



Commission on the Status of Women
Peace and Justice Commission

CONSENT CALENDAR
January 23, 2018

To: Honorable Mayor and Members of the City Council

From: Commission on the Status of Women
Peace and Justice Commission

Submitted by: Emmaline Campbell, Chairperson, Commission on the Status of Women
Alex Mabanta, Chairperson, Peace and Justice Commission

Subject: Freedom from Domestic Violence as a Human Right Resolution

RECOMMENDATION

Adopt the Freedom from Domestic Violence as a Human Right Resolution.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

Domestic violence is a global crisis of massive proportions, with major effects here at home. The California Women's Health Survey reports that 40% of women in California face physical intimate partner violence at some point in their lifetime.¹ In Berkeley, every year over 750 police reports are filed in cases of domestic violence – and an untold number of incidents are never reported.²

BACKGROUND

In an attempt to deal with the national domestic violence crisis, many cities and local governments have turned toward applying a human rights framework to domestic violence. Much as the United Nations adopts resolution with declarations on human rights, local governments are now adopting resolutions to declare that freedom from domestic violence is a human right.³ This movement has been catalyzed by the law

¹ California Department of Health Services. "Women's Health: Findings from the California Women's Health Survey, 1997-2003."

http://www.dhcs.ca.gov/dataandstats/reports/Documents/OWHReports/CWHS_97-03Report.pdf.

² City of Berkeley Public Health. "Domestic Violence Prevention."

https://www.cityofberkeley.info/Health_Human_Services/Public_Health/Domestic_Violence_Prevention.aspx

³ The Advocacy Center of Tompkins County, The Avon Global Center for Women and Justice at Cornell Law School, and the Cornell Law School Global Gender Justice Clinic. "Recognizing Freedom from Domestic Violence as a Human Right." (2014) <http://www.lawschool.cornell.edu/Clinical-Programs/global->

schools of Cornell University, Columbia University, and the University of Miami.

As of May 2017, thirty-one local governments from around the United States have adopted resolutions recognizing Freedom From Domestic Violence as a Human Right.⁴ Should Berkeley adopt this resolution, it would be the first city or county to do so in California.

ENVIRONMENTAL SUSTAINABILITY

No environmental impact.

RATIONALE FOR RECOMMENDATION

This Resolution will affirm the City's commitment to preventing domestic violence and supporting survivors of domestic violence.

ALTERNATIVE ACTIONS CONSIDERED

No other alternative actions were considered.

CITY MANAGER

The City Manager takes no position on the content and recommendations of the Commission's Report.

CONTACT PERSON

Shallon Allen, Secretary to the Commission on the Status of Women and the Peace and Justice Commission, 510-981-7071

Attachments:

- 1: Draft Resolution

gender-justice/upload/Memo-Domestic-Violence-fr-Avon-Ctr-Advocacy-Ctr-Oct-2014.pdf.

⁴ Cornell University Law School Global Gender Justice Clinic. "Freedom from Domestic Violence as a Fundamental Human Right Resolutions, Presidential Proclamations, and Other Statements of Principle." <http://www.lawschool.cornell.edu/womenandjustice/DV-Resolutions.cfm>.

RESOLUTION NO. ##,###-N.S.

FREEDOM FROM DOMESTIC VIOLENCE AS A HUMAN RIGHT

WHEREAS, the Peace and Justice Commission advises the City Council on all matters relating to the City of Berkeley's role in issues of peace and social justice (Berkeley Municipal Code Chapter 3.68.070); and

WHEREAS, the Commission on the Status of Women advises the City Council on women's issues (Berkeley Municipal Code Chapter 3.48.020); and

WHEREAS, freedom from domestic violence is a fundamental human right, and should be treated as such; and

WHEREAS, domestic violence is defined as abuse or threats of abuse committed within an intimate relationship; and

WHEREAS, domestic violence can take forms that are not only physical, but also psychological, emotional, and financial; and

WHEREAS, the effects of domestic violence are often long-term, as survivors can struggle to recover from bodily injury as well as the emotional trauma sustained, and this can lead to lasting consequences such as financial detriment and unstable housing options; and

WHEREAS, domestic violence survivors are more likely to experience harmful effects to their well-being and physical or reproductive health, such as unintended pregnancy, miscarriage, gastrointestinal problems, chronic pain, anxiety, post-traumatic stress disorder, and more; and

WHEREAS, studies done by the World Health Organization have shown that there is a linkage between intimate partner violence and depression or suicidal behavior; and

WHEREAS, domestic violence is not only a local problem, and a national problem, but also a global problem; and

WHEREAS, the Center for Disease Control and Prevention reports that three women are murdered every day by their current or former male partner in the United States; and

WHEREAS, the National Coalition Against Domestic Violence reports that 20 people per minute are physically abused by an intimate partner in the United States, and that 15% of all violent crimes in the U.S. are intimate partner violence; and

WHEREAS, the National Coalition Against Domestic Violence also reports that one in three women and one in four men in the United States have experienced some sort of physical violence by an intimate partner within their lifetime; and

WHEREAS, the California Women's Health Survey reports that 40% of women in California face physical intimate partner violence at some point in their lifetimes, a rate that is higher than the national average; and

WHEREAS, domestic violence disparately affects women of color at higher rates than it affects white women; and

WHEREAS, domestic violence disparately affects members of the LGBTQ community; and

WHEREAS, domestic violence disparately affects the disabled community; and

WHEREAS, domestic violence disparately affects seniors; and

WHEREAS, domestic violence is often underreported; and

WHEREAS, the United Nations wrote a Declaration on the Elimination of Violence Against Women in 1993, which stated that violence against women is a violation of a woman's right to the highest standard attainable of physical and mental health, which is a human right; and

WHEREAS, the Berkeley City Council previously adopted an ordinance based on the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), found at Berkeley Municipal Code section 13.20.

NOW THEREFORE, BE IT RESOLVED that freedom from domestic violence is a fundamental human right, accessible to all humans of all genders.

BE IT FURTHER RESOLVED that the City Manager shall prepare a report within the next six (6) months on the policy and practice of City departments on domestic violence, including but not limited to, the Berkeley Police Department, the Berkeley Fire Department, and Health, Housing & Community Services, with respect to the status of domestic violence and the City's work to overcome domestic violence and support survivors.

BE IT FURTHER RESOLVED that City departments shall work to incorporate this Resolution into their work.

BE IT FURTHER RESOLVED that the City of Berkeley will maintain a vested interest in ensuring that the fundamental human right of freedom from domestic violence is protected for all the members of its community.