

Human Rights Watch

Indigenous Peoples' Rights

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Congress Should Go With Senate Bill for Violence Against Women Act

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(Washington, DC) The [US](#) Congress should move forward with a Senate bill to renew the Violence Against Women Act (VAWA) and reject the dangerous alternative passed by the House of Representatives, Human Rights Watch said today.

The bill passed by the House on May 16, 2012, would be a regressive step that undercuts and compromises the purpose of the law and would leave many victims without adequate protection from domestic and sexual violence, Human Rights Watch said. The House bill makes multiple changes to VAWAs existing provisions to protect immigrant victims of abuse and omits certain anti-discrimination protections included in the Senate bill.

For 18 years, the Violence Against Women Act has been the cornerstone of the US governments response to violence against women, said [Meghan Rhoad](#), [womens rights](#) researcher at Human Rights Watch. The law is now at a crossroads will it continue to evolve and improve as provided by the Senate bill or will some of its most important protections be dismantled by the House bill?

VAWA is the primary federal law providing legal protection and services to [women](#), men, and children who are victims of domestic and sexual violence and stalking. It supports victims services such as rape crisis centers, temporary housing for domestic violence survivors, and programs to address violence against people with disabilities. Since it was first enacted in 1994, VAWA has included protections to address the particular challenges confronting immigrant victims of violence.

Congress has reauthorized VAWA twice and the law is now up for its third renewal. A bipartisan reauthorization bill (S. 1925) passed the Senate 68 to 31. The House bill containing substantially different provisions (H.R. 4970) passed 222 to 205. The White House has indicated that President Barack Obamas advisers favor a veto of the House bill. After the House vote on May 16, Vice President Joe Biden, one of the sponsors of the original VAWA, called on Congress to pass a bipartisan bill that would protect all victims and continue to improve, not roll back, VAWA.

The House bill was introduced by Rep. Sandy Adams, Republican of Florida, and has 40 additional sponsors. Rep. Gwen Moore, Democrat of Wisconsin, has introduced an alternative version of the VAWA renewal bill in the House with 89 co-sponsors. Rep. Judy Biggert, Republican of Illinois, has proposed a third version, with two co-sponsors.

Despite a few small positive changes to the bill before it came to the House floor, the bill still provides for sweeping changes to existing legal protections for immigrant victims of sexual and domestic violence, Human Rights Watch said. The bill would change the requirements for abused immigrant spouses of US citizens and permanent residents to apply for immigration status. These changes include allowing government adjudicators to receive information from an accused abuser about the spouses immigration application.

The House bill is a gift to abusers, Rhoad said. It undoes the great work that Congress did to ensure that abusers could not use the threat of deportation as leverage to keep their victims silent, and it puts women back in the position of having to choose between being beaten up and being deported.

The House bill further erodes protection for immigrant victims of violence by undermining the U visa program, Human Rights Watch said. The U visa is a temporary visa allowing an immigrant victim of a serious crime to stay in the [US](#) to assist law enforcement in investigating and prosecuting the crime. The House bill only provides a small subsection of crime victims the opportunity to adjust their legal status after their temporary visa expires. The prospect of eventual deportation would provide abusers with leverage to keep victims in violent relationships and inhibit the cooperation of victims with law enforcement, Human Rights Watch said.

In contrast, the Senate bill would maintain current protections for immigrant victims of abuse and make a limited number of additional U visas available. Other provisions from the Senate bill that are missing from the House bill would restore Native American tribal courts criminal jurisdiction over crimes of domestic violence or dating violence committed on reservations and tribal lands in cases in which the victim is a tribal member but the defendant is not. Currently, those cases fall outside the jurisdiction of both tribal and state courts and

are rarely prosecuted by federal authorities.

In addition, before the bill reached the House floor, the House Judiciary Committee rejected amendments to the House bill that would explicitly provide protection for lesbian, gay, bisexual, and transgender (LGBT) victims of sexual and domestic violence. While such violence affects [LGBT](#) victims at approximately the same rate as non-LGBT victims, discrimination can prevent them from accessing social services like domestic violence shelters or legal remedies like orders of protection.

The House bill has no claim to the Violence Against Women Act title when it so blatantly seeks to exclude large numbers of the women impacted by violence, Rhoad said. Every victim should have access to effective legal protection against violence and critical services without discrimination.

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