

Plenary

Home Truth: Advancing International Human Rights to End Domestic and Sexual Violence

Jessica Lenahan: Survivor & Human Rights Activist

April Hayes: Director/Producer

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Jessica Lenahan (Gonzales) v. United States

Survivor-Led Advocacy



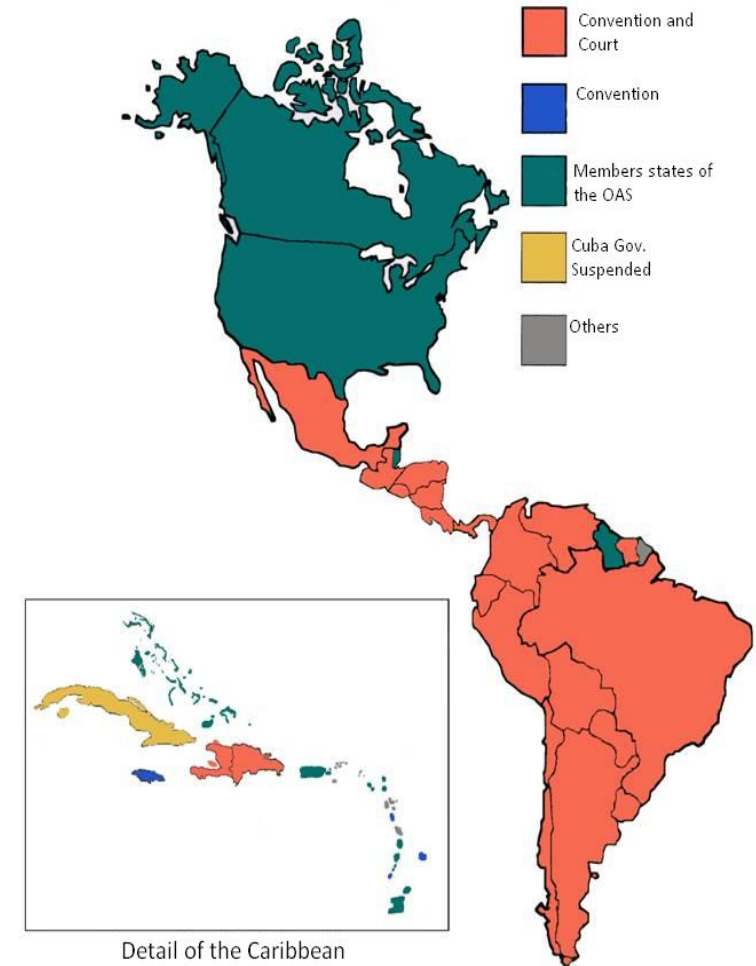
Jessica Lenahan (Gonzales) v. United States

Merits Hearing, Oct. 22, 2008



What is the Inter-American System?

- 2 independent tribunals in Organization of American States (OAS):
 - Inter-American Commission on Human Rights (IACHR) (Washington, D.C.)
 - Inter-American Court of Human Rights (IACtHR) San José, Costa Rica (no jurisdiction over the U.S.)
- The OAS (founded 1948) is composed of the 35 independent nations of the Americas and is the world's oldest regional organization.
- 7 members (Commissioners) – Independent Experts



Jessica Lenahan (Gonzales) v. United States
Inter-American Commission on Human Rights (IACHR)

July 21, 2011

IACHR found a violation of Jessica and her children's human rights under the American Declaration on the Rights and Duties of Man:

- Article I (Right to life and personal security)
- Article II (Equal protection and non-discrimination)
- Article VII (Special Protections for Children)
- Article XVIII (Due process/Judicial Protection)



Jessica Lenahan (Gonzales) v. United States
Inter-American Commission on Human Rights (IACHR)

July 21, 2011

DUE DILIGENCE & DISCRIMINATION/INTERSECTIONALITY

“[A] State’s failure to act with **due diligence** to **protect women from violence** constitutes a form of **discrimination**, and denies women their right to **equality** before the law...” ¶ 111

“...**certain groups of women** ... [are at] particular risk for acts of violence due to having been subjected to **discrimination based on more than one factor**, among these girl-children, and women pertaining to **ethnic, racial, and minority groups**...” ¶ 127

Jessica Lenahan (Gonzales) v. United States
Inter-American Commission on Human Rights (IACHR)

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ELIMINATE PREJUDICE & STEREOTYPES

“States must adopt the **required measures to modify the social and cultural patterns of conduct of men and women and to eliminate prejudices, customary practices** ...based on the idea of the inferiority or superiority of either of the sexes, and on **stereotyped roles for men and women.**” ¶ 126

WHO WILL HELP ME?

Domestic Violence Survivors on Law Enforcement Responses

THE SURVEY

637 women with experiences of partner abuse agreed to participate in the survey.

51% of women *had yet to interact* with police regarding incidents of partner abuse.

49% of women *had already interacted* with police regarding incidents of partner abuse.

The National Domestic Violence

HOTLINE

1.800.799.SAFE (7233) - 1.800.787.3224 (TTY)

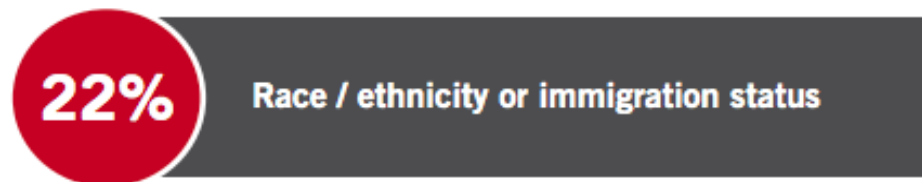
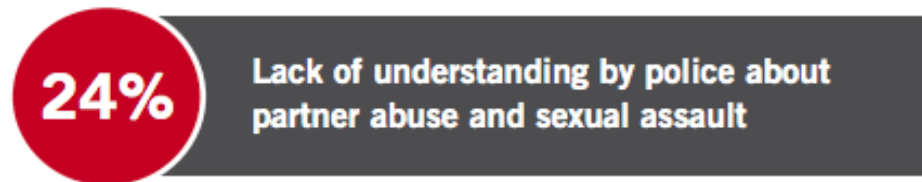
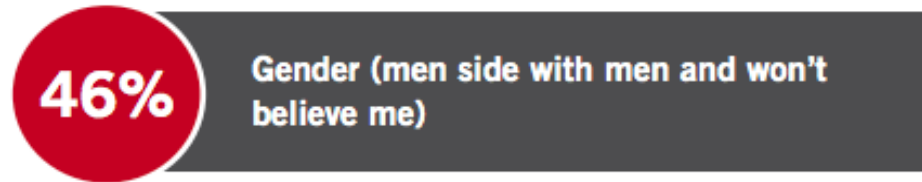
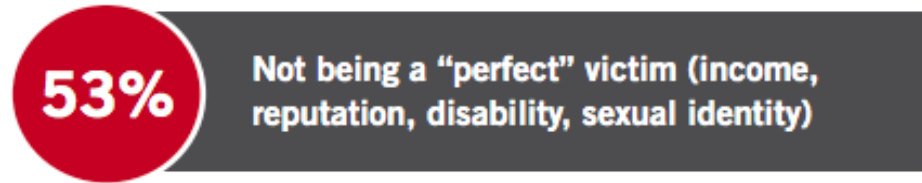
WHO WILL HELP ME?

The Findings

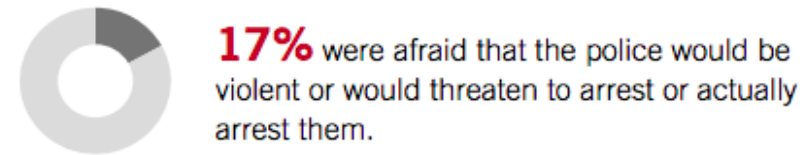
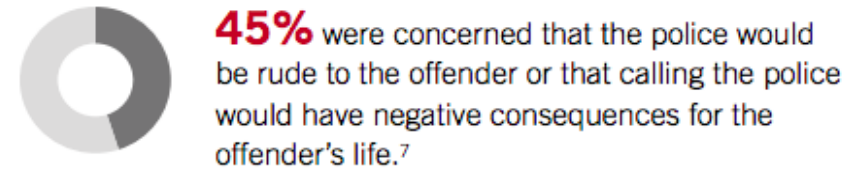
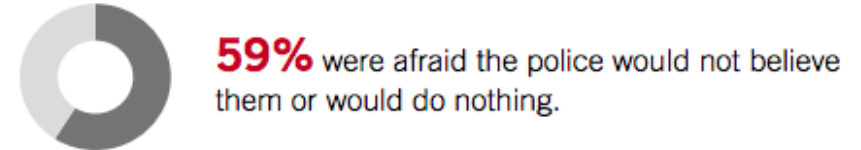
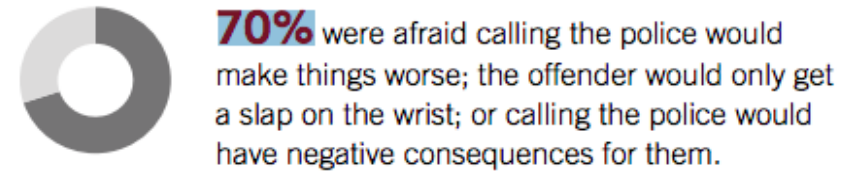
Both the groups of women who *had* called the police and the women who *hadn't* called the police shared a strong reluctance to turning to law enforcement for help:

- **1 in 4 reported that they would not call the police in future**
- **Only 1 in 7 women were likely to call the police again in the future**
- **More than half said calling the police would make things worse**
- **Two-thirds or more said they were afraid the police would not believe them or do nothing**

2 in 5 (43%) felt police had **discriminated against them**. Of that 43%, the following responses indicated discrimination due to:



4 in 5 (80%) of those who had not previously called the police were **somewhat or extremely afraid** to call them in the future.



The National Landscape

- Many victims reluctant to turn to law enforcement for help
- Many victims encounter significant barriers when they do seek law enforcement assistance
- DV/SA calls comprise the majority of 911 calls to many police departments and are among the most dangerous assignments for responding officers
 - Yet improving response to gender violence is often not a law enforcement priority.
- National conversations about bias in policing have tended to focus more on race and national origin than sex or gender identity, and also don't address the intersection of these issues.

Identifying and Addressing Gender Bias in Policing

Department of Justice Guidance (Dec.
2015)

*Identifying and Preventing Gender Bias in
Law Enforcement Response to Sexual
Assault and Domestic Violence*



DOJ Guidance: 8 Key Principles

1. Recognize and address biases, assumptions and stereotypes about victims
2. Treat all victims w/ respect & employ trauma-informed interviewing tactics
3. Investigate DV/SA complaints thoroughly & effectively
4. Appropriately classify DV/SA reports
5. Connect victims to appropriate services
6. Properly identify the assailant in domestic violence incidents
7. Hold officers who commit DV/SA accountable
8. Maintain, review & act upon data regarding DV/SA to improve response

DOJ Guidance Implementation Grants

- **Technical Assistance Awards – EVAWI, IACP, PERF**
- **Local Demonstration Sites -- IACP - *Integrity, Action, and Justice: Strengthening Law Enforcement Response to Domestic and Sexual Violence***

6 law enforcement agencies receive DOJ grants to improve investigations of SA/DV/stalking:

- Training and technical assistance
- Comprehensive agency assessment
- Strategic recommendations and implementation plans
- Support and access to resources, tools, and subject matter experts

City of Shawnee, Oklahoma, Police Dept
Clark County, Ohio, Sheriff's Office
Denton, Texas, Police Dept

Iowa City, Iowa, Police Dept
Nampa, Idaho, Police Dept
Vancouver, WA, Police Dept

The **COURAGE** in Policing Project

**Community
Oriented &
United
Responses to
Address
Gender Violence
and
Equality**

The **COURAGE** in Policing Project

- Works with community-based organizations, police departments, and national leaders on gender violence and policing to enhance law enforcement responses to DV/SA
- Includes particular focus on:
 - Women of Color
 - Immigrant and Disabled Women
 - LGBTQI Community
- Local & National Focus
- Promotes coordinated community efforts
- Increases access to resources and promising practices to enhance implementation of 2015 DOJ Guidance

The **COURAGE** in Policing Project



The **COURAGE** in Policing Project seeks to:

- **Develop model community assessments and climate surveys**
- **Provide tools for the use of research and data monitoring**
- **Develop a repository of information and resources through COURAGE website**
- **Develop a community toolkit**
- **Bring an intersectional gender lens**
- **Facilitate ongoing engagement between communities and police departments**
- **Facilitate a national conversation among local communities**

Led by Professor Carrie Bettinger-Lopez at University of Miami Law School Human Rights Clinic



Freedom from Domestic Violence as a Fundamental Human Right Resolutions, Presidential Proclamations, and Other Statements of Principle

Share

Across the United States, advocates and government actors are increasingly looking to human rights principles to address pressing concerns. This is especially true at the **state and local levels**. Since 2011 an increasing number of local government bodies across the country have adopted resolutions or proclamations recognizing that freedom from domestic violence is a human right. This page contains these resolutions and proclamations, laws citing to them, and federal statements that similarly have recognized freedom from domestic violence as a human right.

Updated May 2017. Ongoing efforts to track and analyze these local efforts have been undertaken jointly by **Columbia Law School's Human Rights Institute**, **University of Miami School of Law Human Rights Clinic**, and **Cornell Law School's Gender Justice Clinic**.

For more information please contact **Elizabeth Brundige**, Cornell Law School's Gender Justice Clinic, and **JoAnn Kamuf Ward**, the Human Rights in the US Project at Columbia Law School's Human Rights Institute.

Resolutions by County, Town, and Municipal Governments

For discussion of the resolutions' features, [click here](#).

1. [Cincinnati, OH \(2011\)](#)
2. [Baltimore, MD \(2012\)](#)
3. [Miami Springs, FL \(2012\)](#)
4. [Prattville, AL \(2012\)](#)

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

HOME TRUTH

A FILM BY APRIL HAYES & KATIA MAGUIRE



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#MeToo to #Real Change

- Now: A watershed moment on gender violence in the U.S.
- Must think creatively about how to move **from #MeToo to #RealChange.**
- A coordinated and systematic response to gender violence in every sector—including law enforcement—is needed to create lasting change.