

Women's Rights Groups Call on U.S. to Improve Response to Domestic Violence and Gun Violence

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U.N. Human Rights Committee Urged to Recommend that United States Implement Universal Background Checks, Mandatory Police Training, Re-Evaluation of "Stand Your Ground"

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Contact (212) 925-6635; cbrandt-young@legalmomentum.org

Legal Momentum, the Advocates for Human Rights, the Human Rights Clinic of the University of Miami School of Law, and Women Enabled, Inc. ("U.S. Women's Rights Organizations") submitted a shadow report on violence against women in the United States to the United Nations Human Rights Committee, and called for the Committee to recommend significant improvements to U.S. law and policy.

Because the United States signed and ratified the International Convention on Civil and Political Rights in 1992, it must report to the United Nations Human Rights Committee on its treaty implementation every four years. The United States last reported to the Human Rights Committee in 2006, and its 2011 report will be reviewed on October 17 and 18, 2013 in Geneva. The Human Rights Committee, which consists of an international panel of 18 independent experts, will hear a presentation from the U.S. State Department, ask questions, and issue final recommendations on ways the U.S. has improved its compliance with its international human rights obligations—and on ways it has not.

In the current round, the Committee specifically asked the United States to explain "[t]he number of victims of gun violence, including in the context of domestic violence" and "steps taken . . . to prevent and combat domestic violence." The Committee also asked the U.S. to "provide information on the applicability of 'stand your ground' laws, and whether they provide blanket immunity to persons using force as defined and permitted by such laws." The U.S.'s response on these complex and troubling issues consisted of less than two pages. Consequently, on September 13, the U.S. Women's Rights Organizations filed a "shadow report" to provide the Committee with complete answers to its questions.

The United States has a much higher rate of gun homicides than other comparably developed nations. Women in the U.S. are almost six times more likely to be killed by an intimate partner than men, and at least half of those murders are committed with guns. Christina Brandt-Young, a Senior Attorney at Legal Momentum, noted that "current U.S. federal law is simply insufficient to prevent women being shot and killed by their intimate partners."

In the United States, nearly 1 in 5 women will be raped in her lifetime; 1 in 6 women will be stalked; more than 1 in 3 women will experience intimate partner harm, including rape, physical violence, and/or stalking. The report finds that state per capita funding from the Violence Against Women Act (VAWA), the cornerstone of the U.S.'s response to violence against women, is all over the map, from \$13.25 per resident in the District of Columbia to \$0.51 per state resident in Texas in 2012.

“In spite of the passage of important and helpful legislation like the Violence Against Women Act, the domestic violence epidemic has continued to rage in the United States,” said Professor Caroline Bettinger-Lopez, Director of the Human Rights Clinic at the University of Miami School of Law. “VAWA doesn’t help women hold offenders or law enforcement accountable, its trainings for courts and police are strictly voluntary, and it doesn’t come close to giving victim services the full and adequate funding they require.”

The report also focuses on the lack of protections for women with disabilities. “It is critical for the United States to address how to end violence against women with disabilities because they are an increasing population and women with disabilities are at a significantly higher risk of being victims of violence, according to DOJ statistics. Shockingly, funding for disability-specific programs authorized under VAWA was reduced by 10% in 2013,” said Stephanie Ortaleva, President of Women Enabled, Inc. The report also describes the case of Marissa Alexander, an African-American resident of Florida who fired a warning shot in the air over her abusive husband and was not allowed to use the “stand your ground” defense; in fact, she was sentenced to twenty years in jail despite not hurting anyone. “To put it mildly, some criminal defendants benefit from the protections of ‘Stand Your Ground’ laws, but others, in particular minority women, do not,” said Charlotte Cassel, a student in University of Miami School of Law’s Human Rights Clinic.

The report also details how the Inter-American Commission on Human Rights, based in Washington, D.C., issued a scathing report in 2011 on the murder of three girls in Castle Rock, Colorado, after their abusive father kidnapped them. The Commission found that the case was mishandled by everyone from the local police to the Supreme Court, yet two years later the U.S. is still trying to figure out what to do about it. “Jessica Lenahan’s case underscores all the ways in which the U.S. has failed and continues to fail to protect women and children from domestic violence. International bodies like the Inter-American Commission and the Human Rights Committee are necessary to make the U.S. live up to its obligations to women,” said Dan Kinney, a student in University of Miami School of Law’s Human Rights Clinic.

The shadow report urges the UN Human Rights Committee to recommend that the United States improve its response to violence against women by requiring universal background checks for all gun transfers; improving training for law enforcement on how to respond to domestic violence, especially for racial and sexual minority and disabled women, and making such training mandatory; implement the recommendations of the Inter-American Commission on Human Rights’ decision in *Jessica Lenahan (Gonzales) v. United States*; and re-evaluate “stand your ground” laws to ensure that their

application does not perpetuate racial discrimination or re-victimize survivors of domestic violence.

The shadow report is submitted as part of the U.S. Human Rights Network's ICCPR Day of Action on Sept. 23, 2013, on which civil and human rights organizations across the country will participate in events, post on blogs and Facebook, and converse on Twitter using the hashtag #ICCPRTownhall.

The full text of the shadow report can be found at <http://www.law.miami.edu/human-rights-clinic/pdf/2013/ICCPR-Shadow-Report-Domestic-Violence.pdf>