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**National human rights advocates laud report of
U.N. Special Rapporteur on Violence Against Women
examining the situation of violence against women in the United States**

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The United Nations Special Rapporteur on Violence Against Women (SRVAW), Rashida Manjoo, released her report on the situation of violence against women in the United States last week at a U.N. Human Rights Council session in Geneva. A national network of women's and human rights advocates working together for the past year applauded the Special Rapporteur for the breadth of her inquiry and recommendations. The network prepared briefing papers for the Special Rapporteur in anticipation of her mission.

At the invitation of the U.S. government, Ms. Manjoo conducted a country mission from January 24 to February 7, 2011. The objective of her visit was a broad examination of the situation of violence against women, including issues such as violence in custodial settings, domestic violence, violence against women in the military, and violence against women who face multiple, intersecting forms of discrimination, particularly Native-American, immigrant, and African-American women. Ms. Manjoo held meetings in Washington D.C., North Carolina, Florida, California, Minnesota and New York.

"We welcome the Special Rapporteur's thoughtful and comprehensive report on the causes and impacts of violence against women in the United States," said **Deena Hurwitz, professor and director of the International Human Rights Law Clinic at the University of Virginia School of Law**, whose students worked closely with the network in preparing the

background papers for Ms. Manjoo. “Though some may feel that women in other countries face more dire conditions, violence against women in the United States is a social and legal epidemic that is preventable and should be systematically addressed. The Special Rapporteur’s focus on the combined issues of race and class is critical to addressing the structural nature of the problem. For example, she highlights the increasing number of immigrant and African American women in prisons and detention facilities, and calls upon the government to address the root causes of this trend, paying attention to the intersectional challenges.”

The Special Rapporteur acknowledged the positive legislative and policy initiatives the government has taken to reduce the occurrence of violence against women. Nevertheless, she concluded that “the lack of substantive protective legislation at federal and state levels, and the inadequate implementation of current laws, policies and programs, has resulted in the continued prevalence of violence against women and the discriminatory treatment of victims, with particularly detrimental effects on poor, minority and immigrant women.” Ms. Manjoo noted that “implementation of current policy and programmatic initiatives must address the persistent structural challenges which are often both the causes and consequences of violence against women.”

Terri Henry, Co-Chair, National Congress of American Indians, Task Force on Violence Against Women, and Board Member, Indian Law Resource Center, met with the Special Rapporteur during her visit with tribal authorities of the Eastern Band of Cherokee Indians in North Carolina. “Violence against Native American women is at epidemic levels exceeding that of any other population in the United States and more than double that among all other American women,” remarked Ms. Henry. “Yet, these victims and crimes lack the visibility to bring about badly needed changes in our laws and how they are enforced. I can’t stress how important it is that the Special Rapporteur, an independent expert in international human rights, not only took note of this crisis, but personally visited the Eastern Band of Cherokee Indians to meet with tribal leaders and Indian women. Equally significant is the fact that the Special Rapporteur has now moved the issue of violence against Native women to the global and domestic forefront by recognizing in her official report to the United Nations Human Rights Council that restoring criminal jurisdiction to tribes and removing jurisdictional barriers in existing federal laws is crucial to protecting our Native women and ensuring their access to justice.”

The Special Rapporteur recommended more uniform remedies for victims of domestic violence, sexual assault and stalking, and expanding federal causes of action under the Violence Against Women Act (VAWA) to mitigate discrimination, increase uniformity and accountability at the state and local levels. She called on the government to “re-evaluate existing mechanisms at federal, state, local and tribal levels for protecting victims and punishing offenders, given that calls for help often do not result in either arrests or successful prosecutions.”

Caroline Bettinger-Lopez, professor and director of the Human Rights Clinic at the University of Miami School of Law, addressed the state’s due diligence obligations under international human rights law. “The Special Rapporteur’s report underscores the need for the U.S. to bring human rights and women’s rights home. When Congress reauthorizes the Violence Against Women Act (VAWA) later this year, it needs to contain robust provisions that create accountability for law enforcement officers who turn a blind eye to domestic violence victims and their children. We need to do our best to prevent the tragedy of *Castle Rock* from ever being

repeated,” she said, referring to the 2005 Supreme Court case of *Town of Castle Rock v. Jessica Gonzales*, in which the Supreme Court found that local police had no duty to enforce a domestic violence restraining order against a domestic violence victim’s estranged husband. The failure to enforce the order led to the murder of Ms. Gonzales’ three children.

The Special Rapporteur also recognized the “enormous challenges” that domestic violence poses to women’s sexual and reproductive health because “[a]busers usually exercise control over victims’ access to contraception, abortion and other reproductive health services.” **Cynthia Soohoo, director of the U.S. Legal Program for the Center for Reproductive Rights**, praised the report’s call to change laws and policies that perpetuate discriminatory treatment of victims. “Rather than passing laws and policies designed to help women in these situations, states are further restricting access to reproductive health services. Women must already cross many hurdles to use contraception or secure an abortion without the knowledge of their abusive partners—laws restricting access to these services should not be one of them.”

With respect to military violence, the Special Rapporteur recommended “ensur[ing] the effective implementation of a no-tolerance policy for rape, sexual assault and sexual harassments in the military, ensur[ing] adequate investigation of all allegations by an independent authority and allow[ing] victims to bring claims against the military when damages arise out of negligent or wrongful acts.” In addition, she noted, “mandatory and routine training on the specific issues facing women veterans should be instituted for all VA staff. The VA should also extend evidentiary relief to victims claiming in-service sexual assault and accept their testimony as main proof to support a diagnosis of PTSD.”

Said **Anu Bhagwati, a former Marine Corps Captain and executive director of the Service Women’s Action Network**, “We applaud these reforms proposed by the Special Rapporteur. They are practical, common-sense policy proposals that would have an immediate impact on the well-being of survivors, as well as increase the morale, cohesion and overall readiness of the armed forces.”

In 1998, the first U.N. Special Rapporteur on Violence Against Women visited eight prisons in the United States to study specifically the issue of violence against women in custodial settings. This year, Ms. Manjoo visited three prisons and detention facilities managed by federal and state authorities, including the Glades County Detention Center in Florida, and two of the facilities visited by her predecessor in 1998, the Federal Correctional Institution in Dublin, California and the Central California Women’s Facility in Chowchilla.

Brenda V. Smith, professor and director of the Project on Addressing Prison Rape at American University/ Washington College of Law said, “The Special Rapporteur’s report is very important because it creates important continuity between her work today and the progress the U.S. has made on addressing the conditions of women in custody, especially sexual abuse of women in custody, since the SRVAW’s report in 1998. What is clear is that, while the U.S. has made some progress, it still has a long way to go. Abuse of women is all too familiar in U.S. custodial settings. Inhumane practices – the shackling of pregnant prisoners, involuntary sterilization, and sexual predation – continue to be standard operating procedure in U.S. prisons. Additionally, while both peer and non-peer states have eliminated cross-sex supervision of women inmates, it is still common practice in the U.S. I am hopeful that this report will add impetus and credibility to current efforts by the Department of Justice to create new and enhance

existing national standards to prevent, punish and reduce sexual abuse of women and girls in custody.”

The Special Rapporteur called on the government to “consider alternatives to incarceration, particularly for women detainees who are primary care-givers of their children, given the non-violent nature of many of the crimes for which the women are incarcerated.” Amendments to the Adoption and Safe Families Act ought to be considered “with a view to ensure that women in custodial settings do not easily or arbitrarily lose their parental rights.” Ms. Manjoo recommended amending the Prison Litigation Reform Act to ensure women prisoners and detainees equal protection before the law.

Deborah LaBelle, a Michigan based attorney who was involved in both the 1998 mission and this one, and has brought over a dozen class action lawsuits that successfully challenged policies affecting the treatment of incarcerated men, women and juveniles and their families, noted that “the report identifying the long-term consequences of sexual violence against women and girls in detention in the U.S. joins multiple commissions and associations calling for the prohibition on male staff performing body searches on women and girls, an issue that is currently being considered by the Department of Justice.” LaBelle spoke for the network of advocates as a whole in applauding “the report’s recognition that action is needed to prevent ongoing violent, degrading and discriminatory treatment of women and girls in detention in the United States, and is a crucial step to ensuring the protection of basic human rights.” □

The Special Rapporteur’s report can be found at:

http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.26.Add.5_AEV.pdf

Organizations participating in the national VAW advocacy network (partial list/ for identification purposes only):

The Advocates for Human Rights, *Minneapolis*

American Civil Liberties Union, Women’s Rights Project, *New York*

American University, Washington College of Law, Project on Addressing Prison Rape,
Washington D.C.

Center for Gender & Refugee Studies, University of California, Hastings College of Law,
San Francisco

Center for Reproductive Rights, *New York*

Human Rights Watch, *New York*

Indian Law Resource Center, *Washington D.C. and Montana*

John Jay College of Criminal Justice, Center for International Human Rights, *New York*
Justice Now, *San Francisco*

National Congress of American Indians, Task Force on Violence Against Women,
Washington D.C.

National Law Center on Homelessness and Poverty (NLCHP), *Washington D.C.*

National Organization for Women (NOW), *Washington, D.C.*

New York Legal Assistance Group

The Opportunity Agenda, *New York*

Service Women's Action Network (SWAN), *New York*

University of Cincinnati College of Law, Domestic Violence and Civil Protection Order Clinic

University of Miami School of Law Human Rights Clinic

University of Virginia School of Law International Human Rights Law Clinic, *Charlottesville*

Women of Color Network

Yale Law School, Detention and Human Rights Project of the Lowenstein International Human Rights Clinic, *New Haven*