

ADOPTED

Resolution No. 2014-214

Declaring Freedom from Domestic Violence as a Human Right

WHEREAS, domestic violence is a human rights concern that affects individuals of every gender, sexual orientation, race, age, nationality, religion, and economic status, and

WHEREAS, domestic violence can take many forms, including physical, sexual, psychological, or economic abuse, intimidation, isolation, and coercive control by intimate partners or family members, and

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 during their lifetimes, according to the Centers for Disease Control and Prevention, and

WHEREAS, in 2013, the Advocacy Center of Tompkins County answered 2,055 calls on its domestic violence and sexual assault hotline and served 212 new adult domestic violence clients, including providing shelter for 37 adults and their 25 children and helping 72 individuals obtain final orders of protection from the courts, and

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

WHEREAS, domestic violence has a deeply negative impact on children who are exposed to it, and

WHEREAS, social service agencies, law enforcement, courts, cities, counties, towns, villages, and other local government entities constitute the first line of defense against domestic violence, and

WHEREAS, the United States played an influential role in the 1948 adoption of the Universal Declaration of Human Rights by the United Nations General Assembly, and

WHEREAS, domestic violence is a violation of the human rights guaranteed by international law, including the International Covenant on Civil and Political Rights (ratified in 1976), and the Convention Against Torture and Other Cruel, Inhuman or Degrading treatment or Punishment (ratified in 1987), which the United States has ratified through coordination and consent between the Executive Branch and the Senate, and

WHEREAS, in 2005, the United States Supreme Court in *Town of Castle Rock v. Jessica Gonzales*, treated an obvious case of domestic violence as merely a due process case ignoring the fact that swifter police response could have saved the lives of her three children; thereafter, Jessica Lenahan (Gonzales) sued the Town of Castle Rock before the Inter-American Commission on Human Rights (IACHR), a regional human rights tribunal, which, in 2011, in contrast to the U.S. Supreme Court, found that the failure of the United States to protect Jessica and her daughters from domestic violence was a violation of their human rights, noting that “[t]he systemic failure of the United States to offer a coordinated and effective response to protect Jessica and her daughters from domestic violence” violated their rights to life, nondiscrimination, equal protection of the law, and judicial protection under the 1948 American Declaration on the Rights and Duties of Man, and

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WHEREAS, in 1988 the federal Office of Victims of Crime was established, and in 1995 the federal Office of Violence Against Women was established, and these federal initiatives led to State initiatives that govern the local protocols the County has in place today, and

WHEREAS, Tompkins County has been a leader in acknowledging and responding to the existence of domestic violence by introducing a number of initiatives, including creating the Task Force for Battered Women/Child Sexual Abuse Project in 1987 (which has since become The Advocacy Center) and establishing the Integrated Domestic Violence Court in 2003, and

WHEREAS, in Tompkins County, law enforcement agencies reported an average of 147 victims of domestic violence offences per year between 2010 and 2013, and

WHEREAS, by officially recognizing at this time that freedom from domestic violence is a human right, the Tompkins County Legislature intends to raise public awareness of and contribute to better public understanding of this basic issue in our communities, and

WHEREAS, the Tompkins County Legislature seeks to enhance the public welfare by declaring that freedom from domestic violence is a fundamental human right, now therefore be it

RESOLVED, on recommendation of the Public Safety Committee, That the Tompkins County Legislature joins world leaders and leaders in the United States in recognizing domestic violence is a human rights concern and declares that freedom from domestic violence is a fundamental human right,

RESOLVED, further, That the Tompkins County Legislature believes the state and local governments should continue to secure this human right on behalf of their citizens,

RESOLVED, further, That the Legislature recognizes that Tompkins County departments and agencies already have protocols in place that acknowledge and address the multiple problems that arise from domestic violence and strongly supports the continuation of their efforts to eradicate domestic violence in our community and that those efforts continue to be informed by domestic violence survivors' voices and needs,

RESOLVED, further, That Tompkins County shall consider participating, together with community partners such as the Advocacy Center and The Cornell Law School Global Gender Justice Clinic, in a study of the causes of local domestic violence incidents and of the gaps and barriers in the County's service delivery to survivors of domestic violence, with the goals of preventing domestic violence, strengthening the County's response to domestic violence, and improving the provision of services to survivors,

RESOLVED, further, That a copy of this resolution be sent to the City and Village Mayors and Town Supervisors in Tompkins County, the Honorable Chairs and Members of the Tompkins County Council of Governments, the Tompkins County Office of Human Rights, the Tompkins County Sheriff, the Police Chiefs for the City of Ithaca and Villages of Cayuga Heights, Dryden, Groton, and Trumansburg, the Cornell University Police Chief, the Ithaca College Public Safety Director, the Tompkins Cortland Community College Campus Safety Director, the New York State Police Troop C Station Commander, the Tompkins County District Attorney, the judges in Tompkins County, Governor Andrew Cuomo, Assembly Speaker Sheldon Silver, Assemblywoman Barbara Lifton, Senate Majority Coalition Leaders Dean Skelos and Jeff Klein, and Senators James Seward, Thomas Mara and Michael Nozzolio.

SEQR ACTION: TYPE II-20

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RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brian Robison, Member
SECONDER:	James Dennis, Vice Chair
AYES:	Burbank, Chock, Dennis, Luz Herrera, Kiefer, Klein, Lane, McBean-Clairborne, McKenna, Robertson, Robison, Shinagawa, Sigler, Stein

STATE OF NEW YORK)
) ss:
 COUNTY OF TOMPKINS)

I hereby certify that the foregoing is a true and correct transcript of a resolution adopted by the Tompkins County Legislature on November 18, 2014.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Legislature at Ithaca, New York, on November 19, 2014.

Catherine Corbett, Clerk
 Tompkins County Legislature