

MEMORANDUM

Agenda Item No. 11(A)(2)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: July 17, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution expressing the
Board's intent to declare that the
freedom from domestic violence
is a fundamental human right

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

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Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No. 11(A)(2)

Veto _____

7-17-12

Override _____

RESOLUTION NO. _____

**RESOLUTION EXPRESSING THE BOARD'S INTENT TO
DECLARE THAT THE FREEDOM FROM DOMESTIC
VIOLENCE IS A FUNDAMENTAL HUMAN RIGHT**

WHEREAS, the Board of County Commissioners ("Board") of Miami-Dade County, Florida ("County") seeks to enhance the public welfare by declaring that the protection against domestic violence is a fundamental human right; 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, 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; and this problem disproportionately impacts women of color, women with disabilities, women with low income, and immigrant women within Miami-Dade County, as well as their children; and

WHEREAS, according to 2011 Uniform Crime Reports, of the 111,681 reported domestic violence offenses Statewide, 9,313 occurred in Miami-Dade County, representing the highest number of domestic violence cases of any county in Florida; and

WHEREAS, of those 9,313 Miami-Dade County domestic violence offenses, about half (4,736) resulted in arrests; and of the 5,970 temporary injunctions issued in Miami-Dade County on domestic violence, dating violence, and sexual violence, twenty-three percent (1,401) resulted in the issuance of permanent injunctions; and

WHEREAS, in 2011, in Miami-Dade County, domestic violence victims made 5,567 crisis hotline and direct service calls for assistance; and shelters provided overnight protection to victims fleeing domestic violence 23,276 times; and there were 1,846 new admissions to residential and nonresidential domestic violence service facilities; and

WHEREAS, the United Nations Declaration on the Elimination of Violence Against Women 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, and the United Nations Special Rapporteur on Violence Against Women has stated that "violence against women is the most pervasive human rights violation" and has urged the United States government to reassess laws and policies for protecting domestic violence survivors and for punishing abusers; and

WHEREAS, in 2011, the Inter-American Commission on Human Rights found in *Jessica Lenahan (Gonzales) v. United States* that the United States' failure to protect women from gender-based violence constitutes discrimination and a human rights violation, and urged the United States to enact law and policy reforms to protect victims of domestic violence and their children; and

WHEREAS, world leaders and leaders within the United States recognize that domestic violence is a human rights concern; and police and sheriffs departments, courts, counties, cities, social service agencies, and other local government entities constitute the first line of defense against domestic violence; and

WHEREAS, by recognizing that domestic violence is a human rights violation, Miami-Dade County 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 BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. This Board expresses its intent to join world leaders and leaders within the United States in recognition of domestic violence as a human rights concern and declares that the freedom from domestic violence is a fundamental human right.

Section 2. This Resolution shall serve as a declaration to assure the citizens of the County that state and local governments bear a moral responsibility to secure this human right on behalf of their residents.

Section 3. This Resolution shall serve as a charge to all local government agencies to incorporate these principles into their policies and practices.

Section 4. A copy of this Resolution is to be sent to the Mayor, the Honorable Chair and Members of the Board of County Commissioners, the Director of the Miami-Dade Police Department, the Mayors and Commission and Council members of each municipality within Miami-Dade County.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of July, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Shannon D. Summerset-Williams