliation, or annual income and recognizes that freedom from domestic violence is a fundamental human right that no person shall infringe upon.

By: 

President of the City Council

Attest: 

Clerk of the City of Boston

Offered by: 

Date: May 7, 2014
Chicago, IL
2014
A resolution
adopted by The City Council
of the City of Chicago, Illinois

Presented by MAYOR RAHM EMANUEL on OCTOBER 8, 2014

Whereas, The United Nations recognizes domestic violence as a human rights issue; and

WHEREAS, President Barack Obama reauthorized and extended the Violence Against Women Act to advance the cause of security, justice, and dignity for mothers and daughters in the United States; and

WHEREAS, Police and sheriffs' departments, courts, cities, counties, social services agencies, and other local government entities constitute the first line of defense against domestic violence; and

WHEREAS, The State of Illinois Domestic Violence Hotline answers 25,000 to 30,000 calls annually; and

WHEREAS, The Circuit Court of Cook County issued more than 5,600 Emergency Orders of Protection and 4,100 Plenary Orders of Protection in 2013; and

WHEREAS, During the same period, the Chicago Police Department responded to more than 48,000 domestic incidents, including 31 domestic homicides; and

WHEREAS, The City of Chicago Department of Family and Support Services is dedicated to enhancing the lives of Chicago residents, particularly those most in need; and
WHEREAS, The consequences of domestic violence include physical injuries, long-term psychological damage, financial instability, and difficulty finding safe housing; and

WHEREAS, The Department of Family and Support Services funds six types of domestic violence programs: shelters; counseling and case management; legal advocacy; legal representation; supervised visitation and safe exchanges; and resource and information advocacy at Chicago's centralized domestic violence court; and

WHEREAS, In 2013, the City of Chicago helped more than 11,200 clients through these Department of Family and Support Services programs, and 192 families received supervised visitation or safe exchange services from City-funded programs; and

WHEREAS, The Chicago Department of Public Health collaborates with four partners to provide clinical support to children exposed to violence in an effort to reduce the potential of lifelong harm to their social-emotional, psychological, and physical health, helping them to lead healthier childhoods and grow into healthy adults; and

WHEREAS, The Mayor of the City of Chicago, the Cook County State's Attorney, the Chicago Police Department, and the Department of Family and Support Services operate an inter-governmental task force to provide a coordinated response to domestic violence incidents in the City of Chicago; and

WHEREAS, This same task force has developed and implemented state-of-the-art training for Chicago Police Officers; and

WHEREAS, There are only four domestic violence shelters with a total of 115 beds for domestic violence victims and their children in Chicago; and

WHEREAS, In 2013, the City of Chicago committed $1.8 million to build the first new domestic violence shelter in over a decade; and
WHEREAS, Promoting the recognition of domestic violence as an issue of human rights will raise public awareness and encourage family-violence education in communities; now, therefore,

BE IT RESOLVED, That we, the Mayor and Members of the City Council of the City of Chicago, assembled this eighth day of October, 2014, do hereby join world leaders and leaders within the United States in recognition of domestic violence as a human rights concern; and

BE IT FURTHER RESOLVED, Joining President Barack Obama’s proclamation on the Twentieth Anniversary of the Violence Against Women Act, and his call upon men and women of all ages, communities, organizations, and levels of government to work in collaboration to end violence against women, we declare the month of October Domestic Violence Awareness Month in the City of Chicago; and

BE IT FURTHER RESOLVED, That the City will continue its wide dissemination of domestic violence information to foster greater awareness of the issue among Chicagoans, and hereby renews its commitment to cooperate with non-governmental organizations and local businesses to promote programs combating the scourge of domestic violence; and

BE IT FURTHER RESOLVED, That the City is committed to respond diligently to acts of domestic violence, and that each of the City’s departments shall incorporate the principles embodied in this resolution into their policies and practices.

[Signature]
MAYOR

[Signature]
CITY CLERK
Cincinnati, OH
2011
DECLARING that freedom from domestic violence is a fundamental human right and further
DECLARING that local governments have a responsibility to continue securing this right on behalf of their citizens.

WHEREAS, according to the Domestic Violence Resource Center, one in four women and one in thirteen men experiences domestic violence in their lifetimes; and

WHEREAS, Hamilton County Pre-Trial Services reports that there were 3,828 domestic violence arrests in 2010, a six percent increase from 2009, and only 28.7 percent (1,098) of those arrested were sentenced; and

WHEREAS, of the 1,098 sentenced, 73 percent received probation, 23 percent were ordered to jail, and 506 protection orders were issued; and

WHEREAS, in Hamilton County between 2008 and 2010, sixteen women and two children were victims of domestic violence homicide and, in each case, the woman had ended her relationship with her abuser and planned to leave or had already done so; and

WHEREAS, the Hamilton County YWCA Battered Women’s Shelter responded to 21,778 hotline calls and sheltered 599 women and children in 2010; and

WHEREAS, due to increased demand, the Battered Women’s Shelter expanded its shelter capacity from 54 beds to 72 beds in 2010; and

WHEREAS, survivors of domestic violence must deal with the effects of physical injuries, long-term psychological damage, financial instability, and trouble finding safe housing; and

WHEREAS, police and sheriff’s departments, courts, cities, social service agencies, and other local government entities constitute the first line of defense against domestic violence; and

WHEREAS, police and sheriff’s departments, courts, cities, social service agencies, and other local government entities incur significant monetary costs due to domestic violence; and

WHEREAS, world leaders and leaders within the United States recognize that domestic violence is a human rights concern; and
WHEREAS, the United Nations Declaration on the Elimination of Violence against Women, adopted in 1993, recognizes the urgent need for the universal application to women of the rights and principles with regard to equality, security, liberty, integrity, and dignity of all human beings, noting that “those rights and principles are enshrined in international instruments, including the Universal Declaration of Human Rights”; and

WHEREAS, the United Nations Commission on Human Rights condemned violence and human rights violations against women in March, 1994; and

WHEREAS, by recognizing that domestic violence is a human rights issue, the City of Cincinnati will raise awareness and enhance domestic violence education in communities, the public and private sectors, and within government agencies; now, therefore,

BE IT RESOLVED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City of Cincinnati declares that freedom from domestic violence is a fundamental human right.

Section 2. That the City of Cincinnati declares that state and local governments bear a responsibility to continue securing this human right on behalf of their citizens.

Section 3. That a copy of this resolution be spread upon the minutes of Council.

Passed: October 5, 2011

Mayor

Attest: Clerk

Submitted by Vice-Mayor Roxanne Qquals
Erie County, NY
2012
ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:

a. COMM. 11D-4 (2012)
   DEPARTMENT OF HEALTH: “Letter to Legislator Mazur Concerning Recreational Use of Dextromethorphan by Adolescents”
   (5-0)

b. COMM. 12M-10 (2012)
   SEAN MULLIGAN: “Letter to Legislator Mazur Concerning Presentation before the Health & Human Services Committee”
   (5-0)

2. INTRO 16-3 (2012)
   MARINELLI, MAZUR, HOGUES, MILLS & DIXON AS AMENDED
WHEREAS, it is estimated that one in four American women experience domestic violence within their lifetimes; and

WHEREAS, three women and one man are murdered by their spouses or partners in the United States every day; and

WHEREAS, domestic violence costs the United States more than $5.8 billion each year; and

WHEREAS, police and sheriff departments, city and local police agencies, courts and other local government entities constitute the first line of defense against domestic violence; and

WHEREAS, the aforementioned costs of domestic violence are principally borne by the criminal justice system and police agencies; and

WHEREAS, the world community and leaders within the United States recognize domestic violence as a human rights issue; and

WHEREAS, by recognizing domestic violence as a human rights issue with very deep, broad and costly ramifications that include, but are not limited to, expenses shouldered by taxpayers and businesses – and more importantly, the human cost of loss of life or physical injury; and

WHEREAS, this cost is dramatically illustrated by The Gonzales Case: A Human Rights Approach to Combating Domestic Violence, which describes the terrible consequences, to wit, the loss of life of three children, when a local government does not enforce an order of protection; and

WHEREAS, the Inter-American Commission on Human Rights (IACHR), a judicial body of the Organization of American States (OAS) found that the United States was responsible for human rights violations related to this case when it maintained that the local government had no mandatory duty to enforce protective orders; and

WHEREAS, the IACHR was authorized in 1965 to accept petitions regarding specific cases of domestic human rights violations as part of its mission to promote the observance and defense of human rights in the Americas; and

WHEREAS, this decision allows advocates and policy makers in the United States new avenues to combat domestic violence; and

WHEREAS, it is fitting and proper to bring attention to this important public policy issue in conjunction with our community’s upcoming observance of the Month of October as Domestic Violence Awareness Month.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body recognize that freedom from domestic violence is a fundamental human right; and be it further

RESOLVED, that the Erie County Legislature commend the policies and actions of local and state police agencies that bear the primary responsibility of securing this fundamental human right on behalf of their citizens; and be it further

RESOLVED, that representatives from The Women, Children and Social Justice Clinic at SUNY Buffalo Law School be invited to a future meeting of the Erie County Legislature’s Health and Human Services Committee to discuss the Gonzales case to illustrate the importance of this public policy issue; and be it further
RESOLVED, that copies of this resolution be conveyed to the Erie County Executive, the Erie County Sheriff, the Commissioner of Central Police Services, The Women, Children and Social Justice Clinic at SUNY Buffalo Law School and to all others deemed necessary and proper.

(5-0)

THOMAS J. MAZUR
CHAIR
Jacksonville, FL
2014
RESOLUTION 2014-453-A

A RESOLUTION EXPRESSING THE CITY COUNCIL OF JACKSONVILLE’S INTENT TO DECLARE THAT FREEDOM FROM RELATIONSHIP VIOLENCE IS A UNIVERSAL HUMAN RIGHT.

WHEREAS, the City Council of Jacksonville, Florida seeks to enhance the public welfare by declaring that the protection against relationship violence is a fundamental human right; and

WHEREAS, world leaders and leaders within the United States recognize that relationship violence is a human rights concern; and

WHEREAS, in 2011, the United Nations Special Rapporteur on Violence against Women identified several deficiencies in the regulation of relationship violence in the United States, and has urged the United States government to re-evaluate existing mechanisms for protecting victims and punishing abusers at federal, state, and local levels, given that calls for help often do not result in either arrests or successful prosecutions; and

WHEREAS, in 2011, the Inter-American Commission on Human Rights found in Jessica Lenahan (Gonzales) v. United States that the United States’ failure to protect women from gender-based violence constitutes discrimination and a human rights violation, and urged the United States to enact law and policy reforms to protect victims of relationship violence and their children; and

WHEREAS, relationship violence affects individuals and families from every race, gender, age, walk of life; and

WHEREAS, more than 1 in 3 women and more than 1 in 4 men in the United States will experience rape, physical violence, and/or
stalking by an intimate partner; and

WHEREAS, every 9 to 15 seconds a woman is battered in the United States, and every 2.5 minutes someone is sexually assaulted in the United States; and

WHEREAS, there were 108,046 relationship violence incidents reported in 2012 in the state of Florida; and

WHEREAS, there were 6,970 incidents of relationship violence reported in 2012 in Duval County; and

WHEREAS, survivors of relationship violence experience physical injuries, long-term psychological damage, financial instability, and difficulty finding safe housing; and

WHEREAS, children are always negatively impacted by violence in the home, whether they are physically or verbally abused themselves or simply witness the violence; and

WHEREAS, 30% to 60% of perpetrators of intimate partner violence also abuse children in the household; and

WHEREAS, relationship violence is chronically underreported, and statistics from the National Coalition Against Domestic Violence show that only 1 out of 3 cases is ever reported; and

WHEREAS, police and sheriff's departments, courts, cities, counties, social service agencies, and other local government entities constitute the first line of defense against relationship violence; and

WHEREAS, by recognizing that relationship violence is a human rights issue, the City of Jacksonville will raise awareness and enhance relationship violence education in communities, the public and private sectors, and within government agencies; now, therefore,

BE IT RESOLVED by the Council of the City of Jacksonville, Florida:
The Council hereby joins world leaders and leaders within the United States in recognition of relationship violence as a human rights concern and declares that the freedom from relationship violence is a universal human right.

This Resolution shall serve as a declaration to assure the citizens of the City that state and local governments bear a moral responsibility to secure this human right on behalf on their residents.

This Resolution expresses the need to re-evaluate current laws and policies to ensure that such measures are providing the utmost care and concern for victims of relationship violence and their children, and thus also calls on other local, state and national governmental bodies to issue similar resolutions.

This Resolution shall serve as a charge to all local government agencies to incorporate these principles into their policies and practices.

ADOPTED BY THE COUNCIL

August 12, 2014

/signed/

Clay Yarborough

Council President

Attested by Cheryl L. Brown, Council Secretary
Miami Springs, FL
2012
RESOLUTION NO. 2012-3555

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA; EXPRESSING THE CITY'S INTENT TO DECLARE THAT THE FREEDOM FROM DOMESTIC VIOLENCE IS A FUNDAMENTAL HUMAN RIGHT; EFFECTIVE DATE

WHEREAS, the City of Miami Springs seeks to enhance the public welfare by declaring that the protection against domestic violence is a fundamental human right; and,

WHEREAS, survivors of domestic violence must deal with the effects of physical injuries, long-term psychological damage, financial instability, and trouble finding safe housing; and,

WHEREAS, more than one in three women and more than one in four men in the United States will experience rape, physical violence, and/or stalking by an intimate partner at some point in their lives; and this problem disproportionately impacts women of color, women with disabilities, women with low income, and immigrant women within Miami-Dade County, as well as their children; and,

WHEREAS, according to 2011 Uniform Crime Reports, of the 111,681 reported domestic violence offenses statewide, 9,313 occurred in Miami-Dade County, representing the highest number of domestic violence cases of any county in Florida; and,
WHEREAS, world leaders and leaders within the United States recognize that domestic violence is a human rights concern; and police and sheriffs departments, courts, counties, cities, social service agencies, and other local government entities constitute the first line of defense against domestic violence; and,

WHEREAS, by recognizing that domestic violence is a human rights violation, Miami-Dade County will raise awareness and enhance domestic violence education in communities, the public and private sectors, and within government agencies:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA:

Section 1: That the City Council of the City of Miami Springs hereby expresses its intent to join world leaders and leaders within the United States in recognition of domestic violence as a human rights concern and declares that the freedom from domestic violence is a fundamental human right.

Section 2: That this Resolution shall serve as a declaration to assure the residents of the City that state and local governments bear a moral responsibility to secure this human right on behalf of their residents.

Resolution No. 2012-3555
Section 3: That this Resolution shall serve as a charge to all local government agencies to incorporate these principles into their policies and practices.

Section 4: That a copy of this Resolution is to be sent to the Mayor, the Honorable Chair and Members of the Board of County Commissioners, the Director of the Miami-Dade Police Department, the Mayor and Commission and Council member of each municipality within Miami-Dade County.

Section 5: That the provisions of this Resolution shall be effective immediately upon adoption by the City Council.

(THE SPACE INTENTIONALLY LEFT BLANK)
PASSED AND ADOPTED by the City Council of the City of Miami Springs, Florida, this 10th day of September, 2012.

The motion to adopt the foregoing resolution was offered by Councilman Best, seconded by Councilwoman Bain, and on roll call the following vote ensued:

Vice Mayor Lob
Councilman Best
Councilwoman Bain
Councilwoman Ator
Mayor Garcia

“aye”
“aye”
“aye”
“aye”
“aye”

Zavier M. Garcia
Mayor

Magali Valls, CMC
City Clerk

APPROVED AS TO LEGALITY AND FORM:

Jan K. Seiden
City Attorney

Resolution No. 2012-3555
Miami-Dade, FL
2012
MEMORANDUM

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: July 17, 2012

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Resolution expressing the Board's intent to declare that the freedom from domestic violence is a fundamental human right

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.

R. A. Cuevas, Jr.
County Attorney

RAC/jls
TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: July 17, 2012

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 11(A)(2)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's, 3/5's, unanimous) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required
RESOLUTION NO. ________________

RESOLUTION EXPRESSING THE BOARD’S INTENT TO DECLARE THAT THE FREEDOM FROM DOMESTIC VIOLENCE IS A FUNDAMENTAL HUMAN RIGHT

WHEREAS, the Board of County Commissioners ("Board") of Miami-Dade County, Florida ("County") seeks to enhance the public welfare by declaring that the protection against domestic violence is a fundamental human right; and

WHEREAS, survivors of domestic violence must deal with the effects of physical injuries, long-term psychological damage, financial instability, and trouble finding safe housing; and

WHEREAS, more than 1 in 3 women and more than 1 in 4 men in the United States will experience rape, physical violence, and/or stalking by an intimate partner at some point in their lives; and this problem disproportionately impacts women of color, women with disabilities, women with low income, and immigrant women within Miami-Dade County, as well as their children; and

WHEREAS, according to 2011 Uniform Crime Reports, of the 111,681 reported domestic violence offenses Statewide, 9,313 occurred in Miami-Dade County, representing the highest number of domestic violence cases of any county in Florida; and

WHEREAS, of those 9,313 Miami-Dade County domestic violence offenses, about half (4,736) resulted in arrests; and of the 5,970 temporary injunctions issued in Miami-Dade County on domestic violence, dating violence, and sexual violence, twenty-three percent (1,401) resulted in the issuance of permanent injunctions; and

WHEREAS, in 2011, in Miami-Dade County, domestic violence victims made 5,567 crisis hotline and direct service calls for assistance; and shelters provided overnight protection to victims fleeing domestic violence 23,276 times; and there were 1,846 new admissions to residential and nonresidential domestic violence service facilities; and

8
WHEREAS, the United Nations Declaration on the Elimination of Violence Against Women recognizes the urgent need for the universal application to women of the rights and principles with regard to equality, security, liberty, integrity, and dignity of all human beings, and the United Nations Special Rapporteur on Violence Against Women has stated that "violence against women is the most pervasive human rights violation" and has urged the United States government to reassess laws and policies for protecting domestic violence survivors and for punishing abusers; and

WHEREAS, in 2011, the Inter-American Commission on Human Rights found in Jessica Lenahan (Gonzales) v. United States that the United States' failure to protect women from gender-based violence constitutes discrimination and a human rights violation, and urged the United States to enact law and policy reforms to protect victims of domestic violence and their children; and

WHEREAS, world leaders and leaders within the United States recognize that domestic violence is a human rights concern; and police and sheriffs departments, courts, counties, cities, social service agencies, and other local government entities constitute the first line of defense against domestic violence; and

WHEREAS, by recognizing that domestic violence is a human rights violation, Miami-Dade County will raise awareness and enhance domestic violence education in communities, the public and private sectors, and within government agencies,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. This Board expresses its intent to join world leaders and leaders within the United States in recognition of domestic violence as a human rights concern and declares that the freedom from domestic violence is a fundamental human right.
Section 2. This Resolution shall serve as a declaration to assure the citizens of the County that state and local governments bear a moral responsibility to secure this human right on behalf of their residents.

Section 3. This Resolution shall serve as a charge to all local government agencies to incorporate these principles into their policies and practices.

Section 4. A copy of this Resolution is to be sent to the Mayor, the Honorable Chair and Members of the Board of County Commissioners, the Director of the Miami-Dade Police Department, the Mayors and Commission and Council members of each municipality within Miami-Dade County.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. It was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman
Audrey M. Edmonson, Vice Chairwoman
Bruno A. Barreiro
Esteban L. Bovo, Jr.
Sally A. Heyman
Jean Monestime
Rebecca Sosa
Xavier L. Suarez

Lynda Bell
Jose "Pepe" Diaz
Barbara J. Jordan
Dennis C. Moss
Sen. Javier D. Souto
The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of July, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: ___________________________
    Deputy Clerk

Approved by County Attorney as to form and legal sufficiency.

Shannon D. Summerset-Williams
Miami-Dade County, FL
Anti-Discrimination Ordinance Amendment, 2014
(legislative markup version; final version of the ordinance will be available shortly)
Miami-Dade Legislative Item
File Number: 141667

File Number: 141667  File Type: Ordinance  Status: Second Reading
Version: 0  Reference:  Control: Board of County Commissioners
File Name: DOMESTIC VIOLENCE ANTI DISCRIMINATION Introduced: 7/18/2014
Requester: NONE  Cost: Final Action:
Agenda Date: 11/5/2014  Agenda Item Number: 7A
Notes: REQUIRES Title:
ORDINANCE AMENDING CHAPTER 11A, ARTICLES I, II, III, IV AND VI OF THE CODE OF MIAMI-DADE COUNTY TO PROHIBIT DISCRIMINATION BASED ON STATUS AS A VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE; OR STALKING; CORRECTING SCRIVENER ERRORS IN SECTIONS 11A-12 AND 11A-13 OF THE CODE OF MIAMI-DADE COUNTY TO INCLUDE SOURCE OF INCOME AS A PROTECTED CLASSIFICATION IN HOUSING; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Indexes: DOMESTIC VIOLENCE  Sponsors: Sally A. Heyman, Co-Prime Sponsor
Barbara J. Jordan, Co-Prime Sponsor
Rebeca Sosa, Co-Prime Sponsor
Lynda Bell, Co-Prime Sponsor
Esteban L. Bovo, Jr., Co-Sponsor
Jose "Pepe" Diaz, Co-Sponsor
Audrey M. Edmonson, Co-Sponsor
Dennis C. Moss, Co-Sponsor
Juan C. Zapata, Co-Sponsor

Sunset Provision: No  Effective Date:  Expiration Date:
Registered Lobbyist: None Listed

Legislative History

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It was moved by Commissioner Heyman that the foregoing proposed ordinance be adopted as amended with the following language: On handwritten page 4 the following language should read between the first and third “Whereas clauses” as follows: ...Whereas The Miami-Dade Board of County Commissioners passed the domestically Ordinance 99-5 codified at 11A-60 exact at the Miami-Dade County Code on January 21, 1999 and then a new “Whereas clause will be added to read as follows: “Whereas on July 17, 2012, Resolution Number R-644-12 was adopted whereby this Board expressed its intent to join world leaders and leaders within the United States in recognition of domestic violence as a human rights concern and declare that the freedom from domestic violence is a fundamental human rights, and... This motion was seconded by commissioner bell, and upon being put to a vote, the motion passed 9-0 (Commissioners Edmonson, Barreiro, Souto and Suarez were absent). The amended version has been assigned Ordinance No 14-113.

Assistant County Attorney Cynthia Johnson-Stacks read the foregoing proposed ordinance into the record. Vice Chairman Monestime opened the public hearing on the foregoing proposed ordinance. Ms. Renita Holmes, Executive Director, Women’s Association and Alliance against Injustice and Violence, 350 NW Labre Place, appeared before the Committee. She highlighted the recent surge in homicides, and the cycle of violence prevalent in public housing. She questioned whether the proposed ordinance would have an impact on these women, and she asked for County employees to be more compassionate towards homosexual victims of domestic violence. She suggested that there be more consolidation between the County and the City of Miami. Vice Chairman Monestime closed the public hearing after no one else appeared wishing to speak. Hearing no questions or comments, the Committee members proceeded to vote on the foregoing proposed ordinance, as presented. Later in the meeting, Vice Chairman Monestime explained that some members of the audience came to the meeting to speak on Agenda Item 4D; however, the item was renumbered as 1G2, and they did not have a chance to place their comments on the record. It was moved by Commissioner Diaz that Agenda Item 1G2 be reconsidered. This motion was seconded by Vice Chairman Monestime, and upon being put to a vote, passed by a vote of 3-0; (Chairwoman Edmonson and Commissioner Souto were absent). Vice Chairman Monestime opened the public hearing on the foregoing proposed ordinance. A representative of the Southeast Florida Apartment Association, appeared before the Board, noting the association represents landlords from Palm Beach to Monroe Counties. She stated that the proposed bill failed to address two issues that would leave landlords and owners of real estate open to fair housing complaints and lawsuits. She asked that language be added to the proposed ordinance to request that documentation be provided by the victim, such as a medical statement, police record or an advisor’s letter. Ms. Sheila Rivera, 3313 NE 39th Street, Fort Lauderdale, FL, appeared before the Board, and noted while the Southeast Florida Apartment Association respected the proposed bill’s objective to protect victims of violence, and already took steps to assist these victims, nothing in the proposed bill states how landlords are to address active violence in residential communities. She requested that guidelines be put in place to assist landlords in addressing this issue. Vice Chairman Monestime suggested that Ms. Kristi and Ms. Rivera meet with the prime sponsors of the item. Commissioner Bell recommended that the representatives of the Southeast Florida Apartment Association put in writing their recommendations, send them to the prime sponsors, and suggest amendments to be read into the record at the next BCC meeting. Responding to Ms. Rivera’s question as to whether there was a deadline, Commissioner Bell recommended that this be done as soon as possible. Vice Chairman Monestime closed the public hearing after no one else appeared wishing to speak. Hearing no further questions or comments, the Committee members proceeded to vote on the foregoing proposed ordinance, as presented.

Assistant County Attorney Cynthia Johnson-Stacks read the foregoing proposed ordinance into the record. Vice Chairman Monestime opened the public hearing on the foregoing proposed ordinance. Ms. Renita Holmes, Executive Director, Women’s Association and Alliance against Injustice and Violence, 350 NW Labre Place, appeared before the Committee. She highlighted the recent surge in homicides, and the cycle of violence prevalent in public housing. She questioned whether the proposed ordinance would have an impact on these women, and she asked for County employees to be more compassionate towards homosexual victims of domestic violence. She suggested that there be more consolidation between the County and the City of Miami. Vice Chairman Monestime closed the public hearing after no one else appeared wishing to speak. Hearing no questions or comments, the Committee members proceeded to vote on the foregoing proposed ordinance, as presented.

Assistant County Attorney Cynthia Johnson-Stacks read the foregoing proposed ordinance into the record. Vice Chairman Monestime opened the public hearing on the foregoing proposed ordinance. Ms. Renita Holmes, Executive Director, Women’s Association and Alliance against Injustice and Violence, 350 NW Labre Place, appeared before the Committee. She highlighted the recent surge in homicides, and the cycle of violence prevalent in public housing. She questioned whether the proposed ordinance would have an impact on these women, and she asked for County employees to be more compassionate towards homosexual victims of domestic violence. She suggested that there be more consolidation between the County and the City of Miami. Vice Chairman Monestime closed the public hearing after no one else appeared wishing to speak. Hearing no questions or comments, the Committee members proceeded to vote on the foregoing proposed ordinance, as presented.
REPORT: - The foregoing proposed ordinance was adopted on first reading and set for public hearing before the Health and Social Services Committee meeting on Wednesday, October 15, 2014, at 12:00 PM.

County Attorney 7/18/2014 Referred Health & Social Services Committee 10/15/2014

Board of County Commissioners 7/18/2014 Requires Municipal Notification Health & Social Services Committee 10/15/2014

County Attorney 7/18/2014 Assigned Terrence A. Smith 7/22/2014

Legislative Text

TITLE
ORDINANCE AMENDING CHAPTER 11A, ARTICLES I, II, III, IV AND VI OF THE CODE OF MIAMI-DADE COUNTY TO PROHIBIT DISCRIMINATION BASED ON STATUS AS A VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE; OR STALKING; CORRECTING SCRIVENER ERRORS IN SECTIONS 11A-12 AND 11A-13 OF THE CODE OF MIAMI-DADE COUNTY TO INCLUDE SOURCE OF INCOME AS A PROTECTED CLASSIFICATION IN HOUSING; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BODY

WHEREAS, it is the policy of Miami-Dade County, in the exercise of its police power for the public safety, health and general welfare, to eliminate and prevent discrimination in employment, family leave, public accommodations, credit and financing practices, and housing accommodations because of race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status or sexual orientation or housing discrimination based on source of income; and

WHEREAS, this Board passed the Domestic Leave Ordinance, Ordinance 99-5 codified at 11A-60 et. seq. of the Miami-Dade County Code, on January 21, 1999; and

WHEREAS, domestic violence, dating violence and stalking affects individuals of various racial, economic, educational, religious background, in heterosexual and same-sex relationships, living together or separately, married or unmarried, in short-term or long-term relationships; and

WHEREAS, perpetrators frequently seek to control their spouses or partners by actively interfering with, for example, their ability to work and live in their homes; and

WHEREAS, victims of domestic violence, dating violence or stalking typically do not ask for assistance, due to embarrassment, shame, fear of job loss, eviction or other adverse actions; and

WHEREAS, meanwhile, nearly three-quarters of abused women have been harassed at work and twenty percent (20%) of homeless women say the primary reason they lack housing is because of domestic violence;
WHEREAS, a 2005 national survey conducted by the Corporate Alliance to End Partner Violence found that 21% of full-time employed adults were victims of domestic violence; and
WHEREAS, according to the U.S. Centers for Disease Control and Prevention (CDC), intimate partner violence victims lose a total of nearly 8 million days of paid work a year - the equivalent of more than 32,000 full-time jobs, and the cost of domestic violence to the U.S. economy is more than $5.8 billion.; and
WHEREAS, according to the Florida Department of Law Enforcement, in 2013, there were 108,030 reported domestic violence offences in the state of Florida, and 9953 of these incidents, including 18 domestic related deaths, occurred in Miami-Dade County; and
WHEREAS, there is currently no general law in the State of Florida specifically prohibiting discrimination against persons who are victims of domestic violence, dating violence or stalking; and
WHEREAS, this Board, in the exercise of its police powers for the public safety, health and general welfare, to eliminate and prevent discrimination in employment, family leave, public accommodations, credit and financing practices, and housing accommodations based on actual or perceived status as a victim of domestic violence, dating violence or stalking,
BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:
Section 1. Section 11A-1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

ARTICLE I. GENERAL PROVISIONS
Sec. 11A-1. Declaration of policy and scope.

(1) Policy. It is hereby declared to be the policy of Miami-Dade County, in the exercise of its police power for the public safety, health and general welfare, to eliminate and prevent discrimination in employment, family leave, public accommodations, credit and financing practices, and housing accommodations because of race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status, sexual orientation, or actual or perceived status as a victim of domestic violence, dating violence or stalking. It is further hereby declared to be the policy of Miami-Dade County to eliminate and prevent discrimination in housing based on source of income.

Section 2. Section 11A-2 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 11A-2. Definitions.
The definitions set out herein shall apply to articles II, III, IV and V:

(8) Discrimination shall mean any difference, distinction or preference in treatment, access or impact because of race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status, sexual orientation, or source of income, or actual or perceived status as a victim of domestic violence, dating violence or stalking.

(22) Victim of domestic violence shall mean a person who has been subjected to acts or threats of violence, not including acts of self defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, or a person who is or has continually or at regular intervals lived in the same household as the victim.
(23) Victim of dating violence shall mean a person who has or had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the
consideration of the following factors:

(a) A dating relationship must have existed within the past six (6) months;
(b) The nature of the relationship must have been characterized by the expectation of affection or sexual
involvement between the parties; and
(c) The frequency and type of interaction between the persons involved in the relationship must have included
that the persons have been involved over time and on a continuous basis during the course of the relationship.
The term does not include violence in a casual acquaintance or violence between individuals who only
have engaged in ordinary fraternization in a business or social context.

(24) Victim of stalking shall mean a victim of acts which constitute are deemed under Florida Law to be
willful, malicious, and repeated following, harassing, or cyber stalking of another person, and/or the making of
a credible threat with the intent to place that person in reasonable fear of death or bodily injury of the person,
or the person's child, sibling, spouse, parent, or dependent.

Section 3. Section 11A-12 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:
ARTICLE II. – HOUSING

Sec. 11A-12. - Unlawful housing practices. It shall be unlawful for any
person, owner, financial institution, real estate broker, real estate agent or any representative of the above to
engage in any of the following acts because of race, color, religion, ancestry, national origin, age, sex,
pregnancy, disability, marital status, familial status, sexual orientation, source of income, or
actual or perceived status as a victim of domestic violence, dating violence or stalking.

(j) To directly or indirectly induce or attempt to induce for profit, the sale, purchase, rental, lease or the listing
for any of the above, of any dwelling by representing that the presence or anticipated presence of a person of a
particular race, color, religion, national origin, age, sex, disability, familial status, marital status, sexual orientation,
source of income, or actual or perceived status as a victim of domestic violence, dating violence or stalking.

will or may result in blockbusting, such as but not limited to:
(i) The lowering of property values in the area;
(ii) An increase in criminal or anti-social behavior in the area; or
(iii) A decline in the quality of the schools or other services or facilities in the area; or

Sec. 4. Section 11A-13 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

(6) Furnishing appraisals. Nothing in this article prohibits a person engaged in the business of furnishing
appraisals of real property from taking into consideration factors other than race, color, religion, sex, disability,
familial status, marital status, national origin, sexual orientation, source of income, or actual or
perceived status as a victim of domestic violence, dating violence or stalking.
Section 5. Section 11A-19 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

ARTICLE III. - PUBLIC ACCOMMODATIONS

Sec. 11A-19. - Unlawful public accommodations practices.
It shall be an unlawful practice for any person to engage in any of the following acts because of the race, color, religion, ancestry, national origin, age, sex, pregnancy, disability, marital status, familial status, sexual orientation, or actual or perceived status as a victim of domestic violence, dating violence or stalking of any individual or of any person associated with that individual:

* * *

Section 5. Section 11A-22 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 11A-22. - Exceptions to unlawful public accommodations practices.
(5) Nothing in this article shall apply with respect to a religious organization, association, society or any non-profit institution or organization operated, supervised or controlled by or in conjunction with any such group, from limiting its goods, facilities, services, privileges or advantages to persons of the same religion or from giving preference to any such person, however, that religious organization, association or society shall not restrict membership based on race, color, national origin, ancestry, sex, pregnancy, age, marital status, familial status, disability, or actual or perceived status as a victim of domestic violence, dating violence or stalking. Furthermore, nothing in this article relating to unlawful public accommodation practices based on sexual orientation shall pertain to any religious organization, association, society or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society.

* * *

Section 6. Section 11A-26 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

ARTICLE IV. - EMPLOYMENT

Sec. 11A-26. - Unlawful employment practices.
(1) It shall be unlawful for any employer to engage in any practices described below on account of the race, color, religion, ancestry, sex, pregnancy, national origin, age, disability, marital status, familial status, sexual orientation, or actual or perceived status as a victim of domestic violence, dating violence or stalking of any individual or any person associated with such individual:

* * *

(2) It shall be unlawful for any employment agency or company providing employees to engage in any of the practices described below on account of any individual's race, color, religion, ancestry, national origin, age, sex, pregnancy, disability, marital status, familial status, sexual orientation, or actual or perceived status as a victim of domestic violence, dating violence or stalking:

* * *

(3) It shall be an unlawful employment practice for a labor organization to engage in any of the practices described below on account of any individual's race, color, religion, ancestry, national origin, age, sex, pregnancy, disability, marital status, familial status, sexual orientation, or actual or perceived status as a victim of domestic violence, dating violence or stalking:

* * *
(5) Exemptions to unlawful employment practices.

(a) Notwithstanding any other provision of this article it shall not be an unlawful employment practice:

(i) For a school, college, university, or other educational institution or institution of learning to hire and employ individuals of a particular religion if: such school, college, university, or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled or managed by a particular religion or by a particular religious corporation, association or society, or if the curriculum of such school, college, university or other educational institution of learning is directed toward the propagation of a particular religion and; the employment opportunity sought by the employee or applicant is directly or indirectly related propagating that religion.

(ii) For an employer to hire and employ individuals, for an employment agency to classify or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any individual in any such program, on the basis of his or her religion, sex or national origin in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise. Additionally, nothing in this article shall apply with respect to a religious organization, association, society or any not for profit institution or organization operated, supervised or controlled by or in conjunction with any religious organization from limiting its employment to persons of the same religion or from giving preference to any such person; however, that religious organization, association or society shall not restrict membership based on race, color, national origin, ancestry, disability, or actual or perceived status as a victim of domestic violence, dating violence or stalking. Furthermore, nothing in this article relating to unlawful employment practices based on sexual orientation shall pertain to any religious organization, association, society, or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society.

(iii) For any employer to apply different standards of compensation, or different terms, conditions, benefits, privileges of employment pursuant to a bona fide, written seniority or merit system or piece-work system or a system which measures earnings by quantity provided that such difference does not discriminate because of race, color, religion, ancestry, national origin, age, sex, pregnancy, disability, marital status, familial status, sexual orientation, or actual or perceived status as a victim of domestic violence, dating violence or stalking.

(iv) For an employer or employment agency or representative of either to give or to act upon the results of any professionally validated ability test provided that such test, its administration or action upon the result is not designed, intended or used to discriminate because of race, color, religion, ancestry, national origin, age, sex, pregnancy, disability, marital status, familial status, sexual orientation, or actual or perceived status as a victim of domestic violence, dating violence or stalking.

(b) Nothing contained in this article shall apply to any business or enterprise on or near an Indian Tribe reservation with respect to any publicly announced employment practice of such business or enterprise under which a preferential treatment is given to any individual because he or she is an Indian living on or near a reservation.

(c) Nothing contained in this article shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this chapter to grant preferential treatment to any individual or to any group because of the race, color, religion, sex, pregnancy, national origin, ancestry, age, disability, marital status, familial status, sexual orientation, or actual or perceived status as a victim of domestic violence, dating violence or stalking of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, pregnancy, national origin, ancestry, age, disability, marital status, familial status, sexual orientation, or actual or perceived status as a victim of domestic violence, dating violence or stalking in any community, section or other area of the county or in the available work force in any community, section or other area of the county.
Section 7. Section 11A-34 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

ARTICLE VI. - OFFICE OF FAIR EMPLOYMENT PRACTICES

Sec. 11A-34. - Declaration of policy.
(1) It has been and is the policy of Miami-Dade County to provide equal employment opportunity for all without regard to race, sex, color, national origin, religion, age, disability, ancestry, marital status, pregnancy, sexual orientation >..<][or] veteran's status >>, or actual or perceived status as a victim of domestic violence, dating violence or stalking<< and to prohibit unlawful discrimination on such basis.
(2) It is further the policy of Miami-Dade County to ensure equal opportunity within the County employment system by engaging in voluntary affirmative action to promote diversity within the County work force and employ a representative work force. However, nothing in this section shall be interpreted to require the County to grant preferential treatment to any individual because of sexual orientation.

Section 8. Section 11A-35 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 11A-35. - Definitions.
When used herein:
(a) Affirmative action shall mean a program to ensure equal employment opportunity and treatment for all qualified individuals without regard to race, color, religion, national origin, age, disability, sex, marital status, pregnancy, >..<][or] veteran's status >>, or actual or perceived status as a victim of domestic violence, dating violence or stalking<<, and to every extent possible, eliminate areas of underutilization in employment of minorities, women and persons with disabilities. However, nothing in this section shall be interpreted to require the County to grant preferential treatment to any individual because of sexual orientation.
(b) Office shall mean the Miami-Dade County Office of Fair Employment Practices [a, a division of the Office of the County Manager]].

Section 9. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 10. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 11. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

1 Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.
Domestic Violence Awareness Month Proclamation

October 2012

Whereas, domestic violence is a coercive violation that occurs within families, betraying our fundamental understanding of home as a safe haven, of the bonds of love and of the conditions of trust; and

Whereas, domestic violence affects individuals and families from every race, gender, age and walk of life; and

Whereas, domestic violence is much more than simple quarreling or routine arguments; rather, it is a cycle of violence spawned by the perpetrator’s desire for power and control that can and does escalate to the point of serious injury or death; and

Whereas, domestic violence affects one in three women in the United States; and

Whereas, children are always negatively impacted by violence in the home, whether they are physically or verbally abused themselves or simply witness the violence; and

Whereas, thirty percent of Americans say they know a woman who has been physically abused by her husband or boyfriend in the past year, which means that a significant percentage of Montgomery area citizens are acquainted with someone who has been bound by the unyielding tethers of domestic violence; and

Whereas, survivors of domestic violence experience physical injuries, long-term psychological damage, financial instability, and trouble finding safe housing; and

Whereas, police and sheriff’s departments, courts, cities, social services agencies, and other local government entities constitute the first line of defense against domestic violence; and

Whereas, U.S. and world leaders recognize that domestic violence is a human rights concern; and

Whereas, considering domestic violence through the lens of human rights heightens its gravity and lends weight to the importance of awareness, education and response in public and private sectors; and

Whereas, the City of Montgomery and its neighbors in Montgomery have been dedicated for years to confronting domestic violence, to providing coordinated community responses to its victims, and to advocating for peace in our homes and families;

NOW, THEREFORE, BE IT RESOLVED, that Montgomery City and County officials declare October 2012, to be Domestic Violence Awareness Month, a time to reflect on abuse in area homes, its implications and positive ways to assist victims, and to recognize those members of our community devoted to making homes safe havens;

AND BE IT FURTHER RESOLVED, that these officials join U.S. and world leaders in recognizing domestic violence as a human rights concern and declare that freedom from domestic violence is a human right toward which state and local governments should aspire on behalf of all of the citizens they serve.
Seattle, WA
2012
Resolution #12-03: Support for House Passage of Senate VAWA bill

Whereas, all Seattle residents are born free and equal in dignity and rights; and

Whereas, the Seattle Human Rights Commission is committed to protecting and advocating for justice, human rights, and the equal treatment of all people who live and work in Seattle; and

Whereas, the protection against violence is a fundamental human right,

Whereas, reauthorization of the Violence Against Women Act (VAWA) has stalled in Congress; and

Whereas, the Senate version of VAWA includes important protections for groups particularly affected by violence against women, as Native Americans, immigrants and refugees, and LGBTQ communities while the House version of VAWA does not; and

Whereas, the Senate version of VAWA more fully embodies the core human rights of equality, safety, liberty, integrity and dignity which are enshrined in the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the American Declaration on Human Rights among others;

Whereas, the United Nations Special Rapporteur on Violence Against Women has urged the U.S. to reassess its laws and policies protecting domestic violence survivors and punishing abusers; and

Whereas, in 2011 the Inter-American Commission of Human Rights (ICHR) already required the United States to comply with its international duty to prevent violence against women in the case of Jessica Lenahan (Gonzáles) v. the United States, through the enactment of legislation and policy reforms that do not discriminate and provide for equal protection before the law to victims of domestic violence and their children, under Article II of the American Declaration on Human Rights; and

Whereas, the Commission supports the Seattle Women’s Commission’s call for the U.S. House to pass the Senate version of VAWA and the Commission co-sponsored a public rally with the Seattle Women’s Commission to support the Senate version of VAWA on June 27, 2012;

Therefore be it resolved, that the Seattle Human Rights Commission hereby declares its support for the U.S. Senate version of VAWA and calls upon the U.S. House of Representatives to pass the Senate version this year, in compliance with its international obligations to enact legislation that does not discriminate and to respect and ensure the right to be protected against violence.

Adopted by the Seattle Human Rights Commission on September 6, 2012

Christopher Stearns, Chairman

Nika Dahlbaka, Secretary
Tompkins County, NY
2014
Declaring Freedom from Domestic Violence as a Human Right

WHEREAS, domestic violence is a human rights concern that affects individuals of every gender, sexual orientation, race, age, nationality, religion, and economic status, and

WHEREAS, domestic violence can take many forms, including physical, sexual, psychological, or economic abuse, intimidation, isolation, and coercive control by intimate partners or family members, and

WHEREAS, more than 1 in 3 women and more than 1 in 4 men in the United States will experience rape, physical violence, and/or stalking by an intimate partner during their lifetimes, according to the Centers for Disease Control and Prevention, and

WHEREAS, in 2013, the Advocacy Center of Tompkins County answered 2,055 calls on its domestic violence and sexual assault hotline and served 212 new adult domestic violence clients, including providing shelter for 37 adults and their 25 children and helping 72 individuals obtain final orders of protection from the courts, and

WHEREAS, survivors of domestic violence must deal with the effects of physical injuries, long-term psychological damage, financial and career instability, and trouble finding safe housing, and

WHEREAS, domestic violence has a deeply negative impact on children who are exposed to it, and

WHEREAS, social service agencies, law enforcement, courts, cities, counties, towns, villages, and other local government entities constitute the first line of defense against domestic violence, and

WHEREAS, the United States played an influential role in the 1948 adoption of the Universal Declaration of Human Rights by the United Nations General Assembly, and

WHEREAS, domestic violence is a violation of the human rights guaranteed by international law, including the International Covenant on Civil and Political Rights (ratified in 1976), and the Convention Against Torture and Other Cruel, Inhuman or Degrading treatment or Punishment (ratified in 1987), which the United States has ratified through coordination and consent between the Executive Branch and the Senate, and

WHEREAS, in 2005, the United States Supreme Court in Town of Castle Rock v. Jessica Gonzales, treated an obvious case of domestic violence as merely a due process case ignoring the fact that swifter police response could have saved the lives of her three children; thereafter, Jessica Lenahan (Gonzales) sued the Town of Castle Rock before the Inter-American Commission on Human Rights (IACHR), a regional human rights tribunal, which, in 2011, in contrast to the U.S. Supreme Court, found that the failure of the United States to protect Jessica and her daughters from domestic violence was a violation of their human rights, noting that “[t]he systemic failure of the United States to offer a coordinated and effective response to protect Jessica and her daughters from domestic violence” violated their rights to life, nondiscrimination, equal protection of the law, and judicial protection under the 1948 American Declaration on the Rights and Duties of Man, and
Resolution No. 2014-214 Declaring Freedom from Domestic Violence as a Human Right

WHEREAS, in 1988 the federal Office of Victims of Crime was established, and in 1995 the federal Office of Violence Against Women was established, and these federal initiatives led to State initiatives that govern the local protocols the County has in place today, and

WHEREAS, Tompkins County has been a leader in acknowledging and responding to the existence of domestic violence by introducing a number of initiatives, including creating the Task Force for Battered Women/Child Sexual Abuse Project in 1987 (which has since become The Advocacy Center) and establishing the Integrated Domestic Violence Court in 2003, and

WHEREAS, in Tompkins County, law enforcement agencies reported an average of 147 victims of domestic violence offences per year between 2010 and 2013, and

WHEREAS, by officially recognizing at this time that freedom from domestic violence is a human right, the Tompkins County Legislature intends to raise public awareness of and contribute to better public understanding of this basic issue in our communities, and

WHEREAS, the Tompkins County Legislature seeks to enhance the public welfare by declaring that freedom from domestic violence is a fundamental human right, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That the Tompkins County Legislature joins world leaders and leaders in the United States in recognizing domestic violence is a human rights concern and declares that freedom from domestic violence is a fundamental human right,

RESOLVED, further, That the Tompkins County Legislature believes the state and local governments should continue to secure this human right on behalf of their citizens,

RESOLVED, further, That the Legislature recognizes that Tompkins County departments and agencies already have protocols in place that acknowledge and address the multiple problems that arise from domestic violence and strongly supports the continuation of their efforts to eradicate domestic violence in our community and that those efforts continue to be informed by domestic violence survivors’ voices and needs,

RESOLVED, further, That Tompkins County shall consider participating, together with community partners such as the Advocacy Center and The Cornell Law School Global Gender Justice Clinic, in a study of the causes of local domestic violence incidents and of the gaps and barriers in the County’s service delivery to survivors of domestic violence, with the goals of preventing domestic violence, strengthening the County’s response to domestic violence, and improving the provision of services to survivors,

RESOLVED, further, That a copy of this resolution be sent to the City and Village Mayors and Town Supervisors in Tompkins County, the Honorable Chairs and Members of the Tompkins County Council of Governments, the Tompkins County Office of Human Rights, the Tompkins County Sheriff, the Police Chiefs for the City of Ithaca and Villages of Cayuga Heights, Dryden, Groton, and Trumansburg, the Cornell University Police Chief, the Ithaca College Public Safety Director, the Tompkins Cortland Community College Campus Safety Director, the New York State Police Troop C Station Commander, the Tompkins County District Attorney, the judges in Tompkins County, Governor Andrew Cuomo, Assembly Speaker Sheldon Silver, Assemblywoman Barbara Lifton, Senate Majority Coalition Leaders Dean Skelos and Jeff Klein, and Senators James Seward, Thomas O’Mara and Michael Nozzolio.

SEQR ACTION: TYPE II-20
Resolution No. 2014-214 Declaring Freedom from Domestic Violence as a Human Right

RESULT: ADOPTED [UNANIMOUS]
MOVER: Brian Robison, Member
SECONDER: James Dennis, Vice Chair
AYES: Burbank, Chock, Dennis, Luz Herrera, Kiefer, Klein, Lane, McBean-Clairborne, McKenna, Robertson, Robison, Shinagawa, Sigler, Stein

STATE OF NEW YORK )
) ss:
COUNTY OF TOMPKINS)

I hereby certify that the foregoing is a true and correct transcript of a resolution adopted by the Tompkins County Legislature on November 18, 2014.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Legislature at Ithaca, New York, on November 19, 2014.

[Signature]
Clerk
Tompkins County Legislature
Background Note

Recognizing Freedom from Domestic Violence as a Fundamental Human Right

Prepared By:
The Advocacy Center of Tompkins County
The Avon Global Center for Women and Justice at Cornell Law School
The Cornell Law School Global Gender Justice Clinic

October 2014
Introduction

Domestic violence is pervasive around the world and in our own backyard. It can happen to anyone, no matter how much money they make, education they have, race or ethnicity they are, or religion they believe in.\(^1\) Domestic violence is “a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person.”\(^2\) Further, domestic violence can affect both men and women, and includes “victimizations committed by intimate partners (current or former spouse, boyfriends, or girlfriends), immediate family members (parents, children, or siblings), and other relatives.”\(^3\) While most people recognize this type of abuse as “domestic violence,” domestic violence is not necessarily restricted to the home, but can also extend to individuals who are in relationships but do not live together. Thus, the terms “relationship violence” and “intimate partner violence” also fall under the “domestic violence” umbrella.

The Advocacy Center of Tompkins County, the Avon Global Center for Women and Justice, and the Cornell Law School Global Gender Justice Clinic are proposing a resolution at the County, Town, City, and Village levels that will recognize freedom from domestic violence as a fundamental human right. Through this resolution, Tompkins County can break the traditional notion of domestic violence as an issue relegated to the private sphere by acknowledging that it is a public, rights-based problem that requires a public, community-oriented solution. By passing this resolution, Tompkins County can become a New York State and national leader in addressing domestic violence in the United States.

Domestic Violence—Globally, Nationally, and Locally

Domestic violence is a global problem affecting men, women, and children in every country of the world. At least one in three women worldwide will be beaten, raped, or otherwise abused by an intimate partner in her lifetime.\(^4\) Women between the ages of 15 and 44 are more likely to experience rape or domestic violence than to be diagnosed with cancer or malaria or to experience a car accident or war.\(^5\)

In the United States from 2003-2012 domestic violence accounted for 21% of all violent crime.\(^6\) Every year, about 1.3 million women and 835,000 men are physically assaulted by an intimate partner.\(^7\) Further, about 1 in 4 women and 1 in 7 men have experienced severe physical
violence by an intimate partner. Domestic violence is also one of the most underreported crimes, with an estimated one-quarter of physical assaults, one-fifth of rapes, and half of stalking incidents by intimate partners being reported to the police. Victims are afraid to report the crimes due to fear of repercussion and lack of faith in the police. When domestic violence incidents are reported, the prosecution is typically lackluster, if it occurs at all. In 2009, only 56% of intimate partner violence crimes were prosecuted to conviction, with only 18% of those resulting in a felony conviction.

Domestic violence also has serious adverse consequences on children. Children who become victims of domestic violence by witnessing domestic violence are twice as likely to abuse their own children or partners when they become adults. Further, children exposed to domestic violence are more likely to experience emotional and behavioral problems and to have their intellectual growth stunted.

Domestic violence survivors also suffer from physical or mental problems that often persist long after the abuse ends. Individuals who are subjected to rape, stalking, or physical violence by an intimate partner are more likely to experience frequent headaches, chronic pain, difficulty sleeping, and poor physical and mental health than those individuals who have not experienced these forms of violence. A 2008 UN Fact Sheet has found that the cost of intimate partner violence in the United States exceeds $5.8 billion per year, which includes health care service costs as well as productivity losses. Because of the violence committed against them, victims of domestic violence have lost almost 8 million days of work, which equals more than 32,000 full-time jobs and 5.6 million days of household productivity lost annually.

In New York State, more than 2.5 million women and 2.4 million men will experience domestic violence in their lifetimes. In 2013, law enforcement agencies outside of New York City responded to 189,152 domestic violence incidents and reported 31,106 assaults committed by intimate partners, 80% of which were perpetrated against women. Eighty-seven women and men in New York State died as a result of intimate partner homicide in the same year. Also in 2013, 22.4% of all homicide victims in New York had a domestic relationship with their murderers. New York State courts issued 300,236 orders of protection in 2013, nearly 210,000 of which were required to be reported in New York’s Domestic Violence Registry.

In Tompkins County, despite its relatively small size, there has been an average of 147 reported cases of domestic violence each year between 2010 and 2013. The number of
unreported cases is undoubtedly much higher. In 2013 alone, the Advocacy Center of Tompkins County answered 2,055 calls on its domestic violence and sexual assault hotline. It provided services to 212 new adult domestic violence clients, provided shelter for 37 adults and 25 children, and helped 72 individuals obtain final orders of protection from the courts.

Adopting a unified understanding of domestic violence and its consequences can improve survivors’ health, reduce the costs this type of violence has on the State, and improve the safety of the community. Ithaca can join a growing number of communities across the country in leading the fight to end domestic violence by declaring that freedom from domestic violence is a fundamental human right.

**Why Freedom from Domestic Violence Should Be Declared a Human Right**

Freedom from domestic violence is a human right to which all people are entitled. Although domestic violence has often been viewed as a private matter, international human rights standards recognize that it is a violation of fundamental rights, which governments at all levels, together with the communities they represent, have a responsibility to address.

In 1948, following World War II, the United Nations adopted the Universal Declaration of Human Rights.\(^{24}\) It defined various human rights, including the rights to life, liberty, security of person, nondiscrimination, freedom from torture or cruel, inhuman or degrading treatment, and access to an effective remedy.\(^{25}\) States later incorporated these provisions into binding international treaties.\(^{26}\) Domestic violence negatively affects the realization of all of these rights.

In 1993, the United Nations adopted the Declaration on the Elimination of Violence against Women, which expressly recognized that domestic violence is a form of gender-based violence that violates women’s human rights.\(^{27}\) The declaration further affirmed that “States should pursue by all appropriate means and without delay a policy of eliminating violence against women.”\(^{28}\) It explained that this responsibility includes the duty to “exercise due diligence to prevent, investigate, and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons.”\(^{29}\)

In 2011, the United Nations Special Rapporteur on Violence against Women, its Causes and Consequences visited the United States to examine the status of violence against women.\(^{30}\) In her report, the Special Rapporteur found that “domestic violence is a pervasive problem that continues to affect women across the United States.”\(^{31}\) She urged the United States to “explore more uniform remedies for victims of domestic violence, . . . re-evaluate existing mechanisms at
federal, state, local, and tribal levels for protecting victims and punishing offenders, . . . establish meaningful standards for enforcement of protection orders[,] . . . and initiate more public education campaigns.”

Declaring freedom from domestic violence a fundamental human right is a step towards fixing the systemic issues that exist. The importance of a human rights approach to the issue of domestic violence is illustrated by the case of Jessica Lenahan. In 1999, in Castle Rock, Colorado, Jessica separated from her abusive husband, Simon Gonzales, and filed for divorce. That May, she obtained a restraining order against him. On June 22, 1999, Simon took their three daughters away without her permission, in violation of the restraining order. Jessica called the police and provided them a copy of the order. Throughout the night she called the police multiple times, gave them information about where her husband and children were, and even went to the police station to plead for assistance, but the police did not take any action to retrieve her children. Later that night, Simon drove his truck to the police station and opened fire on police officers. The police fired back and killed him. They then discovered the bodies of Jessica’s three daughters in the back of the truck. Even though Jessica had a restraining order and had done everything possible to persuade the police to enforce it, the police made no effort at finding or bringing her children home.

Jessica sued the town of Castle Rock for failing to enforce the restraining order against her ex-husband. She argued that this failure violated the Due Process Clause of the Fourteenth Amendment of the United States Constitution. Jessica’s case continued all the way to the Supreme Court. The Supreme Court held that the police did not have a constitutional duty to enforce the restraining order. Even though the deaths of Jessica’s children were directly related to the inaction of the police department, the Supreme Court ruled that Jessica did not have a property interest in police enforcement of the order and that her rights had not been violated.

Following this ruling, Jessica brought her case to the Inter-American Commission on Human Rights (IACHR), a regional human rights tribunal. Unlike the United States Supreme Court, the IACHR found that the failure of the United States to protect Jessica and her daughters from domestic violence was a violation of their human rights. In its decision the IACHR found that “[t]he systemic failure of the United States to offer a coordinated and effective response to protect Jessica and her daughters from domestic violence” violated their rights to life, nondiscrimination, equal protection of the law, and judicial protection under the American
Declaration. The decision concluded by recommending an investigation into the systemic failures related to the enforcement of the restraining order, reparations for Jessica, legislative reform making enforcement of restraining orders mandatory, adopting policies for education about domestic violence, and designing protocols relating to the investigation of missing children in the context of restraining order situations.

Jessica Lenahan’s situation is indicative of a systemic problem across the country. Local authorities need to understand the gravity of domestic violence and be prepared to effectively prevent and respond to it. If the police force of Castle Rock had the proper training, knowledge, and experience, Jessica’s three daughters could have been alive today. Perhaps the police would have responded to her first call and begun searching for her children immediately, in time to prevent their tragic deaths.

By viewing the injustice that happened to Jessica Lenahan as a due process issue, the Supreme Court was unable to see that her basic human rights had been violated or to provide any remedy for that failure. By framing freedom from domestic violence as a human right, the IACHR was able to recognize that the police and the State had failed to protect Jessica and her children from domestic violence and had violated their human rights. Declaring freedom from domestic violence a fundamental human right helps to ensure that situations like the one that Jessica endured do not happen in the future.

**Bringing a Human Rights Perspective to Domestic Violence Responses in Tompkins County**

Adopting a resolution that describes domestic violence in human rights terms is a powerful tool to combat this significant societal harm in Tompkins County. Recently, there has been a national momentum of local governments recognizing that freedom from domestic violence is a fundamental human right. In September 2014, President Obama contributed to this movement by issuing a Presidential Proclamation that “reaffirm[ed] the basic human right to be free from violence and abuse.” Tompkins County is well positioned to be a leader in this movement, as it will be only the second local government in New York State and the first outside of a major city to pass such a resolution. The Advocacy Center of Tompkins County and Cornell Law School’s Avon Global Center for Women and Justice and Global Gender Justice Clinic are proposing a resolution at the Village, City, Town, and County levels that will serve to
reframe domestic violence as a human rights issue. Adopting this resolution will benefit our community both symbolically and practically.

Local governments in Albany, Austin, Baltimore, Boston, Chicago, Cincinnati, Jacksonville, Miami Springs, Miami-Dade County (Florida), Montgomery City and County (Alabama), Seattle, Travis County (Texas), and Washington, D.C. have all passed local resolutions that recognize freedom from domestic violence as a human right. As evidence of this fast-growing momentum, all of these resolutions have been passed in the last three years. They have shone a light on the often-alienating matter of domestic violence, bringing it into the public forum. They have also served as a catalyst for collaboration between local government and communities and provided a model of unified protection and support for domestic violence survivors.

Adopting the proposed resolution in Tompkins County will have important symbolic benefits. First, the resolution will serve as a positive confirmation of government support for those members of our community who are survivors of domestic violence. These individuals will be assured that their local government has recognized the societal harm of domestic violence and is taking steps to protect them and prevent future acts of domestic violence. Further, this resolution can empower survivors, as the local government will be recognizing that they are not just victims with needs but also individuals with rights to which they are entitled. Second, reframing the harm as a human rights issue recognizes that domestic violence is a societal problem requiring a societal solution, the first important step in moving this issue from the private sphere. Third, the resolution establishes Tompkins County as a New York State leader in this movement to recognize that freedom from domestic violence is a fundamental human right. It may open doors to opportunities for shared strategies and collaboration across communities in the effort to eradicate this devastating human rights problem that is at once intensely local and deeply global.

Practically, the resolution will create a foundation for continually strengthening our community’s response to domestic violence in Tompkins County. By passing the resolution affirming that freedom from domestic violence is a human right, the County will recognize the responsibility of local government, at all levels, to protect its citizens from domestic violence. Further, in realizing this responsibility, the government will collaborate with its citizens to support and protect its citizens.
Additionally, this resolution will provide the County with a unified approach to working with domestic violence survivors. Individual service provider employees may have different perspectives on domestic violence, and despite their best efforts, these views may not perfectly align with a human rights framework that fully captures the complexities of the harm. As a result, this divergence of perspectives frustrates cooperation between different service providers and facilitates a non-uniform standard of care. Once passed, the County will be able to point to the resolution and the human rights principles articulated therein as the official framework in responding to domestic violence situations. This ensures that all domestic violence survivors receive the same high standard of care from all Tompkins County service providers, whether they are governmental or non-governmental entities. Additionally, this resolution paves the way for local government and its citizens to develop, within this established framework, a comprehensive policy for preventing and responding to domestic violence.

Passing this resolution would thus have significant symbolic and practical benefits. It would represent an effective step forward in recognizing and combating domestic violence on a local scale, in ways that could also have an important impact at the state, national, and international levels. It would realize this powerful potential by recognizing and reframing the problem, engaging with citizens, and protecting and empowering the Tompkins County community.

**Recommendations**

The resolution proposed in Tompkins County goes beyond simply declaring that freedom from domestic violence is a human right. Although a declaration is a significant first step, this resolution also includes a call to action. It seeks to enhance public understanding of domestic violence, provide better services to survivors, give law enforcement new tools to support their protection efforts, and ensure that the County’s response to domestic violence takes into account survivors’ voices and needs. By adopting this resolution, Tompkins County affirms that the government and the community must work together to eradicate domestic violence. Once adopted and implemented, this resolution will stand as an example to other communities, positioning Tompkins County as a regional leader in this national movement.

Therefore, we recommend that Tompkins County:

1. Adopt the proposed resolution and declare freedom from domestic violence to be a fundamental human right;
2. Recognize that state and local governments must continually work to secure this right for all of their citizens;

3. Incorporate the resolution’s principles into the County’s policies and practices and ensure that these policies and practices are informed by domestic violence survivors’ voices and needs; and

4. Consider undertaking, together with community partners, a study of the causes of local domestic violence incidents and of the gaps and barriers in the County’s service delivery to survivors of domestic violence, with the goals of preventing domestic violence, strengthening the County’s response to such violence, and improving the provision of services to survivors.
Endnotes


5 Id. The complications include: homicide, suicide, injuries, unintended pregnancies, induced abortions, sexually transmitted infections, miscarriages and other problems in pregnancy, depression, eating disorders, sleep disorders, headaches, back pain, abdominal pain, fibromyalgia, gastrointestinal disorders, limited mobility, and can increase smoking, drug, and alcohol misuse. Id.

6 UNITE To End Violence Against Women: Fact Sheet, supra note 4.

7 Truman and Morgan, supra note 3.


9 Id. at 3.


12 Id.

13 Domestic Violence Facts, supra note 9.


15 National Intimate Partner and Sexual Violence Survey, supra note 10, at 3.

16 UNITE To End Violence Against Women, supra note 4.

17 Centers for Disease Control and Protection, Department of Health and Human Services, Costs of Intimate Partner Violence Against Women in the United States 1 (March 2003).


New York State: Domestic Violence Dashboard Project 2013 Data, supra note 19.

Id.


Id. arts. 1, 3, 5, 7, 8.


Id.

Id. art. 4.

Report of the Special Rapporteur on Violence against Women, supra note 11, at 1.

Id. at 5 ¶ 8.

Id.


Castle Rock, 545 U.S. at 753.

Id.

Id.

Castle Rock, 545 U.S. at 754.

Id.

Castle Rock, 545 U.S. at 748.

Id.

Id.

Id.

Castle Rock, 545 U.S. at 768.

Id.


Id.

Id. at 170.

Id. at 201.


A compilation of these resolutions can be found at Columbia Law School Human Rights Clinic and University of Miami Human Rights Clinic, supra note 49.
Elected/Appointed Official/Dept. Head: Carlos Lopez
Constable, Precinct 5

Commissioners Court Sponsor: Samuel T. Biscoe
Travis County Judge

AGENDA LANGUAGE:

APPROVE RESOLUTION IN SUPPORT OF TRAVIS COUNTY’S PARTICIPATION ON THE HUMAN RIGHTS SUBCOMMITTEE AND APPOINTING MEMBERS OF THE AUSTIN/TRAVIS COUNTY FAMILY TASK FORCE AS TRAVIS COUNTY’S REPRESENTATIVE ON THE SUBCOMMITTEE.

BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:
Please see attached resolution and policy brief.

STAFF RECOMMENDATIONS:
ISSUES AND OPPORTUNITIES:

FISCAL IMPACT AND SOURCE OF FUNDING:

REQUIRED AUTHORIZATIONS:

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials should be submitted as a pdf to the County Judge’s office, agenda@co.travis.tx.us by Tuesdays at 5:00 p.m. for the next week's meeting.
WHEREAS, the Travis County Commissioners Court seeks to enhance the public welfare by declaring that freedom from domestic violence is a fundamental human right;

WHEREAS, the Center for Disease Control has estimated that one in four women in the United States and one in seven men in the U.S. experience severe physical violence by an intimate partner;

WHEREAS, in 2011, the Inter-American Commission on Human Rights found in *Jessica Lenahan (Gonzales) v. United States* that the United States’ failure to protect women from gender-based violence constitutes discrimination and a human rights violation and urged the United States to enact law and policy reforms at all levels to protect survivors of domestic violence;

WHEREAS, the United Nations has recognized domestic violence as a human rights issue;

WHEREAS, the Texas Department of Public Safety reports that the total number of family violence incidents in Texas in 2012 was 188,992, a 6.2 percent increase from the total number of family violence incidents in Texas in 2011;

WHEREAS, the Texas Department of Public Safety reports that the total number of family violence incidents in Travis County in 2012 was 8,893, a 14.3 percent increase from the total number of family violence incidents in Travis County in 2011;

WHEREAS, the United Nations Special Rapporteur on Violence Against Women has stated that “violence against women is the most pervasive human rights violation” and that responses to violence should recognize human rights as a premise;

WHEREAS, the United Nations Special Rapporteur on Violence Against Women has urged the United States to reassess laws and policies for protecting domestic violence survivors;

WHEREAS, survivors of domestic violence have the fundamental right to be free from torture and cruel, inhuman, or degrading treatment;

WHEREAS, the Texas Constitution provides that a crime victim has the “right to be reasonably protected from the accused throughout the criminal justice process”;

WHEREAS, law enforcement, city and local agencies, courts and other local government entities are charged with protecting those who suffer cruelty, oppression, and violence;

WHEREAS, survivors of domestic violence face many challenges, some of which directly or indirectly relate to services provided by Travis County;

WHEREAS, the Austin/Travis County Family Violence Task Force was created in 1989 by community leaders, including the Travis County Sheriff’s Office, Travis County Judges, the District and County Attorney’s offices, and the Austin Police Department and Municipal Court Judges, in order to help identify and implement improvements in system response to domestic violence and sexual assault through education and policy development;

WHEREAS, the Austin/Travis County Family Violence Task Force has created a Sub-Committee on Human Rights;

WHEREAS, the Austin/Travis County Family Violence Task Force has partnered with the University of Texas School of Law’s Domestic Violence Clinic, which enables students to assume semester-long projects in order to advocate for the rights of domestic violence survivors; and

WHEREAS, the recognition that domestic violence is a human rights issue will raise public awareness and encourage family-violence education in communities.

NOW, THEREFORE, WE, THE TRAVIS COUNTY COMMISSIONERS COURT, DO HEREBY RESOLVE:

- THAT THE COUNTY RECOGNIZES THAT DOMESTIC VIOLENCE IS A HUMAN RIGHTS CONCERN;

- THAT THE COUNTY DECLARES THAT FREEDOM FROM DOMESTIC VIOLENCE IS A FUNDAMENTAL HUMAN RIGHT;

- THAT THE COUNTY WILL INCORPORATE THESE PRINCIPLES INTO THEIR POLICIES AND CONTINUE TO SECURE THIS HUMAN RIGHT ON BEHALF OF ITS RESIDENTS;
THAT THE COUNTY WILL APPOINT THE AUSTIN/TRAVIS COUNTY FAMILY VIOLENCE TASK FORCE TO IDENTIFY THE GAPS AND BARRIERS IN THE COUNTY’S SERVICE DELIVERY TO SURVIVORS OF DOMESTIC VIOLENCE;

THAT THE COUNTY EXPECTS THE AUSTIN/TRAVIS COUNTY FAMILY VIOLENCE TASK FORCE TO PROVIDE A BIENNIAL REPORT FOR THE NEXT SIX YEARS ON THE CHALLENGES FACED BY SURVIVORS OF DOMESTIC VIOLENCE AND RECOMMENDATIONS ON HOW TO IMPROVE SERVICES TO THOSE SURVIVORS, WITH A REPORT DEDICATED TO LAW ENFORCEMENT AND PROBATION, MENTAL AND PHYSICAL HEALTHCARE, AND CRIMINAL PROSECUTION, RESPECTIVELY;

THAT THE COUNTY WILL COOPERATE WITH THE AUSTIN/TRAVIS COUNTY FAMILY VIOLENCE TASK FORCE IN THE COMPILATION OF ITS REPORTS.

SIGNED AND ENTERED THIS ___ DAY OF APRIL, 2014.

_________________________________
SAMUEL T. BISCOE
COUNTY JUDGE

_____________________________     _____________________________
RON DAVIS        BRUCE TODD
COMMISSIONER, PRECINCT 1     COMMISSIONER, PRECINCT 2

_____________________________   _____________________________
GERALD DAUGHERTY        MARGARET J. GÓMEZ
COMMISSIONER, PRECINCT 3     COMMISSIONER, PRECINCT 4
White Paper

Freedom From Domestic Violence as a Fundamental Human Right

Prepared By:
The University of Texas School of Law Human Rights Clinic in Association with the Domestic Violence Clinic, the Legislative Lawyering Clinic, and the Austin/Travis County Family Violence Task Force
Freedom From Domestic Violence as a Fundamental Human Right

The University of Texas School of Law Human Rights Clinic in Association with the Domestic Violence Clinic, the Legislative Lawyering Clinic, and the Austin/Travis County Family Violence Task Force

Executive Summary

The University of Texas School of Law Human Rights Clinic, in conjunction with the Domestic Violence Clinic, the Legislative Lawyering Clinic and the Austin/Travis County Family Violence Task Force are proposing a resolution at the City and County levels that will declare freedom from domestic violence to be a fundamental human right. This resolution will provide a unified philosophical approach to domestic violence services in the Austin/Travis County community, and includes a call to action, which ensures practical measures will be taken to improve current procedures for protecting and providing support to those affected by domestic violence. Acknowledgement that freedom from domestic violence is a human right creates a duty on the part of city and county officials to take affirmative action to protect their citizens from domestic violence.

Domestic violence is the leading cause of injury to women in the U.S. between 15-44. Domestic violence also disproportionately affects minority women. Black women are 35% more likely to experience domestic violence than white women, and 39% of Texas Hispanic Women experience severe abuse in their lifetime. In 2012, 198,366 family violence incidents were recorded in Texas and increased 11.5% from 2011. In 2012, 8,893 family violence incidents occurred in Travis County. In 2012, 114 Texas women were killed as a result of family violence. In 2010 and 2011, domestic violence was a factor in 29% of homicides in Travis County.

Town of Castle Rock, Colorado v. Gonzales was a significant domestic violence case where the United States Supreme Court found that the town of Castle Rock’s failure to enforce Jessica Lenahan’s restraining order against her ex-husband, resulting in the murder of her three daughters, did not violate her constitutional right to due process. A report by the Inter-American Commission on Human Rights found that the United States, due to Castle Rock’s failure to enforce her restraining order, violated several of Lenahan and her daughters’ fundamental human rights. This case has been instrumental in sparking a nationwide movement whereby communities are declaring freedom from domestic violence to be a fundamental human right.

The international human rights community, including the United Nations, has acknowledged that freedom from domestic violence is a human right. As such, domestic violence is not a private matter and public authorities should act with due diligence to prevent, protect against and eradicate such violence. Moreover, acts of domestic violence violate other fundamental rights including the right to life, the right to freedom from torture and cruel, inhuman, and degrading treatment, the right to non-discrimination, and the right to judicial remedies.

Other cities and counties have acknowledged that domestic violence abrogates these rights and have passed resolutions similar to the resolution being proposed in Austin and Travis County. The proposed resolution takes the declaration a step further and includes a call to action that ensures practical and quantifiable results. By passing this resolution the City and County will be in a better position to provide more effective support for those affected by domestic violence and have taken a crucial step towards eradicating domestic violence in our community.
I. Introduction

Domestic violence is a longstanding and persistent problem around the globe. Often, domestic violence is treated as a private matter, which isolates and alienates victims. One important step Austin and Travis County can take towards curtailing and eventually eradicating domestic violence is to declare freedom from domestic violence to be a fundamental human right. Reframing the epidemic of domestic violence as a human rights violation removes the issue from the private sphere and sheds public light on the widespread impact of domestic violence. Not only will this alter societal perception of domestic violence, but it provides a unified philosophical approach to domestic violence in Austin and Travis County. This has the power to prompt improvement in the effectiveness of current procedures for protecting and providing support for victims.

II. Why Should Freedom from Domestic Violence Be Declared a Human Right?

The first step in acknowledging freedom from domestic violence as a fundamental human right is to understand the meaning of the term “human rights.” At their core, human rights are the recognition of “the inherent dignity” and “the equal and inalienable rights of all members of the human family.” Put in plain language, human rights are the immutable rights all human beings possess simply for being human. The Universal Declaration of Human Rights codifies various fundamental human rights, including the right to life, the right to non-discrimination, the right to freedom from torture and cruel, inhuman or degrading treatment, and the right to judicial remedies. Further, the United Nations has specifically deemed freedom from domestic violence to be a fundamental human right.
A well-known domestic violence case brought the United States’ failure to effectively enforce restraining orders, and how it relates to constitutional and human rights, into the international spotlight. In *Town of Castle Rock, Colorado v. Gonzalez*, Jessica Lenahan, a victim of domestic violence, had obtained a protective order against her ex-husband from a Colorado state trial court in 1999. Her case was eventually appealed to the United States Supreme Court, which held that Lenahan did not have a constitutional right to enforcement of the protective order. Given this lack of protection, Lenahan took her case to the Inter-American Commission on Human Rights (IACHR), who issued a report. The IACHR report found that the State failed to “act with due diligence” to enforce the restraining order against her ex-husband, thereby violating several human rights obligations that the U.S. had assumed. Although many analogous cases exist, this one is particularly relevant because it exemplifies the United States’ refusal to recognize the State’s failure at the federal, state and local level to act with due diligence in cases of domestic violence.

Just one month after Lenahan procured a restraining order, her ex-husband kidnapped her three daughters while they were playing in front of the house. Over the next eight hours Lenahan repeatedly made contact with the Castle Rock Police department, informed them of her restraining order, requested their assistance in locating her daughters and expressed her fears about her ex-husband. The Castle Rock Police department responded in a disorganized, fractured, ill-trained and ineffective manner and failed to find or actively search for her children. At 3:20 a.m. that morning, her ex-husband drove to the police department where he exchanged gunfire with officers and was killed. The three daughters were found dead in the back of his truck.
Lenahan filed suit against the town of Castle Rock, Colorado, alleging that the failure of local and municipal police officers to effectively enforce her restraining order violated the Due Process Clause of the Fourteenth Amendment to the United States Constitution. The Supreme Court reversed the Tenth Circuit Court of Appeals, who held that Lenahan was deprived of due process and voiced concerns that “police never ‘heard’ nor seriously entertained her request to enforce and protect her interests in the restraining order.” The United States Supreme Court instead held that failure to enforce the restraining order did not violate the Due Process Clause because Lenahan did not have “a property interest in police enforcement of the restraining order.”

The case was brought to the Inter-American Commission on Human Rights, who found that “the State failed to act with due diligence to protect” Lenahan and her daughters from domestic violence. The Commission asserted that the U.S. violated its “obligation not to discriminate and to provide for equal protection before the law . . . failed to undertake reasonable measures to prevent the death[s] . . . in violation of the right to life . . . and the [U.S.] violated the right to judicial protection of Jessica Lenahan and her next-of-kin.” The obligation of non-discrimination extends “to the prevention and eradication of violence against women, as a crucial component of the State’s duty to eliminate both direct and indirect forms of discrimination.” “The protection of the right to life is a critical component of a State’s due diligence obligation to protect women from acts of violence,” as is the duty to scrupulously protect female children.

Not only is the right to life violated by acts of domestic violence, but often such acts involve cruel and degrading treatment, not only in the form of physical abuse, but also through withholding of financial access, emotional abuse, and sexual abuse. Such treatment violates various other basic human rights. For instance, the UN Special Rapporteur on torture and other
cruel, inhuman or degrading treatment or punishment has drawn a parallel between domestic violence and acts of torture. The report emphasized the element of powerlessness, which is present in both domestic violence and torture. The Special Rapporteur defined powerlessness as “the intention to keep the victim in a permanent state of fear based on unpredictable violence by seeking to reduce the person to submission and destroy his/her capacity for resistance and autonomy . . ..”

The Commission’s report went on to declare “. . . all States have a legal obligation to protect women from domestic violence: a problem widely recognized by the international community as a serious human rights violation and an extreme form of discrimination.” It said that, “Even though the Commission recognizes the legislation and programmatic efforts of the United States to address the problem of domestic violence, these measures had not been sufficiently put into practice in the present case.” The U.S. has a responsibility to “act with due diligence to prevent, investigate, sanction and offer reparations for acts of violence against women . . . [and enact] measures to prevent and respond to the discrimination that perpetuates the problem.”

As the Lenahan case indicates, acts of domestic violence disproportionately affect women. The International Covenant on Civil and Political Rights (ICCPR) guarantees the right to non-discrimination by requiring states to provide equal protection of the law. The United States has ratified the ICCPR. Moreover, Article 50 of the ICCPR dictates that all provisions of the covenant shall extend to all parts of federal States. Accordingly, individual States, counties and cities, within the United States have a duty under the ICCPR to prevent discrimination against women.
A systematic failure to exercise due diligence in protecting women from domestic violence is, in essence, a failure to provide equal protection, and therefore a violation of the right of non-discrimination. Such a systematic breakdown was evident in the government’s failure to adequately enforce a protective order in the Lenahan case. As that case shows, the failure to exercise due diligence in connection with domestic violence plays a key role in many tragedies that occur and can lead to violations of the fundamental right to life.

The Lenahan case highlights the need for local entities at the city and county level to provide a coordinated, prepared and swift response in similar situations. In its report on the Lenahan case, the Commission notes the failure of the Castle Rock Police Department to take Lenahan’s report of her missing daughters seriously enough. Rather than assuming the girls were alright because they were with their father, the Commission states that authorities receiving missing persons reports must be aware of the “connection between domestic violence and fatal violence . . . perpetrated by parents,” and that they must “understand the seriousness of the phenomenon of violence perpetrated against [children and partners], and act immediately.”

The Commission goes on to state that it knows of no “protocols and/or directives that were in place to guide the police officers at hand on how to respond to reports of missing children in the context of domestic violence” at the Castle Rock Police Department.

The non-enforcement of Lenahan’s protective order represents a violation of her right to access to judicial remedies. The 2013 Annual Report to the UN General Assembly, the Special Rapporteur on violence against women noted several impediments to judicial remedies for those affected by domestic violence. The Special Rapporteur wrote, “Courts rarely have the required levels of specialization in respect to violence against women cases.” Moreover, the report states, “Judicial practices frequently do not reflect an understanding of the dynamics of domestic
violence nor sensitivity to victims of long-term, repeated violence.” Thus, even when the courts are open to those affected by domestic violence, lack of judicial familiarity with the nuances of domestic violence cases may keep individuals from accessing those judicial remedies.

In *Lenahan*, the Commission re-iterated its “principle that the ability of victims of violence against women to access judicial protection and remedies includes ensuring clarification of the truth of what happened.” The Commission recommended that reparations be awarded Lenahan and that a full investigation of her daughters’ deaths as well as the “systemic failures” on the part of the police be performed. The Commission also recommended legislative reform, or the adoption of new legislation at state and federal levels, to make the enforcement of protection and other similar orders compulsory. It urged that such legislation be attended by sufficient resources for implementation, “regulations to ensure their enforcement; training programs for the law enforcement and justice system officials . . . ; and the design of model protocols and directives that can be followed by police departments.” Lastly, the Commission proposed the enactment of programs and policies aimed at shifting the philosophy behind the way public officials approach domestic violence, so as to promote the eradication of stereotypes and discrimination that prevent effective protection against domestic violence on an institutional level. This case demonstrates the need for decisive action at the local level and has, in part, sparked a movement across the nation whereby communities are taking action to ensure that protection from domestic violence is considered a fundamental human right at home and to prevent tragedies like the *Lenahan* case from occurring again.

II. Local Domestic Violence Issues
Domestic violence disproportionately affects women worldwide. It is the leading cause of injury to women in the United States between the ages of 15 and 44. The effects of domestic violence in the United States are cyclical and long-term: boys who witness domestic violence are twice as likely to become offenders and 50% of girls who grow up in an abusive home will experience domestic violence again in the future. Domestic violence is financially harmful as well. According to the Hope Alliance, the United States loses an estimated $727.8 million annually in productivity due to domestic violence, resulting in “almost 100,000 days of hospitalization, almost 30,000 emergency room visits, and almost 40,000 visits to a physician.” Family violence costs the United States $5 to $10 billion each year in police and court costs, medical expenses, sick leave, absenteeism, shelters and foster care.

Domestic violence disproportionately affects minority women. Between 1993 and 1998, American black females “experienced intimate partner violence at a rate 35% higher than that of white females, and about 22 times the rate of women of other races.” A 2002 study by the Texas Council on Family Violence found that 36% of Texas Hispanic women reported experiencing severe abuse in their lifetime. Jessica Lenahan is an Hispanic woman, and the IACHR’s report takes special note of “a historical problem with the enforcement of protection orders; a problem that has disproportionately affected . . . ethnic and racial minorities.”

Family violence is defined under the Texas Family Code as “an act by a member of a family or household against another member that is intended to result in physical harm, bodily injury, assault, or a threat that reasonably places the member in fear of imminent physical harm.” In 2012, 198,366 family violence incidents were recorded in Texas, an 11.5% increase from 2011. Only 36,831 of Texas adults who experienced domestic violence, however, received nonresidential services such as legal advocacy or counseling. In 2012, 114 Texas
women were killed as a result of family violence.\textsuperscript{56} Damage caused by domestic violence also extends beyond the people involved in domestic disputes. “In 2011, 287 Texas law officers were assaulted while responding to family violence calls.”\textsuperscript{57}

The Texas Department of Public Safety reports that 8,893 family violence incidents occurred in Travis County in 2012, 8,102 of which were handled by the Austin Police Department.\textsuperscript{58} In November of 2011, the \textit{Austin American-Statesman} published an article addressing the rise in domestic-violence related deaths and the increase in demand for domestic violence-related services in the Austin area.\textsuperscript{59} The \textit{Statesman} reported, “In 2010 and so far in 2011, domestic violence was a factor in 29 percent of homicides in Travis County.”\textsuperscript{60}

These statistics highlight the severity of domestic violence at the local level and underscore the need for definitive action addressing the issue.

\textbf{III. Bringing the Human Rights Perspective to Combatting Domestic Violence in Austin}

Domestic violence is a worldwide epidemic that also affects the Austin and Travis County community. The University of Texas School of Law Human Rights Clinic, in conjunction with the Domestic Violence Clinic, the Legislative Lawyering Clinic and the Austin/Travis County Family Violence Task Force are proposing a resolution at the City and County levels that will serve to re-conceptualize domestic violence as a human rights issue. Taking this step will benefit our community both symbolically and practically.

The Cincinnati City Council (OH), the Baltimore City Council (MD), the Miami-Dade County Board of Commissioners (FL), city and county officials in Albany (NY), and city and county officials of Montgomery (AL) have all passed resolutions declaring freedom from domestic violence to be a Human Right.\textsuperscript{61 62} In passing these resolutions, each of these local
government entities has taken an admirable step to thrust the often alienating and isolating issue of domestic violence into the public forum. In addition, such a resolution can serve as a catalyst for further discussion and the improvement of support and protection for domestic violence victims. The resolution proposed in Austin and Travis County is unlike the resolutions passed in other cities because it includes a call to action, which ensures practical measures will be taken to improve the domestic violence situation in Austin and Travis County. This call to action is an embodiment of the goals of this resolution.

There will be at least two symbolic benefits from passing the proposed resolution. First, the resolution will serve as a positive symbol for all those members of our community that are, or have been, affected by domestic violence. These persons will know that their local government is taking steps to protect them and prevent future acts of domestic violence. Second, reframing the problem as a human rights issue removes domestic violence from the private sphere and acknowledges that it is a societal problem requiring a societal solution.

Practically, the resolution will take affirmative steps to improve the domestic violence situation in Austin and Travis County. Passing the resolution is the first of a two-tiered interaction between the local government and its citizens. Once the resolution is passed, the city and county will have acknowledged that freedom from domestic violence is a human right. Upon acknowledging this right, it becomes the duty of the city and county to take affirmative action to protect their citizens from domestic violence.

Additionally, the resolution will provide the city and county with a new and unified approach to working with those affected by domestic violence. For the most part, each service provider currently employs their own preconceived notions when confronted with domestic
violence issues. These individual perspectives are not always ideal for working with those affected by domestic violence because these conceptions often do not fully grasp the complexities of the situation, frustrating cooperation between different service providers. Once passed, the city and county will be able to point to the resolution and the human rights standards articulated therein as the official and unified perspective from which to approach domestic violence. This will ensure that all individuals affected by domestic violence receive the same standard of care from all city and county service providers. Moreover, future domestic violence policies can be built around this framework.

IV. Recommendations

While other municipalities have adopted similar resolutions in recent years, those resolutions do not go beyond recognizing that freedom from domestic violence is a human right. The declaration is a key aspect of the resolution proposed in Austin and Travis County. This resolution, however, goes further and includes a call to action ensuring that the effects of the Austin and Travis County resolutions are quantifiable. Once successfully implemented, the call to action and resolution will potentially spread to other communities, positioning Austin and Travis County as regional leaders in this growing movement.

Had such a resolution, including the call to action, been adopted by the city of Castle Rock, Jessica Lenahan’s story may not have ended tragically. A resolution like the one proposed to Austin and Travis County could have provided a more comprehensive philosophy for addressing domestic violence in Castle Rock. It might have better prepared police to understand the serious connection between domestic and fatal violence, to understand the need to act immediately, and might have resulted in better-established protocols for police to follow in that
situation. Had local law enforcement been armed with the knowledge that freedom from
domestic violence is a human right, Lenahan’s pleas for help may not have fallen upon deaf ears.

Because of this we recommend that, at a minimum, Austin and Travis County:

1. Adopt the proposed resolution and declare freedom from domestic violence to be a
   fundamental human right, both at the City and County levels.

2. Carry out, at the City and County level, the call to action contained within the resolution,
   and appoint a single task force to review and audit the current practices of government in
   working with those affected by domestic violence.

3. Review, implement, and ensure compliance with the recommended changes to current
   practices, once the results of the audit have been received.

1 Cheryl Hanna, No Right to Choose: Mandated Victim Participation in Domestic Violence
   (Dec. 10, 1948).
3 Id.
4 It must be noted that the U.S. was instrumental in passing the UDHR and moreover, the UDHR
   represents customary law, or law built upon the ubiquitous international custom.
7 Castle Rock at 748.
8 A principal, autonomous body of the Organization of American States (OAS), the IACHR
   derives its mandate from the OAS Charter and the American Convention on Human Rights. The
   Inter-American Commission has a mandate to promote respect for human rights in the region and
   acts as a consultative body to the OAS in this matter. The Commission is composed of seven
   independent members who are elected in an individual capacity by the OAS General Assembly
   and who do not represent their countries of origin or residence.
9 Jessica Lenahan (Gonzales) et al. United States, Case 12.626, Inter-Am. Comm’n H.R., Report
   No. 80/11 (2011) at
10 Jessica Lenahan (Gonzales) et al. United States, ¶160–65, 196.
11 Castle Rock at 753.
12 Id. at 753—54.
Id.

Id. at 754.

Id.

Id. at 751.

Id. at 755.

Id. at 768.


Id.

Id. at ¶120.

Id. at ¶128–29.


Report of the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, A/HRC/7/3 dated 15 January 2008.

Id.

Id.

Id. at ¶162.

Id. at ¶161.

Id. at ¶126.


Id.


Id.

Id. at ¶165.

Id.

Id.


Id. at 16

Id.

Id. at ¶181.

Id. at ¶1–3.

Id. at ¶4–5.

Id.

Id. at ¶6.


Id.

Id.

Id.

50 *Id.*

51 *Id.*


54 *Id.*


58 *Id.* at 43.

59 *Id.*


62 A compilation of these resolutions is available at http://web.law.columbia.edu/sites/default/files/microsites/human-rights-institute/files/dv_memo.pdf
Washington, DC
2013
A COUNCIL RESOLUTION

DECLARING that freedom from domestic violence is a fundamental human right and further DECLARING that state and local governments have a responsibility to respect and ensure this right on behalf of their citizens.

WHEREAS, survivors of domestic violence experience the effects of physical injuries, long-term psychological damage, financial instability, and trouble finding safe housing; and

WHEREAS, while domestic violence is often marginalized as a private concern, its impact is felt across the entire community as a whole; and

WHEREAS, more than one in three women and more than one in four men in the United States will experience rape, physical violence, and/or stalking by an intimate partner at some point in their lives; and this problem disproportionately impacts women of color, women with disabilities, women with low income, and immigrant women, as well as their children; and

WHEREAS, according to the Rainbow Response Coalition, in 2012, approximately one in three residents of the District of Columbia who identify as Lesbian, Gay, Bisexual, or Transgender (LGBT) have been in an abusive relationship; and

WHEREAS, thirteen individuals died as a result of domestic violence in the District of Columbia in 2011, according to the Metropolitan Police Department; and

WHEREAS, the District of Columbia Office of Attorney General reports that in 2012, a total of 5,478 individuals received assistance at the District’s two Domestic Violence Intake Centers, an average of 22 individuals per day; and

WHEREAS, the Metropolitan Police Department reports that in 2012 the Department received 31,815 domestic-related crime calls—approximately 87 calls each day; and

WHEREAS, the District of Columbia Coalition Against Domestic Violence reports that in 2011, there was a 15% increase in foreign-born individuals and a 26% increase in the number of individuals between the ages of 13 – 17 who received assistance at the District’s two Domestic Violence Intake Centers; and

WHEREAS, local entities such as police departments, providers of medical services, courts, cities, and social service agencies constitute a crucial line of defense against domestic violence and incur significant monetary costs due to domestic violence; and

WHEREAS, world leaders and leaders within the United States recognize that domestic violence is a human rights concern; and

WHEREAS, the 1993 United Nations Declaration on the Elimination of Violence against
Women recognizes the urgent need for the universal application to women of the rights and principles with regard to equality, security, liberty, integrity, and dignity of all human beings that are enshrined in international human rights treaties, and urges States to pursue by all appropriate means and without delay a policy of eliminating violence against women; and

WHEREAS, in view of the alarming growth in the number of cases of violence against women throughout the world, the United Nations Commission on Human Rights adopted resolution 1994/45 on March, 4, 1994, appointing a Special Rapporteur on violence against women, including its causes and consequences; and

WHEREAS, the UN Special Rapporteur on violence against women has urged the United States government to reassess its response to domestic violence, stating that “violence against women is the most pervasive human rights violation which continues to challenge every country in the world, and the U.S. is no exception”; and

WHEREAS, in 2011, the Inter-American Commission on Human Rights found in Jessica Lenahan (Gonzales) v. United States that the United States’ failure to protect women from gender-based violence constitutes discrimination and a human rights violation, and urged the United States to enact law and policy reforms to protect victims of domestic violence and their children; and

WHEREAS, by recognizing that domestic violence is a human rights issue, the District of Columbia will raise awareness and enhance domestic violence education in communities, the public and private sectors, and within government agencies; now, therefore,

BE IT RESOLVED by the Council of the District of Columbia:

Section 1. That the District of Columbia joins other cities in the United States and governments around the world by declaring that freedom from domestic violence is a fundamental human right.

Section 2. That the District of Columbia declares that state and local governments bear a responsibility to respect and ensure this human right on behalf of their citizens.

Section 3. That local agencies in the District of Columbia shall incorporate the principles embodied in this resolution into their policies and practices.

Section 4. That a copy of this resolution shall be delivered to the Office of the Mayor, the Metropolitan Police Department, the Office of the Attorney General, the District of Columbia Superior Court, the District of Columbia Court of Appeals, the Office of Victims Services, Department of Human Services, Office of Human Rights, and all other relevant departments.
Presidential Proclamation:
Twentieth Anniversary of the Violence Against
Women Act
September 9, 2014
Administration of Barack Obama, 2014

Proclamation 9164—Twentyeth Anniversary of the Violence Against Women Act
September 9, 2014

By the President of the United States of America

A Proclamation

Twenty years ago, our Nation came together to declare our commitment to end violence against women. The Violence Against Women Act (VAWA), written by then United States Senator Joe Biden and signed into law on September 13, 1994, changed the way our country responds to domestic abuse and sexual assault. At a time when many considered domestic abuse to be a private family matter and victims were left to suffer in silence, this law enshrined a simple promise: every American should be able to pursue her or his own measure of happiness free from the fear of harm. On the anniversary of this landmark legislation, we rededicate ourselves to strengthening the protections it first codified, and we reaffirm the basic human right to be free from violence and abuse.

The Violence Against Women Act created a vital network of services for victims. It expanded the number of shelters and rape crisis centers across America and established a national hotline. The law improved our criminal justice system and provided specialized training to law enforcement, helping them better understand the unique challenges victims face. It spurred new State laws and protections and changed the way people think about domestic abuse; today, more women are empowered to speak out, and more girls grow up aware of their right to be free from abuse.

Last year, I was proud to renew our pledge to our mothers and daughters by reauthorizing VAWA and extending its protections—because no matter where you live or who you love, everybody deserves security, justice, and dignity. These new protections make Native American communities safer and more secure and help ensure victims do not face discrimination based on sexual orientation or gender identity when they seek assistance. They provide our law enforcement officials with better tools to investigate rape and increase access to housing so no woman has to choose between a violent home and no home at all. And my Administration continues to build on the foundation of this legislation, launching new initiatives to reduce teen dating violence and to combat sexual assault on college campuses.

VAWA has provided hope, safety, and a new chance at life for women and children across our Nation. With advocates, law enforcement officers, and courageous women who have shared their stories joined in common purpose, our country has changed its culture; we have made clear to victims that they are not alone and reduced the incidence of domestic violence. But we still have more work to do. Too many women continue to live in fear in their own homes, too many victims still know the pain of abuse, and too many families have had to mourn the loss of their loved ones. It has to end—because even one is too many. For as long as it takes, my Administration will keep pushing to make progress on our military bases, in our homes, at schools, and across our country.

Two decades later, a tireless effort has yielded a better, stronger Nation. And on the anniversary of the Violence Against Women Act, we continue to work toward a more perfect
society, where the dreams of our mothers and daughters are not limited by fear and where every person can feel safe.

Now, Therefore, I, Barack Obama, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the Twentieth Anniversary of the Violence Against Women Act. I call upon men and women of all ages, communities, organizations, and all levels of government, to work in collaboration to end violence against women.

In Witness Whereof, I have hereunto set my hand this ninth day of September, in the year of our Lord two thousand fourteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

[Filed with the Office of the Federal Register, 11:15 a.m., September 11, 2014]

NOTE: This proclamation was published in the Federal Register on September 12.

DCPD Number: DCPD201400651.
Presidential Proclamation:
National Domestic Violence Awareness Month
September 30, 2014
Proclamation 9181—National Domestic Violence Awareness Month, 2014
September 30, 2014

By the President of the United States of America

A Proclamation

Domestic violence affects every American. It harms our communities, weakens the foundation of our Nation, and hurts those we love most. It is an affront to our basic decency and humanity, and it must end. During National Domestic Violence Awareness Month, we acknowledge the progress made in reducing these shameful crimes, embrace the basic human right to be free from violence and abuse, and recognize that more work remains until every individual is able to live free from fear.

Last month, our Nation marked the 20th anniversary of the Violence Against Women Act (VAWA). Before this historic law, domestic violence was seen by many as a lesser offense, and women in danger often had nowhere to go. But VAWA marked a turning point, and it slowly transformed the way people think about domestic abuse. Today, as 1 out of every 10 teenagers are physically hurt on purpose by someone they are dating, we seek to once again profoundly change our culture and reject the quiet tolerance of what is fundamentally unacceptable. That is why Vice President Joe Biden launched the It's2many initiative to engage educators, parents, and students while raising awareness about dating violence and the role we all have to play in stopping it. And it is why the White House Task Force to Protect Students from Sexual Assault and the newly launched "It's On Us" campaign will address the intersection of sexual assault and dating violence on college campuses.

Since VAWA's passage, domestic violence has dropped by almost two-thirds, but despite these strides, there is more to do. Nearly two out of three Americans 15 years of age or older know a victim of domestic violence or sexual assault, and domestic violence homicides claim the lives of three women every day. When women and children are deprived of a loving home, legal protections, or financial independence because they fear for their safety, our Nation is denied its full potential.

My Administration is committed to reaching a future free of domestic violence. We are building public-private partnerships to directly address domestic violence in our neighborhoods and workplaces, and we are helping communities use evidence-based screening programs to prevent domestic violence homicides. At the same time, the Federal Government is leading by example, developing policies to ensure domestic violence is addressed in the Federal workforce. New protections under the Affordable Care Act provide more women with access to free screenings and counseling for domestic violence. And when I proudly reauthorized VAWA last year, we expanded housing assistance; added critical protections for lesbian, gay, bisexual, and transgender Americans; and empowered tribal governments to protect Native American women from domestic violence in Indian Country.

Our Nation's success can be judged by how we treat women and girls, and we must all work together to end domestic violence. As we honor the advocates and victim service providers who offer support during the darkest moments of someone's life, I encourage survivors and their loved ones who are seeking assistance to reach out by calling the National Domestic Violence Hotline at 1–800–799–SAFE or visiting www.TheHotline.org.
This month, we recognize the survivors and victims of abuse whose courage inspires us all. We recommit to offering a helping hand to those most in need, and we remind them that they are not alone.

Now, Therefore, I, Barack Obama, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2014 as National Domestic Violence Awareness Month. I call on all Americans to speak out against domestic violence and support local efforts to assist victims of these crimes in finding the help and healing they need.

In Witness Whereof, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand fourteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

BARACK OBAMA

[Filed with the Office of the Federal Register, 11:15 a.m., October 2, 2014]

NOTE: This proclamation was published in the Federal Register on October 3.

Categories: Proclamations : National Domestic Violence Awareness Month.

Names: Biden, Joseph R., Jr.

Subjects: Civil rights : Lesbian, gay, bisexual, and transgender persons, equality; Health and medical care : Women's health issues; Holidays and special observances : Domestic Violence Awareness Month, National; Sexual Assault, White House Task Force To Protect Students From; White House Office : Sexual assault, "It's On Us" campaign to prevent; White House Office : Vice President.

DCPD Number: DCPD201400727.
Nancy Pelosi Statement
on Domestic Violence Awareness Month
October 1, 2014
Pelosi Statement on Domestic Violence Awareness Month

Oct 1, 2014 Press Release
Contact: Drew Hammill, 202-226-7616

Washington, D.C. – Democratic Leader Nancy Pelosi issued the following statement today in recognition of Domestic Violence Awareness Month in October:

“Freedom from fear and abuse is a basic human right. Yet it is estimated that one in every four women will experience domestic violence in her lifetime. Millions of women will confront these violent acts this year. Domestic violence terrorizes women, children, and men in homes across America – and we must not allow it to continue.

“Every victim of domestic violence deserves a Congress committed to fighting for them. Last year, however, House Republicans refused to pass a strong reauthorization of the landmark Violence Against Women Act for 17 months, voting to exclude LGBT, immigrant and Native American women from its essential protections.

“We must stand together as one nation committed to preventing and ending domestic violence. Each and every victim deserves our support. There can be no excuses, and we must all do our part to raise awareness of this cancer in our communities. As we mark this Domestic Violence Awareness month, let us renew our determination to end domestic violence once and for all.”

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