



*International Human Rights Principles, Immigration,
and Local City Councils:*

21st Century Trends in Domestic Violence Protection

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Agenda

- Domestic Violence (DV) as a **Human Rights Violation**
- **Local City Council Resolutions** Declaring Freedom From DV a Fundamental Human Right
- **Legal Protections and Increase in Immigration Enforcement**, and Its Effect on Undocumented and Immigrant DV Survivors and Abusers
- Link Between DV and **Human Trafficking**
- Link Between DV and **Mass Shootings**
- Solutions



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**Presenting in personal capacity. Views expressed are her own and do not represent those of her employing agency or the United States.*

Trend No. 1:

*International Human Rights
Principles Being Applied to
Domestic Violence*

First, a story

SCOTUS v. IACHR

No protected Constitutional property interest in the enforcement of her restraining order

No violation of civil rights

The State violated its **obligation not to discriminate and to provide for equal protection before the law** under Article II of the American Declaration of the Rights and Duties of Man by failing to act with due diligence to protect them from domestic violence.

The State also failed to undertake reasonable measures to prevent their deaths in **violation of their right to life** under Article I of the American Declaration, in conjunction with their **right to special protection as girl-children** under Article VII of the American Declaration.

The State violated **the right to judicial protection** of Jessica Lenahan and her next-of kin, under Article XVIII of the American Declaration.

How does DV
constitute a
violation of
human rights?

**Acts of domestic
violence violate several
provisions in the
Universal Declaration of
Human Rights.**

Universal Declaration of Human Rights

Article 3

Everyone has the right to “life, liberty and security of person.”

Article 5

“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”

Article 8

Everyone has the “right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.”

Article 16

The family “is the natural and fundamental group unit of society and is entitled to protection by society and the State.”

Article 26

“Motherhood and childhood are entitled to special care and assistance.”

Trend No. 2:

*Local City Council Resolutions
Declaring Freedom From DV is
a Fundamental Human Right*

32 (And Counting) Resolutions by U.S. Cities, Counties, Towns and Municipal Governments

Including

Cincinnati, Ohio (2011)

Dallas, Texas (2015)

Albany City and Albany County, New York
(2012)

Iowa City, Iowa (2016)

Washington, District of Columbia (2013)

Beaver County, Utah (2017)

Chicago, Illinois (2014)

Berkeley, California (2018)

Features of Resolutions

- ✓ Say locality/government “**join U.S. and world leaders**” in “**recognizing domestic violence as a human rights concern.**”
- ✓ **Many state that government has a responsibility to secure the right to be free from domestic violence.**
 - ✓ Some specifically note that government has a "moral responsibility" to do so.
 - ✓ Some resolutions similarly provide that state and/or local governments should secure this right.
- ✓ **State their intent to raise public awareness and enhance domestic violence education.** Examples:
 - ✓ Declare October as domestic violence awareness month.
 - ✓ Reaffirms the City's commitment to disseminate domestic violence information and to collaborate with non-governmental organizations and local businesses in combating domestic violence.
- ✓ Many resolutions include specific provisions aimed at implementation. 12+ **direct local officials to incorporate the principles contained in the resolutions into governmental policies and practices.**

City of Berkeley 2018 Resolution

- **NOW THEREFORE, BE IT RESOLVED** that freedom from domestic violence is a fundamental human right, accessible to all humans of all genders.
- **BE IT FURTHER RESOLVED** that the City Manager shall prepare a report within the next six (6) months on the policy and practice of City departments on domestic violence, including but not limited to, the Berkeley Police Department, the Berkeley Fire Department, and Health, Housing & Community Services, with respect to the status of domestic violence and the City's work to overcome domestic violence and support survivors.
- **BE IT FURTHER RESOLVED** that City departments shall work to incorporate this Resolution into their work.
- **BE IT FURTHER RESOLVED** that the City of Berkeley will maintain a vested interest in ensuring that the fundamental human right of freedom from domestic violence is protected for all the members of its community.

Impact of Resolutions

The Miami-Dade County 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, citing the 2012 Miami-Dade County domestic violence resolution.

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Trend No. 3:

*Legal Protections and Increase
in Immigration Enforcement*

Victims of Crime U Nonimmigrant Status - U Visas

- Victim of qualifying criminal activity.
- Suffered **substantial physical or mental abuse** as a result of having been a victim of criminal activity.
- You have information about the criminal activity.
- You were **helpful, are helpful, or are likely to be helpful to law enforcement in the investigation or prosecution of the crime.**
- **The crime occurred in the United States or violated U.S. laws.**
- You are admissible to the United States. If you are not admissible, you may apply for a waiver.

Victims of Trafficking T Nonimmigrant Status - T Visas

- Are or were a victim of trafficking, as defined by law
- Are in the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, or at a port of entry due to trafficking.
- Comply with any reasonable request from a law enforcement agency for assistance in the investigation or prosecution of human trafficking
- Demonstrate that you would suffer extreme hardship involving unusual and severe harm if you were removed from the United States
- Are admissible to the United States. If not admissible, you may apply for a waiver.

715 victim advocates and legal service providers
in 46 states and the District of Columbia surveyed



62% observed an increase in immigration-related questions from survivors of violence.



3/4 said immigrants have expressed concern about contacting police and appearing in court.



Nearly 80% reported that survivors had expressed concerns about contacting police.



43% said they had personally worked with a survivor who dropped a U or T visa petition or civil or criminal case because they were too scared to continue.

Decrease in Law Enforcement Notification

- Decrease from 50 calls to 2 calls in 2017 - Nassau County District Attorney's Office of Immigrant Affairs hotline in Long Island, New York
- 10% drop in reports of domestic violence and a 25% drop in reports of rape among Latinos compared to the year before as of March 2017 in Los Angeles, California
 - The police department noticed no similar drops among other communities of color
 - It believes “deportation fears” may be keeping victims from the Hispanic community from coming forward.
- 42.8% decline in rapes reported by Latinos compared to 2016 and a 13% drop in all violent crime reported by Latinos in Houston, Texas



In January 2018, ICE issued a directive explaining that enforcement actions at courthouses would be directed at specific individuals with certain violations under particular circumstances, **NOT** random roundups.

Enforcement Effect on Undocumented & Immigrant Survivors and Abusers

- More scared than before to report, including Muslim women b/c of anti-Muslim sentiment
- Less likely to testify in criminal proceedings
- Foregoing eligibility for U visas, T visas

Abusers able to have more force behind their threats to report survivors to ICE

Abusers being picked up at courthouses

More likely abuser will be removed (deported)

(Some) Effects on Society

Less witnesses with key testimony to prosecute criminals

Less accountability for committing crimes

Increased potential for future crimes

But also

More removal of non-citizen DV abusers

Trend No. 4:
*Link Between Domestic
Violence and Human
Trafficking*

DEFINING HUMAN TRAFFICKING V. DOMESTIC VIOLENCE

Human trafficking is defined using an "A-M-P Model," meaning that it is the:

- Act of recruiting, transporting, transferring, harboring or receiving a person;
- Through the means of **threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability**, or giving payments or benefits to a person in control of another individual;
- For the purpose of exploitation, including sexual exploitation, forced labor, or other forms of involuntary servitude.

The **Department of Justice** defines domestic violence as:

*"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**. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone."*

DV is a push
factor for
human
trafficking.

Almost **70%** of adult
female trafficking victims
**experienced domestic
violence** prior to being
trafficked.

DV is a Push Factor for Child Trafficking

- 
- Children exposed to domestic violence in the home may run away in order to avoid abuse

- Runaway and homeless youth are at particular risk of being trafficked

- 1 in 6 of reported runaways indicated signs of experiencing sex trafficking according to National Center for Missing Exploited Children

**Traffickers are not always
strangers to the victim.**


How The Link Keeps Building


Many human trafficking survivors are often **first identified through crimes of domestic violence** or sexual assault, and **only upon further questioning, do they reveal their experience with trafficking.**

Trend No. 5:
*Link Between Domestic
Violence and Mass Shooters*

DV and Mass Shootings

The **number of American women who were murdered** by current or ex male partners between 2001 and 2012 was **11,766**.

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A study of intimate partner homicides found that **20% of victims** were not the intimate partners themselves, but **family members, friends, neighbors, persons who intervened, law enforcement responders, or bystanders.**

Intimate terrorism through domestic violence is a training ground for mass terrorism.

Abuse to Criminalization

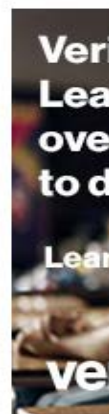
DV survivors being prosecuted for acts committed by their abusers, or for crimes they were forced to commit.

Around **75 percent of incarcerated women** in NY have **experienced severe abuse at the hands of an intimate partner during adulthood.**

Noor Salman, the Orlando nightclub shooter's wife, acquitted of charges she aided 2016 massacre



A jury found Noor Salman not guilty of aiding her husband in the June 2016 ISIS-inspired attack that killed 49 people at Pulse nightclub in Orlando. (Monica Akhtar/The Washington Post)



What Can We Do?

It Requires a Multifaceted Approach

- **Incorporate DV as HR violation in domestic violence education** and awareness campaigns
- Start and sign petitions to **have your local city government pass a freedom from DV is a HR resolution**
- **Use the resolution** to raise awareness and advocate for policy and legislative change, and **increased access to housing and economic resources**
- **Advocate for Human Trafficking Intervention Court initiatives** for those arrested for prostitution-related offenses
- **Be aware of how various issues could show up in your work**, including immigration and trafficking issues, and how to approach them
- Petition for a **law similar to Maryland's requiring DV abusers to wear a GPS tracker that will alert survivors** when abusers are in areas they were ordered to stay away from
- **Urge your members of Congress to pass the Fix NICS Act of 2017** to improve updates to the National Instant Criminal Background Check System used for firearms purchases

**Tell your networks about
what you learned today &
research what resonates with
you most.**

Special Thanks

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Regenerations Counseling Services

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