

## DEVELOPING A NATIONAL PLAN OF ACTION ON VIOLENCE AGAINST WOMEN AND GENDER VIOLENCE: A HUMAN RIGHTS APPROACH

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### INTRODUCTION

On October 16, 2017, new hashtag #MeToo-inundated U.S. social media, *“If all the women who have been sexually harassed or assaulted wrote ‘Me too.’ as a status, we might give people a sense of the magnitude of the problem,”* wrote the actor Alyssa Milano on Twitter<sup>1</sup>, building upon the “Me Too” movement founded by activist Tarana Burke a decade earlier.<sup>2</sup> Over the next month, millions of women and many men posted #MeToo on their social media accounts, many with painful accompanying stories.<sup>3</sup> The hashtag campaign came on the heels of multiple shocking allegations of sexual and intimate partner violence against women committed by high-profile men-Harvey Weinstein, Bill O’Reilly, Roger Ailes, Bill Cosby, Ray Rice, and Donald Trump, to name a few. Subsequent revelations of sexual violence by powerful men followed, and sexual harassment and assault stories dominated news headlines.<sup>4</sup>

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<sup>1</sup> Alyssa Milano, Twitter post, Oct. 15, 2017, Available at: [https://twitter.com/alyssa\\_milano/status/919659438700670976](https://twitter.com/alyssa_milano/status/919659438700670976)

<sup>2</sup> Tarana Burke, a Black woman from Harlem, founded the grassroots “Me Too” movement in 2006 to spur “mass healing” for sexual violence survivors in underprivileged communities. Zahara Hill, “A Black Woman Created the “Me Too” Campaign Against Sexual Assault 10 Years Ago,” *Ebony Magazine* (Oct. 18, 2017), Available at: <http://www.ebony.com/news-views/black-woman-me-too-movement-tarana-burke-alyssa-milano#ixzz4yWw6RMT3>; Me Too Movement website, Available at: <https://metoomvmt.org/>.

<sup>3</sup> According to U.S. News and World Report, “[i]n the first 24 hours following Milano’s invitation to women to share their personal experiences by replying “Me Too” to her Facebook post, the social media platform received 4.5 million posts. On Twitter, her tweet drew 70,000 replies, while another 1.7 million tweets on the topic have been posted, according to the social media platform. More than 85 countries have registered more than 1,000 tweets with the “MeToo” hashtag.” Sintia Radu, “How #MeToo Has Awoken Women Around the World,” *U.S. News and World Report* (Oct. 25, 2017), Available at <https://www.usnews.com/news/best-countries/articles/2017-10-25/how-metoo-has-awoken-women-around-the-world>. See also Emanuella Grinberg and Jennifer Agiesta, “One fifth of Americans know someone who said #MeToo,” *CNN* (Nov. 9, 2017), Available at <http://www.cnn.com/2017/11/09/us/cnn-poll-sexual-harassment-assault/index.html> (“1 in 5 Americans said close friends or family members shared stories about sexual harassment or assault on social media, according to a CNN poll”).

<sup>4</sup> Doug Criss, “The (incomplete) list of powerful men accused of sexual harassment after Harvey Weinstein,”

Many have described this moment in our country - indeed in our world - as a “tipping point” on gender violence.<sup>5</sup> Malcolm Gladwell defines a tipping point as “the moment a social trend passes a threshold and starts to spread like wildfire.”<sup>6</sup> Sexual assault, sexual harassment, domestic violence, dating violence, and stalking have increasingly become regular topics of conversation in schools, in the media and public spaces, and in law and policymaking—due largely to survivors, advocates, and institutional champions stepping up and speaking out. An estimated three to five million people participated in women’s marches in hundreds of cities and towns across the United States (and hundreds of thousands more worldwide) on January 21, 2017.<sup>7</sup> Approximately 440,000 people have taken the It’s on Us pledge online to be a part of the solution to ending sexual assault, and students have hosted over 3,000 It’s On Us events on 575 college campuses nationwide.<sup>8</sup> Domestic violence, once a footnote in public policy discussions, has become a leading focus in our national discourse about gun safety<sup>9</sup> and “sanctuary cities” that refuse to enforce immigration law.<sup>10</sup> State and local governments,

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CNN (Nov. 1, 2017), Available at <http://www.cnn.com/2017/10/25/us/list-of-accused-after-weinstein-scandal-trnd/index.html>. While most advocates have praised the #MeToo movement for bringing much-needed attention to an issue that has historically been swept under the rug, some have criticized the mainstream manifestation of the “MeToo” movement and the “Weinstein effect” for primarily focusing on high-profile, white, cis-gender women, not on those most vulnerable to violence: women of color, gender-nonconforming individuals, and women who work in service industries, low-wage industries, and in industries dominated by men. Others have criticized #MeToo for being a “trauma-driven spectacle” that promotes a hierarchy of trauma; and still others have expressed caution that a public battle against sexual assault can become a moral panic against sex. See, e.g., Harry Lewis, When “Me Too” is Too Much (And Not Enough), *The Huffington Post* (Nov. 10, 2017), Available at: [https://www.huffingtonpost.com/entry/when-me-too-is-too-much-and-not-enough\\_us\\_5a066ff4e4b0ee8ec3694195](https://www.huffingtonpost.com/entry/when-me-too-is-too-much-and-not-enough_us_5a066ff4e4b0ee8ec3694195); Masha Gessen, When Does a Watershed Become a Sex Panic, *The New Yorker* (Nov. 14, 2017), Available at <https://www.newyorker.com/news/our-columnists/when-does-a-watershed-become-a-sex-panic>; Annie Lowrey, The Inequality Beneath the Sexual-Harassment Headlines, *The Atlantic* (Oct. 26, 2017), Available at: <https://www.theatlantic.com/business/archive/2017/10/sexual-harassment-media-hollywood-entertainment/544068/>.

<sup>5</sup> CNN Town Hall, *Tipping Point: Sexual Harassment in America* (Nov. 9, 2017), Available at: <https://www.youtube.com/watch?v=YKX9tnf1a4k>

<sup>6</sup> Malcom Gladwell, *The Tipping Point: How Little Things Can Make a Big Difference* (2002).

<sup>7</sup> Women’s March, Sister Marches, Available at <https://www.womensmarch.com/sisters>; Erica Chenoweth and Jeremy Pressman, “This is what we learned by counting the women’s marches,” *The Washington Post* (Feb. 7, 2017), Available at [https://www.washingtonpost.com/news/monkey\\_cage/wp/2017/02/07/this-is-what-we-learned-by-counting-the-womens-marches/?utm\\_term=.2f0457dd03b9](https://www.washingtonpost.com/news/monkey_cage/wp/2017/02/07/this-is-what-we-learned-by-counting-the-womens-marches/?utm_term=.2f0457dd03b9).

<sup>8</sup> It’s on Us, Available at <http://www.itsonus.org/>; personal correspondence with Tracey Vitchers, It’s on Us Executive Director, Nov. 16, 2017.

<sup>9</sup> See, e.g., Everytown for Gun Safety, *Guns and Domestic Violence*, Available at: <https://everytownresearch.org/guns-domestic-violence/>.

<sup>10</sup> PBS Newshour, Officials worry Trump’s vow to squeeze ‘sanctuary cities’ could hurt health programs (May 1, 2017), Available at <https://www.pbs.org/newshour/health/officials-worry-trumps-vow-squeeze-sanctuary-cities-hurt-health-programs>; P.R. Lockhart, Women Are Now Living With the Fear of Deportation If They Report Domestic Violence, *Mother Jones* (May 25, 2017), Available at <http://www.motherjones.com/politics/2017/05/immigrant-sexual-assault-domestic-violence-survivors-fear->

much like the Obama-Biden administration (in which I had the honor of serving as the White House Advisor on Violence Against Women),<sup>11</sup> are taking unprecedented action to ramp up prevention and response efforts to gender violence.<sup>12</sup> If there ever was a tipping point on sexual and intimate partner violence in the United States, it is arguably now.

Tipping points do not inevitably result in systemic change, however. A coordinated and systematic national response to violence against women and gender violence in the United States—one which builds upon the decades of advocacy and the collective outpouring of energy, angst, and experience in the current moment, and one that pulls together the public and private sectors, and government at all levels (federal, state, and local)—is needed to create lasting change.

A national plan of action on violence against women and gender violence in the United States can be a catalyst for such lasting change. UN Women, the United Nations organization dedicated to gender equality and the empowerment of women, has urged all countries to adopt such plans; and approximately 50 countries, located on every continent (except Antarctica), have adopted national plans of action on violence against women and/or gender-based violence.<sup>13</sup>

The United States does not have a national plan of action on violence against women or gender violence. That makes it a global outlier. Many of the countries that have adopted national plans—including Canada, the United Kingdom, Australia, Germany, Spain, and Ireland—are considered “sister countries” to the United States, due to shared legal, political, and cultural traditions. While the Violence Against Women Act in the United States is a landmark piece of legislation and has many of the hallmarks of a national action plan on violence against women, it does not constitute a whole-of-government, goal-oriented,

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enforcement-survey/#.

<sup>11</sup> The Council on Women and Girls: Violence Against Women Accomplishments, The United State of Women White House Summit (June 2016), Available at: [https://obamawhitehouse.archives.gov/sites/whitehouse.gov/files/documents/Women%20and%20Girls\\_VAW.pdf](https://obamawhitehouse.archives.gov/sites/whitehouse.gov/files/documents/Women%20and%20Girls_VAW.pdf).

<sup>12</sup> See, e.g., “Illinois Attorney General Issues Sexual Assault Response Guidelines,” Illinois Public Media News (July 14, 2017), Available at <https://will.illinois.edu/news/story/illinois-attorney-general-issues-sexual-assault-response-guidelines>; Richard Winton, “L.A. prosecutors form special Hollywood sexual assault task force,” L.A. Times (Nov. 9, 2017), Available at <http://www.latimes.com/local/lanow/la-me-da-sexual-task-force-prosecutors-20171109-story.html>; <http://thehill.com/homenews/administration/342977-12-state-ags-urge-devos-to-keep-obama-era-college-sexual-assault>

<sup>13</sup> UN Women, Handbook for National Action Plans on Violence Against Women (2012), Available at <http://www.unwomen.org/media/headquarters/attachments/sections/library/publications/2012/7/handbooknationalactionplansonvaw-en%20pdf.pdf?la=en&vs=1502>.

community-informed, forward-looking national plan of action, for reasons discussed below.

While the United States should develop a national plan of action on violence against women and gender violence, that plan should not (and, presumably, would not) come from the Trump administration. This administration has rolled back important protections for women, girls, and gender-nonconforming individuals,<sup>14</sup> and has ended important White House initiatives on gender equality and violence launched by the Obama-Biden administration.<sup>15</sup>

But women's rights are human rights, and human rights start at home, as Eleanor Roosevelt once famously said.<sup>16</sup> A national plan of action on violence against women and gender violence should ultimately be a product of activism that is cultivated locally and then coordinated nationally. Two ways of engaging in local mobilization include the Cities for CEDAW campaign<sup>17</sup> and the dozens of municipalities that have passed resolutions declaring, "freedom from domestic violence is a fundamental human right."<sup>18</sup>

## NATIONAL PLANS OF ACTION ON VIOLENCE AGAINST WOMEN: AN OVERVIEW

Over the past two decades, international human rights treaties and monitoring bodies have called upon Governments to formulate and implement national plans of action to eliminate

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<sup>14</sup> See, e.g., Tara Palmeri, "White House council for women and girls goes dark under Trump," Politico (June 30, 2017), Available at: <https://www.politico.com/story/2017/06/30/donald-trump-white-house-council-for-women-and-girls-239979>; Sunny Frothingham and Shilpa Phadke, "100 Days, 100 Ways the Trump Administration Is Harming Women and Families," Center for American Progress (April 25, 2017), Available at <https://www.americanprogress.org/issues/women/reports/2017/04/25/430969/100-days-100-ways-trump-administration-harming-women-families/>; Brittany Levine Beckman, "8 things Trump's done to hurt girls since taking office," Mashable (Oct. 11, 2017), Available at: <http://mashable.com/2017/10/11/trump-international-day-of-the-girl-hypocrisy/#sJLOBYINbSqj>.

<sup>15</sup> Among the many initiatives in the Obama-Biden administration to combat violence against women were: the establishment of the position of White House Advisor on Violence Against Women, the White House Council on Women and Girls, the White House Task Force to Protect Students from Sexual Assault, the Sexual Assault Kit Initiative, the White House Interagency Working Group on Violence Against Women. The Council on Women and Girls: Violence Against Women Accomplishments, The United State of Women White House Summit (June 2016), Available at: [https://obamawhitehouse.archives.gov/sites/whitehouse.gov/files/documents/Women%20and%20Girls\\_VAW.pdf](https://obamawhitehouse.archives.gov/sites/whitehouse.gov/files/documents/Women%20and%20Girls_VAW.pdf) These significantly expanded upon initiatives established by President Bill Clinton, including the President's Interagency Council on Women and the White House Office of Women's Initiatives and Outreach. See The Clinton Presidential Library, Records of the President's Interagency Council on Women, Available at: <https://clinton.presidentiallibraries.us/items/show/36493>.

<sup>16</sup> Available at: <https://www.nps.gov/elro/learn/education/classrooms/wheredohumanrightsbegin.htm>

<sup>17</sup> Available at: <http://citiesforcedaw.org/>.

<sup>18</sup> Available at: <http://www.lawschool.cornell.edu/womenandjustice/DV-Resolutions.cfm>

violence against women.<sup>19</sup> Such action plans constitute strategic, long-term, multi-sectoral “blueprints” or programs of activity designed to address the underlying causes of violence against women and strengthen the systems that respond to it - as opposed to more reactive approaches.

Many countries have heeded these calls, and have adopted dedicated plans on violence against women. In some countries, plans focus on a particular form of violence, such as domestic violence, human trafficking, female genital mutilation/cutting, and forced marriage. Many national action plans on violence against women set out measures in relation to support for victims/survivors; prevention, including awareness-raising and education, and engaging men and boys; training and capacity-building efforts; prosecution, punishment and rehabilitation of perpetrators; and research.<sup>20</sup>

Some countries have even developed second or third generation action plans, which contain lessons learned or impact assessments of earlier efforts. These subsequent plans often focus attention on specific groups of women, or different forms of violence, not addressed in the first plan. Action plans and strategies to address violence against women are also increasingly adopted at the provincial and local levels, as well as by independent public and private institutions, such as universities. Many countries also have incorporated targets and activities to combat violence against women in other existing national action plans on, e.g., health, HIV/AIDS, development/social inclusion, and integration/migration.<sup>21</sup>

### *Guiding Principles*<sup>22</sup>

UN Women has recommended that national action plans on violence against women should reflect several guiding principles, described below:

- 1) Embrace a human rights-based approach that acknowledges that violence against women is a violation of human rights; defines violence against women according to

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<sup>19</sup> These treaties and monitoring bodies include, inter alia: the UN Committee on the Elimination of Discrimination against Women, the UN Committee on Human Rights, the Beijing Platform for Action (adopted by the Fourth World Conference on Women in 1995), the UN Declaration on the Elimination of Violence against Women, the UN General Assembly, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (“Convention of Belem do Para”), the Mechanism to follow-up the Convention Belem do Para (MESECVI), the Council of Europe, and the European Parliament of the European Union. See UN Women, Handbook for National Action Plans on Violence Against Women (2012), pp. 5-8.

<sup>20</sup> UN Women, Handbook for National Action Plans on Violence Against Women (2012)

<sup>21</sup> *Ibid.*

<sup>22</sup> *Ibid.* at 10-15

international human rights norms; and responds explicitly to State obligations under relevant human rights treaties;

- 2) Recognize that violence against women is a form of sex discrimination and a manifestation of historically unequal power relations between men and women;
- 3) Identify the different forms of violence against women: physical, sexual, psychological/emotional, and financial; domestic violence, sexual violence, marital rape, stalking, sexual harassment, trafficking and sexual exploitation, child marriage, female genital mutilation, and other practices; violence that happens across the life course; in public and private spheres; and in national and transnational contexts;
- 4) Address the root causes, prevalence and impact of violence against women, and identify gaps for future work; and
- 5) Take account of multiple and intersecting forms of discrimination and disadvantage, and tailor strategies and action that recognize how women's experience of violence is shaped by factors such as their race, color, religion, political or other opinion, national or social origin, property, marital status, sexual orientation, HIV/AIDS status, migrant or refugee status, age, or disability.

#### *Developing and Implementing Plans of Action*<sup>23</sup>

UN Women has emphasized that developing national plans of action “is not just about drafting actions, but setting up the structures and engaging stakeholders necessary for its effective implementation. Engagement, advocacy and cooperation, between government departments, between government and non-government organizations, and between people and communities are essential to coordinate and sustain the document's actions. Structures for coordination, information sharing and networking, and for the ongoing communication of, and advocacy for, the plan's messages, are just as important as the plan itself.”<sup>24</sup> Thus, the development and implementation phases of national action plans should include:

- 1) Developing a coherent, comprehensive, and sustained program of activity that includes cross-cutting actions to establish and build the capacity of governance structures; a

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<sup>23</sup> *Ibid.* at 16-68

<sup>24</sup> *Ibid.* at 16



- focus on primary prevention and meaningful response systems to violence against women; an articulation of concrete goals, actions, timelines, implementing entities; designated funding sources; and evaluation, monitoring, and reporting mechanisms;
- 2) Establishing and fortifying a mechanism to facilitate direct, ongoing, and meaningful engagement with civil society;
  - 3) Creating effective and accountable governance structures that ensure leadership, oversight, support and engagement at the highest political levels and across all levels of government in all aspects of the plan;
  - 4) Ensuring the creation of a whole-of-government implementing institution that includes a high-level board or steering committee (lead institution), comprised of senior government officials across all government departments and other stakeholders, and which makes high-level decisions and coordinates activities concerning implementation of the Plan. This body should be adequately-resourced and have substantive expertise along with a strategic mandate to drive action;
  - 5) Supporting community organizations and networks to drive activity at the local level and ensure coordinated action across geographical locations;
  - 6) Ensuring coherent, comprehensive, and consistent approaches to legislation and policy related to violence against women;
  - 7) Building capacity of professionals involved in the prevention of, and response to, violence against women;
  - 8) Regularly collecting, communicating and analyzing comprehensive statistical and qualitative data, disaggregated by sex, race, age, ethnicity and other relevant characteristics, on the nature, prevalence and impact of all forms of violence against women; and supporting independent research on emerging issues;
  - 9) Developing primary prevention programs that address social and cultural norms, including awareness-raising strategies and sensitization of the media; that are established in key educational, organizational and community settings; that target and engage specific groups, such as men and boys, parents, children and young people; and that address associated factors which can exacerbate or intensify violence against women;

- 10) Establishing an effective, integrated response system that provides care, support, and empowerment of survivors; provides measures of protection and justice for victims; coordinates and integrates key systems; and provides for universal coverage across geographical locations and for all women;
- 11) Providing sufficient and ongoing funding for the plan's cross-cutting actions (including training, collection and analysis of data, legislative and policy reviews, and the establishment and activity of institutions and mechanisms (i.e. research and monitoring bodies) necessary for the plan's effective implementation; and
- 12) Supporting broader law, policy, and social efforts to support gender equality.

#### *Evaluation, Monitoring and Reporting*<sup>25</sup>

As UN Women explains in their report, effective and independent monitoring “is a cornerstone of human rights based policy-making and democratic principles” that can foster improved implementation of national plans of action over time, “by identifying successful initiatives/programmes [sic] for further development, and problem areas for timely management.”<sup>26</sup> Key features of regular and comprehensive evaluation, monitoring and reporting of implementation progress include the following elements:

- 1) Clearly defined indicators and targets that are closely linked to the goals and objectives of the national action plan, to monitor progress and evaluate effectiveness;
- 2) A multi-sectoral mechanism to monitor implementation of the plan, that (i) gathers and analyzes information; (ii) monitors progress in attaining the plan's objectives; (iii) identifies good practices and obstacles; and (iv) proposes measures for future action;
- 3) Ensuring meaningful participation of civil society and other stakeholders in all phases of the plan;
- 4) Comprehensive and regular evaluation of projects, programs of action, and whole systems; and
- 5) Regular and accountable reporting procedures on implementation and progress of the plan.

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<sup>25</sup> *Ibid.* at 69-73

<sup>26</sup> *Ibid.* at 69



## THE UNITED STATES' NATIONAL RESPONSE TO VIOLENCE AGAINST WOMEN

Despite being a global leader in the violence against women arena, the United States has never developed a national plan of action to combat violence against women. When pressed on this point in a case before the Inter-American Commission on Human Rights, the United States responded that the Violence Against Women Act (VAWA), originally passed in 1994 and reauthorized three times - in 2000, 2005, and 2013 - is effectively our national action plan, since VAWA constitutes “a comprehensive legislative package”<sup>27</sup> that has invested billions of dollars toward protecting victims and preventing and responding to violence against women.

Indeed, the 2013 reauthorization of VAWA took the legislation in an increasingly progressive direction that addressed multiple and intersecting forms of discrimination and disadvantage.<sup>28</sup> Despite VAWA's substantial contributions, however, it does not contain some of the core features of a national action plan - such as a strategic vision for ending violence against women in the United States, or a declaration that violence against women is a human rights violation and a form of sex discrimination, or a set of goals or benchmarks to measure progress. VAWA also does not identify the many laws, policies and programs that, whether explicitly or not, affect survivors' lives.

Another shortcoming is that since VAWA is primarily focused on the criminal justice response,<sup>29</sup> it does not sufficiently take into consideration other important aspects that should be included in a national action plan, such as: economic justice issues, access to affordable housing, health care, workplace policies on domestic violence and sexual assault, the public health perspective, education, prevention initiatives, youth dating violence, children who witness violence, children in the juvenile justice system, the ‘*sexual assault to prison pipeline*’, access to public benefits for low-income survivors, institutional accountability, and gender-based violence (a more expansive term than ‘violence against women’). These issues

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<sup>27</sup> *Jessica Lenahan v. United States*, Inter-American Commission on Human Rights, U.S. Government merits brief response (2008), p. 27 (on file with author). For information on the Lenahan case, Available at: <http://www.law.miami.edu/academics/clinics/human-rights-clinic-gonzalez-usa>.

<sup>28</sup> Violence Against Woman Act of 2013

<sup>29</sup> VAWA grant making by the Department of Justice Office on Violence Against Women (OVW) from 2008-2016 increasingly focused on social and economic justice issues, but the primary focus and funding remained on the criminal justice system. See, e.g., U.S. Department of Justice, Office on Violence Against Women, 2016 Biennial Report, Available at: <https://www.justice.gov/ovw/page/file/933886/download>

are scattered across various pieces of legislation and different agencies, without a coordinated approach. The value of a national action plan is that it would look more comprehensively at all these different issues as important aspects of preventing and addressing intimate partner violence and sexual violence, with a lens of intersectionality and with a more coordinated approach across sectors, along with benchmarks.

## THE UNITED STATES' NATIONAL ACTION PLANS ON GLOBAL VIOLENCE AGAINST WOMEN

By contrast, the United States has developed national action plans on violence against women outside the U.S. and in other thematic areas within the U.S. Take, for instance, the United States National Action Plan on Women, Peace, and Security (“WPS Strategy”), enacted pursuant to a United Nations Security Council Resolution 1325, and whose goal is “to empower half the world’s population to act as equal partners in preventing conflict and building peace in countries threatened and affected by war, violence, and insecurity.”<sup>30</sup> The plan contains five high-level objectives - National Integration and Institutionalization; Participation in Peace Processes and Decision-making; Protection from Violence; Conflict Prevention; and Access to Relief and Recovery - along with a detailed Action Framework for inter-agency coordination; an implementation, monitoring, and reporting strategy; and a call to action.<sup>31</sup>

Another example is the United States Strategy to Prevent and Respond to Gender-Based Violence Globally (“GBV Strategy”), whose goal “is to strengthen and marshal U.S. expertise and capacity to prevent and respond to gender-based violence globally.”<sup>32</sup> The GBV Strategy contains four laudable objectives:

- 1) Institutionalize coordination of gender-based violence prevention and response efforts among U.S. Government departments and agencies and with other stakeholders;
- 2) Integrate gender-based violence prevention and response efforts into existing U.S. Government work;
- 3) Collect, analyze, and use data and research to enhance U.S. Government’s gender-

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<sup>30</sup> Available at: <https://www.usaid.gov/sites/default/files/documents/1868/National%20Action%20Plan%20on%20Women%20Peace%20and%20Security.pdf>, p. 2.

<sup>31</sup> *Ibid.*

<sup>32</sup> Available at: <https://www.state.gov/documents/organization/258703.pdf>, p. 17.

based violence prevention and response efforts; and

- 4) Expand U.S. Government programming that addresses gender-based violence.<sup>33</sup>

The GBV Strategy does exactly what a national action plan should do: it memorializes United States commitments to strengthen gender-based violence prevention and response through inter-agency coordination in accordance with human rights principles. However, there is a catch: it only applies to U.S. foreign policy - that is, to the U.S. Government's efforts in other countries.

Both the GBV Strategy and the WPS NAP were developed pursuant to Executive Orders signed by President Obama. They are detailed, proactive, and aspirational, and recognize the national security benefits of a thoughtful approach to gender violence.

## **NATIONAL ACTION PLANS IN THE UNITED STATES**

The United States has adopted at least two national action plans to address human rights issues within the U.S., one of which relates directly to violence against women. In 2014, in commemoration of the 150th anniversary of the Emancipation Proclamation, President Obama released a Federal Strategic Action Plan on Services for Victims of Human Trafficking in the United States, co-chaired through an inter-agency process by the Departments of Justice (DOJ), Health and Human Services (HHS) and Homeland Security (DHS).<sup>34</sup> This five-year plan was designed to “reaffirm the American values of freedom and equality by asking federal agencies to develop a plan to strengthen services for victims of human trafficking in the United States.” The plan featured four key goals, each with accompanying objectives:

- 1) Align efforts by promoting strategic and coordinated services for victims at the federal, regional, state, territorial, tribal and local levels;
- 2) Improve understanding by expanding and coordinating human trafficking-related research, data, and evaluation to support evidence-based victim services;
- 3) Expand access to services by providing outreach, training, and technical assistance to increase victim identification and expand availability of services; and

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<sup>33</sup> *Ibid.*

<sup>34</sup> Available at: <https://www.ovc.gov/pubs/FederalHumanTraffickingStrategicPlan.pdf>

- 4) Improve outcomes by promoting effective, culturally-appropriate, trauma-informed services that improve the short- and long-term health, safety, and well-being of victims.<sup>35</sup>

The Trafficking Plan of Action contained a detailed timeline for future action, specifying federal agency participation in specific actions tied to each objective.<sup>36</sup>

In December 2015, the White House released a National HIV/AIDS Strategy/ Federal Action Plan for the United States.<sup>37</sup> The plan contains a vision statement, an implementation strategy, action items, and goals that were both prevention and response-oriented:

- 1) Reducing New HIV Infections;
- 2) Increasing Access to Care and Improving Health Outcomes for People Living With HIV;
- 3) Reducing HIV-Related Disparities and Health Inequities; and
- 4) Achieving a More Coordinated National Response to the HIV Epidemic

Interestingly, five of the plan's core policy recommendations address the intersection of HIV/AIDS, violence against women and girls, and gender-related health disparities. This intersectional approach stemmed directly from a 2012 Presidential Memorandum establishing a Working Group on the Intersection of HIV/AIDS, Violence Against Women and Girls, and Gender-related Health Disparities - an example of the power of high-level leadership on this issue.<sup>38</sup>

As we make the case for why the United States should have a national action plan on violence against women and gender violence, one cannot resist highlighting one of the most

<sup>35</sup> Ibid., In September 2015, the United States was one of the 193 Member States of the United Nations that committed to the Sustainable Development Goals (SDGs), which includes, among 17 areas of global action, a priority to "eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation" (Goal 5, Target 5.2). Given the requirements for data monitoring to measure country-level implementation of the SDGs, the absence of a national plan of action on violence against women may be a challenge for the US. The lack of a NAP also impedes our ability to meaningfully, and credibly, engages with other countries in multilateral contexts.

<sup>36</sup> Available at: <https://www.ovc.gov/pubs/FederalHumanTraffickingStrategicPlan.pdf>

<sup>37</sup> Available at: <https://www.hiv.gov/sites/default/files/nhas-2020-action-plan.pdf>

<sup>38</sup> Presidential Memorandum -- Establishing a Working Group on the Intersection of HIV/AIDS, Violence Against Women and Girls, and Gender-related Health Disparities (March 30, 2012), Available at <https://obamawhitehouse.archives.gov/the-press-office/2012/03/30/presidential-memorandum-establishing-working-group-intersection-hiv-aids->

recent White House national action plans: the 2015 National Action Plan for Combating Antibiotic- Resistant Bacteria.<sup>39</sup> Surely if we can have a national action plan on bacteria, we can have one on violence against women.<sup>40</sup>

### **PROPOSAL: DEVELOPING A LOCALLY-DRIVEN NATIONAL ACTION PLAN ON VIOLENCE AGAINST WOMEN AND GENDER VIOLENCE**

As discussed at the outset of this chapter, while the United States should develop a national plan of action on violence against women and gender violence, that plan should not come from the current administration. This is a moment for states and municipalities to rise to the challenge of developing locally-driven action plans that can, collectively, form a national action plan on violence against women and gender violence.

One vehicle to accomplish this might be in the more than 30 municipalities across the United States that have adopted local resolutions or proclamations recognizing that freedom from domestic violence is a fundamental human right.<sup>41</sup> Another vehicle is the Cities for CEDAW campaign, a grassroots effort that provides tools and leadership to empower local women's, civil and human rights organizations and municipalities to effectively initiate the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in cities and towns across the United States.<sup>42</sup>

These freedom from DV resolutions and the Cities for CEDAW campaign have inspired legislation and reporting in some municipalities.<sup>43</sup> But few, if any, of the municipalities have

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<sup>39</sup> The White House, National Action Plan for Combating Antibiotic Resistant Bacteria (March 2015), Available at:

[https://obamawhitehouse.archives.gov/sites/default/files/docs/national\\_action\\_plan\\_for\\_combating\\_antibiotic-resistant\\_bacteria.pdf](https://obamawhitehouse.archives.gov/sites/default/files/docs/national_action_plan_for_combating_antibiotic-resistant_bacteria.pdf).

<sup>40</sup> Moreover, as detailed in the report, *The Spirit of Houston*, the idea of a U.S. national action plan on women's rights is not new. With the blessings of Presidents Ford and Carter, 20,000 people gathered in Houston for the first National Women's Conference in 1977. This government-sponsored national gathering included first ladies, activists, artists, writers, and more to focus on issues of concern to women. Conference attendees ultimately proposed a national action plan with 26 planks that ran the gamut of issues that touch women's lives-employment, violence, disabled women, women in prison, abortion, and more - and a statement urging final ratification of the Equal Rights Amendment. Mim Kelber, Ed., *The Spirit of Houston: The First National Women's Conference* (1978).

<sup>41</sup> See *Freedom from Domestic Violence as a Fundamental Human Right Resolutions, Presidential Proclamations, and Other Statements of Principle*, Available at: <http://www.lawschool.cornell.edu/womenandjustice/DV-Resolutions.cfm>

<sup>42</sup> CEDAW is a United Nations treaty that promotes all women's equality. The United States is one of only a handful of countries in the world that has not ratified CEDAW. For more information on the Cities for CEDAW campaign, See, <http://citiesforcedaw.org/background/>

<sup>43</sup> For example, the Miami-Dade County Commission amended its anti-discrimination ordinance in July 2014,

adopted a local action plan of the type described in the UN Women Handbook.<sup>44</sup> Especially in progressive jurisdictions, such plans could, both individually and collectively, capture a vision that is both proactive and reflective of what freedom from gender violence truly looks like, and could also prioritize the populations who are being erased, or undermined, by federal policymaking in the Trump era.

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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. In Austin, the resolution tasked the local Family Violence Task Force to provide biennial reports on the challenges faced by survivors of domestic violence and recommendations on how to improve services to those survivors.

<sup>44</sup> The City of San Francisco's CEDAW Ordinance and establishment of the San Francisco Department on the Status of Women have taken meaningful steps toward establishing a local action plan. *See* <http://sfgov.org/dosw/cities-cedaw>.