

**FREEDOM FROM DOMESTIC VIOLENCE
THE HUMAN RIGHTS RESOLUTION TOOLKIT**

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**CITY OF BALTIMORE
COUNCIL BILL 12-0034R
(Resolution)**

Introduced by: Councilmembers Curran, Henry, Stokes, Kraft, Branch, Middleton, Holton, Cole,
Mosby, Scott, Clarke, Reisinger, President Young, Councilmember Welch
Introduced and adopted: March 19, 2012

A COUNCIL RESOLUTION CONCERNING

The Freedom from Domestic Violence is a Fundamental Human Right

FOR the purpose of joining world leaders and leaders within the United States in recognition of domestic violence as a human rights concern and declaring that the freedom from domestic violence is a fundamental human right.

Recitals

WHEREAS, more than 1 in 3 women and more than 1 in 4 men in the United States will experience rape, physical violence, and/or stalking by an intimate partner at some point in their lives, according to the Centers for Disease Control; and

WHEREAS, 44% percent of African American women, 37% of Hispanic women, and 35% of white women have experienced rape, physical violence, and/or stalking by an intimate partner; and 39% of African American men, 27% of Hispanic men, and 28% of white men have experienced rape, physical violence, and/or stalking by an intimate partner, according to the Centers for Disease Control; and

WHEREAS, 43 Marylanders died as a result of domestic violence between July 2010 and June 2011 according to the Maryland Network Against Domestic Violence; and

WHEREAS, the Women's Law Center of Maryland provided services to over 800 people who experienced domestic violence in 2010, including: Protection Order advocacy for 769 clients, immigration representation and services for 62 clients, and information and referrals on hundreds of Family Law Hotline calls related to domestic violence; and

WHEREAS, the House of Ruth of Maryland provided services to more than 600 women and children at 13 Baltimore locations in 2010, including: shelter to 114 families and 193 additional women, psychotherapy to over 400 women and children through its Domestic Violence Support Center, and childcare at its Kidspace developmental daycare center; and

WHEREAS, 4,265 Protective Order petitions were filed for protection from domestic violence in Baltimore City between July 1, 2009 and June 30, 2010, with a total of 25,091 such petitions in Maryland District Courts during that year, according to the Maryland Administrative Office of the Courts; and

**EXPLANATION: Underlining indicates matter added by amendment.
~~Strike-out~~ indicates matter deleted by amendment.**

Council Bill 12-0034R

1 **WHEREAS**, the petitioner requesting protection from abuse was represented by an attorney in
2 only 23 of 369 proceedings observed at the Baltimore City Eastside District Court by University
3 of Baltimore Family Law Clinic Court Watch Project between September 19, 2011 and October
4 14, 2011; and

5 **WHEREAS**, survivors of domestic violence experience physical injuries, long-term
6 psychological damage, financial instability, and trouble finding safe housing; and

7 **WHEREAS**, police and sheriff’s departments, courts, cities, social services agencies, and other
8 local government entities constitute the first line of defense against domestic violence; and

9 **WHEREAS**, world leaders and leaders within the United States recognize that domestic
10 violence is a human rights concern; and

11 **WHEREAS**, the United Nations Declaration on the Elimination of Violence Against Women,
12 adopted in 1993, recognizes the urgent need for the universal application to women of the rights
13 and principles with regard to equality, security, liberty, integrity, and dignity of all human beings;
14 and

15 **WHEREAS**, the United Nations Special Rapporteur on Violence Against Women has urged
16 the United States government to reassess existing mechanisms for protecting domestic violence
17 survivors and for punishing abusers, stating that “violence against women is the most pervasive
18 human rights violation which continues to challenge every country in the world, and the U.S. is
19 not exception”; and

20 **WHEREAS**, on August 17, 2011, the Inter-American Commission on Human Rights found the
21 United States in violation of Articles I, II, VII, and XVII of the American Declaration for
22 breaching its duty to protect Jessica Lenahan and her children from domestic violence, also
23 determining that the U.S.’s failure to protect women from gender-based violence constitutes
24 discrimination and denies women their right to equality.

25 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE**, this Body
26 joins world leaders and leaders within the United States in recognition of domestic violence as a
27 human rights concern and declares that the freedom from domestic violence is a fundamental
28 human right.

29 **AND BE IT FURTHER RESOLVED**, that state and local governments should continue to secure
30 this human right on behalf of their citizens.

31 **AND BE IT FURTHER RESOLVED**, that a copy of this Resolution be sent to the Mayor, the
32 Honorable Chairs and Members of the Baltimore City Senate and House Delegations to the
33 Maryland General Assembly, the Police Commissioner, the Director of the Mayor’s Office of
34 Criminal Justice, and the Mayor’s Legislative Liaison to the City Council.

RLT
JPK/RLH

RESOLUTION NO. 47 - 2011

DECLARING that freedom from domestic violence is a fundamental human right and further **DECLARING** that local governments have a responsibility to continue securing this right on behalf of their citizens.

WHEREAS, according to the Domestic Violence Resource Center, one in four women and one in thirteen men experiences domestic violence in their lifetimes; and

WHEREAS, Hamilton County Pre-Trial Services reports that there were 3,828 domestic violence arrests in 2010, a six percent increase from 2009, and only 28.7 percent (1,098) of those arrested were sentenced; and

WHEREAS, of the 1,098 sentenced, 73 percent received probation, 23 percent were ordered to jail, and 506 protection orders were issued; and

WHEREAS, in Hamilton County between 2008 and 2010, sixteen women and two children were victims of domestic violence homicide and, in each case, the woman had ended her relationship with her abuser and planned to leave or had already done so; and

WHEREAS, the Hamilton County YWCA Battered Women's Shelter responded to 21,778 hotline calls and sheltered 599 women and children in 2010; and

WHEREAS, due to increased demand, the Battered Women's Shelter expanded its shelter capacity from 54 beds to 72 beds in 2010; and

WHEREAS, survivors of domestic violence must deal with the effects of physical injuries, long-term psychological damage, financial instability, and trouble finding safe housing; and

WHEREAS, police and sheriff's departments, courts, cities, social service agencies, and other local government entities constitute the first line of defense against domestic violence; and

WHEREAS, police and sheriff's departments, courts, cities, social service agencies, and other local government entities incur significant monetary costs due to domestic violence; and

WHEREAS, world leaders and leaders within the United States recognize that domestic violence is a human rights concern; and

WHEREAS, the United Nations Declaration on the Elimination of Violence against Women, adopted in 1993, recognizes the urgent need for the universal application to women of the rights and principles with regard to equality, security, liberty, integrity, and dignity of all human beings, noting that "those rights and principles are enshrined in international instruments, including the Universal Declaration of Human Rights"; and

WHEREAS, the United Nations Commission on Human Rights condemned violence and human rights violations against women in March, 1994; and

WHEREAS, by recognizing that domestic violence is a human rights issue, the City of Cincinnati will raise awareness and enhance domestic violence education in communities, the public and private sectors, and within government agencies; now, therefore,

BE IT RESOLVED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City of Cincinnati declares that freedom from domestic violence is a fundamental human right.

Section 2. That the City of Cincinnati declares that state and local governments bear a responsibility to continue securing this human right on behalf of their citizens.

Section 3. That a copy of this resolution be spread upon the minutes of Council.

Passed: October 5, 2011

Attest: [Signature]
Clerk

[Signature]
Mayor

Submitted by Vice-Mayor Roxanne Qualls [Signature]

Date

Dear Community Organization Leader,

This is Nick Maull, I am a 3L. I am currently working on an IRP for Professor Drew with Josh Lefevre and Jennifer Cunningham (also 3L's). I was wondering if you would be willing to meet with me briefly to discuss our project. We are proposing a resolution to the Cincinnati City Council that domestic violence should be deemed a Human Rights issue. I kind of just wanted your input and insight regarding the issue, understanding that this is your field of expertise. It does not have to be this week, but sometime next week would be great! I am available on Friday of this week.

Thank you very much for your time!

Sincerely,

Nick Maull
J.D. 2011
The University of Cincinnati

Date

Dear Community Organization Leader,

My name is Nick Maull, I am a third year law student from the University of Cincinnati. I, along with two other law students are working on an independent research project. We are trying to get the Cincinnati City Council to pass a resolution that acknowledges domestic violence as a human rights issue. I understand that you are the Executive Director of The Women's Fund at the GCF. We were wondering if you would be willing to support our position and resolution? If so, we would really appreciate it! I have attached a sample letter.

Thank you very much for your time!

Sincerely,

**Nick Maull
J.D. 2011
The University of Cincinnati
College of Law**

Date

Name

This email is in response to our phone conversation about the council resolution for domestic violence. Below are some links to domestic violence statistics at the local level. I found these statistics on the Ohio Supreme Court website, Ohio Domestic Violence Network website, and the Ohio Family Violence Prevention Project.

Here are a couple of highlights:

- 1) In 2010, 1,554 cases of domestic violence were filed in Hamilton County. Domestic violence for this statistic is defined as any case that is filed pursuant to ORC 3113.31, the civil protection order statute;
- 2) Hamilton County had a rate of 30.1 of civil protection orders petitions filed per 1000 adults. We are higher than both the state wide mean (26.3) and the mean of the 5 major metro areas in Ohio (28.8);
- 3) In 2009, police made 69,740 calls throughout Ohio regarding domestic violence although only 33,732 calls resulted in an arrest under the criminal domestic violence statute;
- 4) As a result of domestic violence, 7,836 adults and children in Ohio lived in a shelter in 2009;
- 5) In 2009, 22 adults were murdered as a result of domestic violence, in 2008 the problem was even worse with a total of 74 fatalities related to domestic violence. On a related note, domestic violence fatalities throughout Ohio have been declining since 2005 (2005 had 157 fatalities related to domestic violence). This is an incredible improvement and hopefully the resolution will help reduce this number even further.

<http://www.supremecourt.ohio.gov/JCS/domesticViolence/resources/data.asp>

http://www.odvn.org/index.php?option=com_content&view=article&id=56&Itemid=43

<http://www.hpio.net/projects/ohio-family-violence-prevention-project/>

Thank you so much for your response. I and my colleagues feel very strongly the terrible issue of domestic violence in our community and we believe that passing the resolution will be another effort to help combat this violence and educate victims about their resources.

Thank you and let me know if you have any further questions.

Jennifer Cunningham

J.D. 2011

University Of Cincinnati College of Law

513.515.0809

Date

Name

My name is Jennifer Cunningham and I am a third year law student at The University of Cincinnati College of Law. I am writing with regards to a project that I have recently started with two other students, Josh Lefevre and Nick Maull. We would like to propose to City Council the adoption of a resolution that would recognize Domestic Violence as Human Rights issue. Josh, Nick, and I all worked together in the Domestic Violence Clinic at Legal Aid last semester. We all learned about the severe consequences related to domestic violence and how domestic violence can ruin the fabric of our Cincinnati families. We have drafted a position paper (attached). I was wondering if you would be willing to meet with me in person or over the phone to discuss this proposal. I would really appreciate the opportunity to gain your insight and thoughts on the issue. We have also been calling community organizations and gaining their support for this proposal. We think that this would be a great way for the City of Cincinnati to make a difference in progressing the domestic violence awareness in our Cincinnati Communities, and perhaps around the country.

I can be available to meet with at your convenience, and I look forward to hearing from you soon. Thank you so much for your time.

Sincerely,

Jennifer Cunningham
J.D. 2011
University of Cincinnati College of Law
513.515.0809

RESOLUTION NO. _____-2011

DECLARING that freedom from domestic violence is a fundamental human right, and further DECLARING that local governments have a responsibility to continue securing this right on behalf of their citizens.

WHEREAS, it is estimated that one in four women experience domestic violence within their lifetimes; and

WHEREAS, three women and one man are murdered by their spouses or partners every day; and

WHEREAS, it is estimated that domestic violence costs the United States more than \$5.8 Billion each year; and

WHEREAS, police and sheriff departments, city and local agencies, courts and other local government entities constitute the first line of defense against domestic violence; and

WHEREAS, police and sheriff departments, city and other local agencies, courts and other local government entities bear much of the cost of domestic violence; and

WHEREAS, both the world community and leaders within the United States have recognized domestic violence as a human rights issue; and

WHEREAS, recognition of domestic violence as a human rights issue will protect families by placing freedom from domestic violence in the public eye;

BE IT RESOLVED, by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Council declares that freedom from domestic violence is a fundamental human right.

Section 2. That Council declares that State and local governments bear a responsibility to continue securing this human right on behalf of their citizens.

Section 3. That a copy of this resolution be spread upon the minutes of Council.

Passed: _____, 2011

Mayor

Attest: _____
Clerk

Submitted by Councilmember _____.

WHEREAS, the freedom from domestic violence is a fundamental human right and that the local government has a responsibility to continue securing this right on behalf of their citizens;

WHEREAS, it is estimated that one in four women experience domestic violence within their lifetime and

WHEREAS, three women and one man are murdered by their spouses or partners every day and

WHEREAS, it is estimated that domestic violence costs the United States more than \$3.8 billion each year and

WHEREAS, police and sheriff departments, city and local agencies, courts and other local government entities constitute the first line of defense against domestic violence and

WHEREAS, police and sheriff departments, city and other local agencies, courts and other local government entities bear much of the cost of domestic violence and

WHEREAS, local the city and community and leaders within the United States have recognized domestic violence as a human rights issue and

WHEREAS, recognition of domestic violence as a human rights issue will protect families by placing freedom from domestic violence in the public eye

BE IT RESOLVED by the Council of the City of Cincinnati, State of Ohio

Section 1. That Council declares that freedom from domestic violence is a fundamental human right.

Section 2. That Council declares that state and local governments bear a responsibility to continue securing this human right on behalf of their citizens.

Section 3. That a copy of this resolution be spread upon the minutes of Council.

Passed _____, 2011

Mayor

City Clerk

City Clerk

Submitted by Councilmember

WOMEN
HELPING
WOMEN
OF HAMILTON COUNTY

*Serving Survivors of Domestic Violence,
Sexual Assault & Stalking*

*Dedicated to
serving women
and men of all
backgrounds,
sexual orientations
and abilities.*

Kendall Fisher
Executive Director

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and United Way of
Cincinnati*

Community Law Center Building
215 E. Ninth Street, 7th Floor
Cincinnati, Ohio 45202-6109

513.977.5541 phone
513.381.5610 24HrCrisisline
513.977.5545 TTY
513.977.5544 fax
womenhelpingwomen.org

April 11, 2011

Re: Domestic Violence as a Human Rights Issue

Dear Members of Cincinnati City Council:

Women Helping Women urges City Council to pass the resolution declaring domestic violence as a human rights issue.

Domestic violence is an epidemic that threatens the very fabric of our society. It is estimated that one in four women will suffer domestic violence in their lifetimes. Moreover, every day in the United States three women and one man are murdered by their partners.

By adopting this resolution, Cincinnati will join leaders around the world that have declared that protection from domestic violence is a human right and survivors must be protected against this terrible crime.

Please adopt the resolution declaring domestic violence as a human rights issue. Cincinnati must stand with survivors and advocates to end domestic violence.

Sincerely,

Kendall Fisher
Executive Director

LOBBYING WITH CITY COUNCIL & GOVERNMENT OFFICIALS

~Domestic Violence Human Rights Resolution~

By: Nick Maull with Jennifer Cunningham & Josh Lefevre

University of Cincinnati College of Law 2011

I would be lying if I said I was not nervous when I scheduled my first interview with a city council member. It was the first time I was involved in any kind of political activism, and the first time I communicated with a community leader. This discussion about my lobbying experiences could come off as trivial or obvious, however I feel it was the little things that provided a positive outcome.

Interview Preparation

First, be prepared. I prepared a packet with all of the necessary information regarding our position and the purpose of our meeting. I provided each council member a copy of our position paper, our resolution proposal, letters of support from local organizations, statistics on domestic violence, and a form for them to read and sign (should they decide to support the resolution). In addition to having literature prepared to provide to the council members, I also made sure I thoroughly understood the literature. Not only was this important to answer their questions, but I also thought it was helpful with bringing up talking points, especially in a couple of instances where the conversation began to lack direction. Also, know statistics. In the case of domestic violence using statistics to support your plight can prove to be beneficial. Almost all of the committee members asked for statistics. Local statistics were particularly important. The council members understand that domestic violence is a nationwide problem, but some may perceive their community to be unaffected.

Learn about the person you are meeting. Obviously, this is a no brainer. But when dealing with politicians, it is important to know a little about the person you are trying to persuade. Investigate the politician's education, work experience, political agenda, and organizations the politician may be affiliated with. I began the conversations by talking about the council member, asking them questions to let them know I researched their background. Showing deference is important. For example, one of the council members is a co-owner of a company that employed a close family friend. I knew that the council member knew my family friend well, it broke the ice immediately and he was impressed that I knew about his career.

Consider how to approach this situation. Always be extremely polite and courteous to everyone you meet at city hall or other place of meeting. That includes the security guards, receptionists, and assistants. Also, be sure to address the council member as "Councilman/woman Last name." I found myself sitting in the lobby, waiting for my interview, it then dawned on me...how do I address this person? I quickly picked up that his assistant referred to Chris Bortz as "Councilman Bortz." I think that it could come off as disrespectful to address them in any other way.

Interview

I treated city council interviews as if they were job interviews. As a lobbyist I am trying to get the politician to accept my offer to support our position. As I mentioned above, understanding the council member's political agenda is crucial. As a young lobbyist, with little or no experience, it was extremely important to avoid divisive political issues and focus on the domestic violence. This is especially important when talking about the police. Because I was simply promoting a policy resolution and nothing more, the political agenda was not as big of an issue. However, when I did discuss domestic violence education for judges and other officials, I had to be more careful. This was certainly more sensitive politically and could have brought up more serious questions from the

council members. I tried to focus on the domestic violence to get around the issue. I focused on the fact that this is not a democratic or republican issue, but it affects all people and all parties, thus furthering the stance that domestic violence needs to be treated as a human rights issue.

Conclusion

In summary, the key to gaining support, and a positive rapport with a politician is; 1. being polite, 2. showing deference 3. showing an understanding of both sides of the issue, and 4. trying to avoid any kind of political conflict.

To be Free from Domestic Violence is a Fundamental Human Right

Jennifer Cunningham, Nick Maull, and Josh LeFevre

Law Students at The University of Cincinnati College of Law

Introduction

Domestic violence affects families in Cincinnati, the United States, and across the world, shaking the very fabric of society. According to the Domestic Violence Resource Center, one in four women experiences domestic violence within their lifetimes.ⁱ Three women and one man are murdered by their partners every day, costing the United States more than \$5.8 Billion each year.ⁱⁱ Local laws, and the police officers who enforce them, are the primary line of defense against domestic violence.ⁱⁱⁱ World leaders and leaders within the United States recognize domestic violence as a human rights issue.^{iv} The City of Cincinnati should join these leaders across the world by adopting a resolution declaring domestic violence as a human rights issue. Recognition that freedom from domestic violence is a fundamental human rights issue will protect families by placing freedom from violence within the home in the public eye. Men, women and children should not fear for their safety in their own homes.

“Human Rights” Defined

The Universal Declaration of Human Rights (“the Declaration”) recognizes the “inherent dignity,” and “equal and inalienable rights,” of all members of the human family as the foundation of “freedom, justice and peace in the world.”^v The Declaration defines “human rights” by stating that “[n]o one shall be subject to ...

cruel, inhuman or degrading treatment or punishment,” and that everyone has a right to an “effective remedy by the competent international tribunals for acts violating the fundamental rights granted him by the constitution or by law.”^{vi} In addition to this definition, the position of the United Nations is that each state has a duty to exercise due diligence to ensure the upholding of the Universal Declaration of Human Rights.^{vii}

Domestic Violence as a Human Rights Issue

Domestic violence frequently involves cruel and degrading treatment, including, “physical violence such as wife battering, sexual abuse, torture, spouse abuse,” as well as “psychological and emotional abuse such as denial of recognition, use of derogatory language, emotional damage, and neglect,” such as “denial of food” and “denial of financial access.”^{viii} Applying the definition of “human rights” from the Universal Declaration of Human Rights, it becomes clear that these actions constitute “cruel, inhuman or degrading treatment.” If the consequences of domestic violence do not fall under the definition of “human rights,” then the protections afforded by the Universal Declaration of Human Rights are meaningless.

The United Nations also recognized domestic violence as a human rights issue through the Declaration on the Elimination of Violence against Women, because domestic violence is typically “gender-based abuse.”^{ix} Gender-based abuse is “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts,

coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”^x

Besides the fact that domestic violence easily fits into the definition of a human rights issue, there are other compelling reasons for the City to recognize domestic violence as a human right. It is well known that many acts of domestic violence occur in the most protected space in our society, the home. By recognizing domestic violence as a human rights issue, City Council is taking this shameful, isolating act and thrusting it into the public sphere. By thrusting domestic violence on such a public stage as a City Council resolution, the City will not only take a stand against domestic violence but will also communicate to survivors that they are not alone.

Specifically, the Declaration on the Elimination of Violence against Women notes that “[p]hysical, sexual and psychological violence that occurs in the family, including battering; sexual abuse of female children in the household; dowry-related violence; marital rape; female genital mutilation and other traditional practices harmful to women; non-spousal violence; and violence related to exploitation.”^{xi} The United Nations Commission for Human Rights condemned violence and human rights violations against women on March 3, 1993.^{xii} Since that time, a number of countries have criminalized violence against women.^{xiii}

Recommendation

Our position does not seek to change any currently existing legislation, law or statute. Nor does it seek to change the State’s job of enforcing legislation. We

simply ask that Ohio generate a new perspective on domestic violence. Domestic violence is more than an issue of assault and battery, impinging on human rights. This position seeks to create a spark to enhance domestic violence education in communities, public and private sectors, and in government agencies.

We recommend that Cincinnati City Council adopt a resolution recognizing that freedom from domestic violence is a fundamental human right. By adopting this resolution, the City of Cincinnati City Council will be one of the first Council in the nation to recognize domestic violence as a fundamental human right. Our goal is to create awareness that domestic violence is a human rights issue, and to establish educational programs for police departments, judges, attorneys, and other private and public sector agencies. This education would involve psychological aspects, patterns and warning signs of domestic violence, with an emphasis on the psychological and physiological effects of domestic violence. Our goal is also to inform survivors of the resources and support that is available to them in the City of Cincinnati. To end the epidemic of domestic violence in our community it is essential the City of Cincinnati Council adopt this resolution declaring domestic violence a human rights issue.

ⁱ Domestic Violence Resource Center, "Domestic Violence Statistics," *available at* <http://www.dvrc-or.org/domestic/violence/resources/C61/#hom>, accessed March 4, 2011.

ⁱⁱ *Id.*

ⁱⁱⁱ *See, e.g.*, Ohio Form 10.01-G, "Law enforcement officers with powers to arrest under R.C. 2935.03 for violations of the Ohio Revised Code must enforce the terms of this Protection Order as required by R.C. 2919.26, 2919.27 and 3113.31. If you

have reasonable grounds to believe that Respondent/Defendant has violated this protection Order, it is the preferred course of action in Ohio under R.C. 2935.03 to arrest and detain Respondent/Defendant until a warrant can be obtained.”

^{iv} United Nations General Assembly, “Declaration on the Elimination of Violence against Women,” December 20, 1993, *available at*

<http://www.un.org/documents/ga/res/48/a48r104.htm>; Committee on the Elimination of Violence against Women, Eleventh Session, General Recommendation 19, Official Records of the General Assembly, Forty-seventh Session, Supplement No. 38 (A/47/38), Ch. 1

^v United Nations General Assembly, “Universal Declaration of Human Rights,” December 10, 1948, *available at*

<http://www.un.org/en/documents/udhr/index.shtml>, accessed March 4, 2011.

^{vi} *Id.*

^{vii} United Nations, “Declaration on the Elimination of Violence against Women,” December 20, 1993.

^{viii} Ramesh, Abhinaya (Summarized by Janice Duddy), *Why is Domestic Violence a Human Rights Concern?*, December 2, 2008, Association for Women’s Rights in Development, <http://www.awid.org/eng/Issues-and-Analysis/Library/Why-is-domestic-violence-a-human-rights-concern>.

^{ix} United Nations, “Human Rights: Women and Violence,” *available at* <http://www.un.org/rights/dpi1772e.htm>.

^x *Id.*

^{xi} *Id.*

^{xii} *Id.*

^{xiii} *Id.*

Domestic Violence Reflection- *How to Develop Interest Among Community Groups*

An important step in passing a city council resolution is developing support and enthusiasm in the community. City council members are more responsive to your concerns when you can show them that your position has a lot of support in the area. In our group, we decided to focus some of our energy on gaining the support of community agencies around the city because we knew their support was vital to our resolution. We tried to cover all types of agencies, we contacted groups that provide legal support to survivors, groups that advocate for domestic violence issues and organizations that maintain domestic violence shelters. Ultimately, we came up with a list of approximately ten organizations. However, this list was continually updated because the community groups we contacted not only gave us advice about the resolution but also gave us names of additional agencies.

The next step in developing interest in the community was to contact all the relevant agencies. Persuading groups that focus on domestic violence issues to support the resolution was relatively easy. These groups were very pleased that someone else in the community thought this subject was important enough to highlight its terrible consequences. Generally, I would start by calling the contact person in the agency. I would explain who I was, what I was trying to do, and then I would provide reasons to support the resolution. Although most of the groups were more than happy to support the resolution, it was important to specify to the groups why we needed their support now and why enough wasn't already being done regarding domestic violence. I frequently referenced the U.S. Supreme Court case, *Town of Castle Rock v. Gonzales*, 545 S. Ct.748 (2005) and Jessica Lenehan's case in the Inter-American Commission on Human Rights. I explained that our group wanted to use the momentum from Jessica Lenehan's case to start a nationwide movement in passing resolutions declaring domestic violence as a human rights violation.

Domestic Violence Resolution - How to Develop Interest Among Community Groups

It is important that in passing a city council resolution is developing support and enthusiasm in the community. City council members are more responsive to your concerns when you can show them that your position has a lot of support in the area. In our group we decided to focus some of our energy on gaining the support of community agencies around the city because we knew their support was vital to our resolution. We tried to cover all types of agencies we contacted groups that provide legal support to survivors, groups that advocate for domestic violence issues and organizations that maintain domestic violence shelters.

Ultimately, we came up with a list of approximately ten organizations. However, this list was somewhat limited because the community groups we contacted not only gave us advice about the resolution but also gave us names of additional agencies.

The next step in developing interest in the community was to contact all the relevant agencies. Researching groups that focus on domestic violence issues to support the resolution was relatively easy. These groups were very pleased that someone else in the community thought this subject was important enough to highlight its terrible consequences. Generally, I would start by calling the contact person in the agency. I would explain who I was, what I was trying to do, and then I would provide reasons to support the resolution. Although most of the groups were more than happy to support the resolution, it was important to specify to the group why we needed their support now and why enough wasn't already being done regarding domestic violence. I frequently referenced the U.S. Supreme Court case, *Town of Castle Rock v. Gonsales*, 545 U.S. 578 (2005) and Jessica Lantieri's case in the Inter-American Commission on Human Rights. I explained that our group wanted to use the momentum from Jessica Lantieri's case to start a nationwide movement in passing resolutions declaring domestic violence as a human rights violation.

An issue I was faced with when developing interest among community groups was that the groups did not believe the resolution was relevant to our city. Often, they found the emphasis on Jessica Lenehan's case at the Inter-American Commission on Human Rights was too global. Sometimes I forgot that although I was well versed in the terrible role domestic violence plays in our city and the world, I still needed to translate how Jessica's struggle was relevant to our community. One way I dealt with this concern was to find local statistics about the rate of domestic violence in our county and our state. Our State Supreme Court website keeps a record of the filings of civil protection orders by county. This number was helpful because it was hard evidence of a number of survivors that took formal action. The Supreme Court website also compared our city's domestic violence statistics with other cities in Ohio. Using this comparison, I discovered that our city was higher than both the state wide mean and the mean for the five major metropolitan areas in Ohio. I also found other local websites that have kept track of statistics for the entire State of Ohio. These statistics included the number of deaths attributable to domestic violence per year, the number of survivors housed in shelters, and the number of phone calls made to police regarding domestic violence claims. All these tools were very helpful in persuading community groups that domestic violence is a dangerous and pressing issue in our community that needs everyone's action.

Ultimately, we received most of the community organizations' support that we contacted. Some groups did not give their support, however this was often due to the agency's inability to get back to us in a timely manner rather than their decision that the resolution was not a valid concern. Our communication with the agencies did not end once we received their support. We also made sure to inform them of the status of the resolution and any press we were receiving. The agencies also gave us valuable advice about sympathetic council members and other community groups to contact. We also requested that the agencies appear at the

city council meeting where the council voted on our resolution. We believe that the groups' presence as well as their written support played a vital role in convincing council that the resolution was a worthwhile task for our city. Although developing interest among community agencies can seem a daunting task, it was a significant part of the development and passage of the resolution. We simply could not have received the support from city council without the help of all the organizations in our community.

**Baltimore City Council Resolution 12-0034R:
Freedom from Domestic Violence is a Fundamental Human Right**

On March 19, 2012, the Baltimore City Council unanimously adopted Resolution 12-034R, recognizing that freedom from domestic violence is a human right. A group of student attorneys from the University of Baltimore Family Law Clinic drafted the resolution and advocated for its passage as part of a Spring 2012 Community Education project. We learned a number of lessons along the way.

First, consulting Margaret Drew and others involved in the passage of the Cincinnati resolution prior to planning our own efforts was immensely helpful. We used that invaluable guidance to shape our own decision-making on the text of the resolution and the process of getting it passed.

Next, we benefitted greatly from local networking and connections to gain insight into how the Baltimore City Council operates and who we might want to approach about being our sponsor. Consulting a friend and fellow law student who was also an aide to City Councilman Robert Curran gave us a much better grasp of City Council operations, as well as a nearly immediate slot on the councilman's calendar, quickly resulting in his sponsorship of our resolution.

During that first meeting with Councilman Curran, he had a number of questions for us about why the resolution was necessary, what its legal effect would be, and why only one other city had passed such a resolution thus far. This was an excellent opportunity to accomplish one of our overall project goals: educating our community on the importance of recognizing freedom from domestic violence as a fundamental human right. We provided statistics about the magnitude of domestic violence in Baltimore (statistics we also included in the text of the resolution itself) and gave the responses we had prepared in advance, and Councilman Curran ultimately agreed with us and decided to be our sponsor. But we were grateful for the advance preparation we had done prior to the meeting. Accordingly, we would recommend preparing to face a wide variety of questions and scrutiny, depending on local political climate and community attitudes towards domestic violence and human rights.

Because Baltimore is a relatively liberal city with at least some (if perhaps not enough) awareness of its domestic violence problem, we were able to get the City Council on board much quicker than we originally anticipated, in only a few weeks' time. We had planned a publicity campaign to garner support for the resolution prior to passage, including Facebook, Twitter, and a change.org petition. However, with 12-0034R now already adopted, we are instead using those social networking options to publicize the message of the resolution. Additionally, we created a "Freedom from Domestic Violence is a Fundamental Human Right" poster and distributed it to women's groups and health centers at local universities. We are also working with Maryland Legal Aid and other local legal services and domestic violence organizations on publicizing the resolution. One student gave a 12-0034R presentation to the statewide Legal Aid Family Law Taskforce, and several attorneys at that meeting demonstrated interest in using the resolution to support legal arguments in some of their cases. We also drafted an Op-Ed and attempted to get it published in a local newspaper, and we are currently working with a columnist who writes about public interest law for the Maryland Daily Record on a column about 12-0034R and our Family Law Clinic Community Education project. We would recommend creating a publicity plan at the start of the project, so that publicity can run smoothly despite the unpredictable timeline for resolution drafting and advocacy.

Editorial Submission: The month of October is domestic violence awareness month. Domestic violence is often something we read about in articles, or hear on the news but most of us believe this reality will never enter into our homes. Unfortunately, all too often the horrors of domestic violence seep into our most intimate relationships. According to the Domestic Violence Resource Center, one in four women in the United States will experience domestic violence within her lifetime. Three women and one man are murdered by their intimate partners every day.

Domestic violence costs the United States more than \$5.8 billion each year. Local laws and the police officers who enforce them are often the primary line of defense against domestic violence. Earlier this month Cincinnati City Council became the first in the nation to pass a resolution that declared freedom from domestic violence as a basic human right. Students from the University of Cincinnati College of Law's Domestic Violence and Civil Protection Order Clinic took the lead in bringing this issue to City Council. They were supported by the YWCA, the University of Cincinnati's Women's Center, Women Helping Women, Centerpoint, the University of Cincinnati College of Law's Center for Race, Gender, and Social Justice, and the Greater Cincinnati Foundation. Vice-Mayor Qualls submitted the resolution for consideration and she was supported by Councilors Chris Bortz, Wayne Lippert, Amy Murray, Laure Quinlivan, Cecil Thomas, Charlie Winburn, and Wendell Young, who showed admirable leadership in voting for the resolution.

The epidemic of domestic violence affects families in Cincinnati, the United States, and across the world, disrupting the very fabric of our global society. Often the biggest obstacle in battling domestic violence is taking the shameful violent acts out of the private home and into the public world where survivors can receive resources and support. World leaders and leaders within the United States have taken this path by recognizing domestic violence as a human rights concern. Acts of domestic violence such as physical battering, emotional abuse, financial abuse, and isolation from friends and family are cruel and degrading, in contravention of the principals set forth in the Universal Declaration of Human Rights. City Council took this shameful and isolation act out of the home and into the public sphere when it followed the lead of international and national leaders by recognizing domestic violence as a human rights concern. In doing so, the City not only stood against domestic violence but also communicated to survivors that they are not alone. The Council's recognition that freedom from domestic violence is a fundamental human right is a huge step toward protecting the thousands of women, men and children who experience domestic violence in the Cincinnati area. The nation has taken notice.

Jennifer Cunningham-Minnick, Nick Maull, and Josh Lefevre

University of Cincinnati College of Law

The Cincinnati Resolution: A Professor's Reflections

By

Margaret Drew

Prof. Carrie Bettinger-Lopez, Jessica Lenahan's attorney in the petition before the Inter-American Commission on Human Rights, suggested that one form of implementation of the expected favorable decision was adoption of resolutions by local governments around the country. Carrie suggested that domestic violence clinic students take the lead in offering resolutions that acknowledged domestic violence as a violation of human rights. I offered immediately that Cincinnati take up the resolution as a clinic project.

Professor Kenyatta Mickles and I met with several of our clinic students, three of whom agreed to develop the resolution and work for its adoption by the Cincinnati City Council. Neither the students nor the professors had experience in drafting and lobbying for the passage of a local resolution. But we let the students loose on the project, and as students are wont to do, they did a remarkable job on learning the process, developing the resolution and securing its passage. We all learned valuable political lessons along the way.

The Cincinnati experience is important for those who live in more conservative, and possibly resistant, parts of the country. We were surprised with the speed of the Baltimore process. In a matter of weeks that city's council received and adopted the resolution. Not so in Cincinnati.

Lessons Learned

1. *Knowing the politics of your community.* Nick, Jennifer and Josh started the process in January, 2011. By March they had done their research and drafted their position paper as well as the resolution. They divided up the city councilors and each met with their assigned representatives. The councilors responded with varying degrees of understanding and enthusiasm. One councilor asked "Do we have this problem in Cincinnati?" To her, showing local statistics to prove the extent to which Cincinnati is affected by domestic violence was important. Another councilor responded with complete

understanding of the issues involved. He recognized immediately that at the heart of the Lenahan problem was lack of police enforcement. He wisely suggested that the topic of police enforcement be avoided when lobbying other council members. Cincinnati is very sensitive around police issues. Having come through race riots as late as 2001, followed by a consent decree in federal court, even implied criticism of the police is a sure way to politicize any conversation. Early on, the decision was made not to include language around police enforcement in the resolution. Instead, the students drafted language calling upon “state and local governments to *continue* securing this human right on behalf of citizens”.

The students and professors engaged in discussion around the language of the resolution. Cincinnati is a conservative city in many ways. Initially, we discussed a one sentence resolution simply saying that freedom from domestic violence is a fundamental human right. With Carrie’s encouragement, we considered adding a second paragraph addressing the obligations of government institutions in ensuring that right. I have some caveats for those of you who will be approaching your local governments for support of the human rights resolution. Include in your resolution only so much of the language as you believe will gather support. For example, paragraph 1 of the Cincinnati resolution is much easier to explain to the politicians who will decide whether to support. When you are asked why you feel it necessary to include a reference to institutional support, the discussion can become more complicated. If support in your community is fragile, you might want to consider limiting the language of the resolution and building on its impact as part of your implementation plan. If for example, if your locality resists any discussion or use of foreign law, you might want to avoid discussion of United Nations studies, reports or resolutions. Cincinnati had the benefit of being filed before the Inter-American Human Rights decision on Lenahan was published. If you are working with politicians who are aware of the Human Right’s Commission’s decision, you might have to justify why the resolution is important for your community but avoids any suggestion that we follow non-US law. Indeed, in some sections of the country you will not want to tie the resolution to any national movement to address domestic violence as a human rights issue. In a state that is strongly opposed to federal interference, for example, you will want to avoid any discussion of Violence Against Women Act and its mandates when presenting on the resolution’s importance.

2. ***Being mindful of budget implications.*** In difficult economic times, the councilors are going to be particularly sensitive to any revenue demands that passage of the resolution might suggest. By including the word “continue” in the second paragraph of the resolution, the students were able to argue that no new revenue would be needed for implementation of the resolution.

3. ***Understanding the political process.*** A valuable lesson learned was understanding the importance of the framework in which your local representatives work. For example, once a councilor agreed to sponsor the resolution, she requested that the students stop soliciting other sponsors. We learned to permit the sponsoring councilor to guide the process once agreement on sponsorship was reached. For example, Nick, Jennifer and Josh drafted an editorial to be published in the local newspaper encouraging the councilors to vote in favor of the resolution and acknowledging those who agreed to vote in favor. Jennifer, who was the liaison to the sponsoring councilor’s office, notified the councilor’s assistant of the editorial and the students’ intention to submit for publication. Immediately the councilor instructed to wait on publication as she had not yet submitted the resolution to the city’s legal department for review. We anticipated movement to be swift once sponsorship was obtained. Our sponsor, however, decided to hold the resolution for passage in October, Domestic Violence Awareness Month. Our sponsor wanted to announce the resolution at one of the several events held in the city as part of the awareness campaign. While this was disappointing as all three students involved in the project would have graduated by then, we had no control over the submission process. In addition, we all learned a valuable political lesson. The best result was to both have the resolution pass and have the supporting councilor receive publicity around her support for domestic violence and use the resolution as a way to introduce the new human rights perspective to the public. True to her word, our sponsor announced the resolution at a public gathering in October and the clinic students received a round of applause from those in attendance.

4. ***Making the process as easy as possible for the sponsor.*** Whatever you can do to make the process simple for the councilor you should do. For example, submitting a draft of the resolution will take an enormous burden off of the sponsor’s staff and speed up the legal and voting process. Be prepared to do whatever research, lobbying or other work suggested by your sponsor. Nick Maull makes valuable suggestions on how to approach your local representatives in his article included in this toolkit.

5. *Being aware of the changing political landscape in your community.*

When the students began the discussion with city councilors, the existing council members were in the process of determining who would run for re-election. Support was much stronger at the beginning of the process. By the time that the resolution came up for a vote, who was remaining in the political arena, or attempting to, had been determined. During that time, support eroded. Delaying the vote was detrimental to our efforts. So much support was lost that the resolution was in danger of passing. In fact, the resolution would have been defeated but for the work of our sponsor's staffer. Our sponsor was unable to attend the council meeting where the resolution was presented for a vote. When it became questionable that the resolution would pass, her staffer requested that the vote be delayed until our sponsor could attend the meeting. We were fortunate to have a respected sponsor, Roxanne Qualls, who is also Vice-Mayor. Her staffer made the strategic move that saved the resolution's passage. When the resolution next came up for vote, Ms. Qualls was able to garner sufficient votes for passage. Having a powerful sponsor made all of the difference. Our lesson was to survey the political landscape of your local council and choose your sponsor accordingly. One of the opponents of the resolution submitted a counter resolution stating that the city council would no longer vote on resolutions. Had this been successful, the sponsoring councilor of the anti-resolution vote would have successfully stopped the passage of the human rights resolution without going on record as against the resolution. Whether or not local councils should be taking stands on issues through the resolution process is under some discussion in other locations so acting quickly might benefit your community's passage.

6. *Let the students do it!* Students make amazing things happen. In Cincinnati, the students did all of the work with minimal input from faculty. When the resolution was drafted and I saw the reference to the United Nations Declaration on the Elimination of Violence against Women, I held my breath and withheld comment. I wondered how that language would be received in this conservative town. The paragraph met with no resistance of which I am aware. I knew from experience that students make things happen. Unfortunately, with the timing of the hearing occurring post-graduation only one student was available to testify at the hearing. Jennifer Cunningham Minnick and Prof. Mickles presented the resolution and discussed its merits. My advice is to let the students run with the project. They will make it happen. If you are bringing this resolution and are not affiliated with a law school, you might consider engaging law students in the process. With their enthusiasm and skills, your resolution will be well represented.

The final lesson is not to give up. Don't presuppose what your local government will do with the resolution. People surprise you. At the very least the project will provide you with an opportunity for education on the topic. Even if initially unsuccessful, you might build relationships that lead to a better understanding of violence against intimate partner violence and provide a base of support for your future community work.