

California Women's Agenda (CAWA) 2010-2015
Gender-based Violence Policy Paper
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CALIFORNIA VISION

"We want to create a safe environment where women and men work together with mutual respect to eliminate violence in all its forms, and women and girls are encouraged to develop their full potential."

The above quote was taken from a previous CAWA policy paper on violence. It was chosen here because it encapsulates the current trend and the acknowledgement that if cultural change is to occur, it must be a mutual goal for everyone.
A goal we all work towards, together.

WHAT IS VIOLENCE AGAINST WOMEN AND GIRLS?

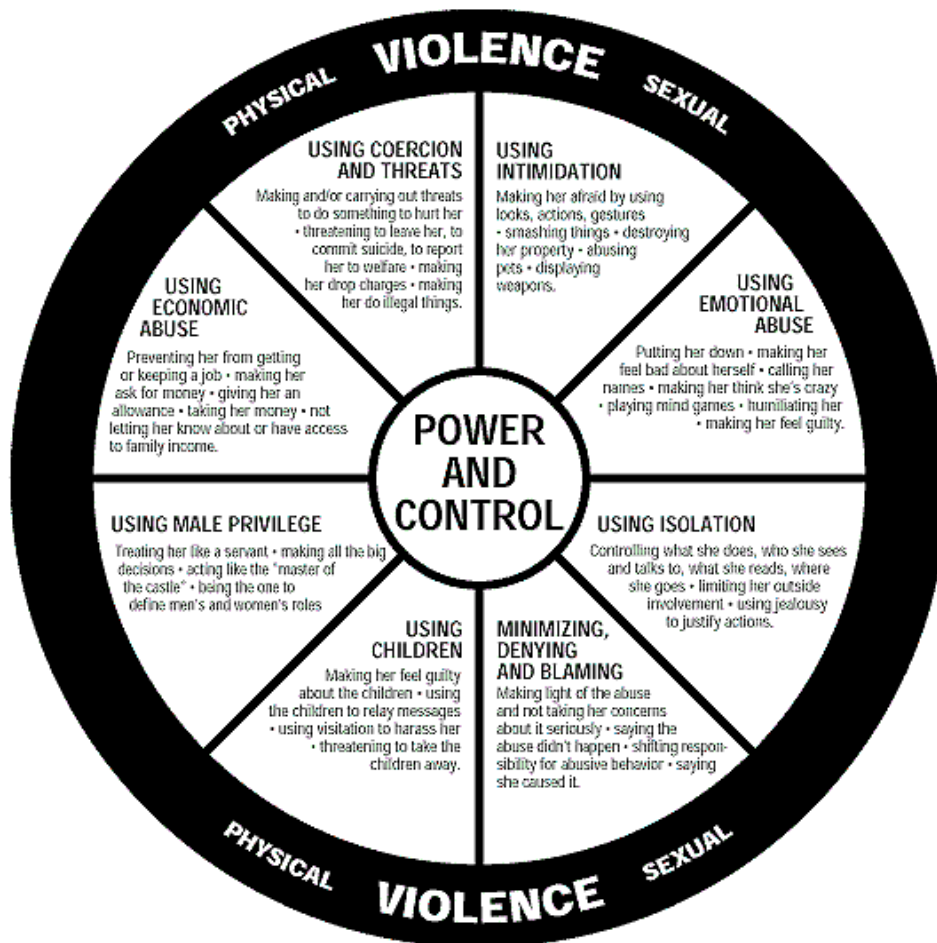
Violence against women and girls is both a health and a human rights issue. Article 1 of the United Nations Declaration on the Elimination of Violence Against Women defines gender-based violence as, "...any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."¹ According to the World Health Organization, "At least one in five of the world's female population has been physically or sexually abused by a man or men at some time in their life [and] operates as a means to maintain and reinforce women's subordination."²

What does gender-based violence look like? There are many types of violence, and not all of them can be seen. But all of types are ultimately about power and control. The following graphic illustrates the ways in which power and control factors in. The following graphic is commonly used in Domestic Violence and Sexual Assault counselor training programs to explain the motivation behind the violence:³

¹ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N94/095/05/PDF/N9409505.pdf?OpenElement> United Nations General Assembly, 48th Session, Agenda Item 111, Declaration on the Elimination of Violence Against Women (February 23, 1994).

² <http://www.who.int/gender/violence/v4.pdf> Violence Against Women: Definition and Scope of the Problem, World Health Organization (July,1997).

³ https://www.fresno.courts.ca.gov/family/domestic_violence_issues.php Superior Court of California, County of Fresno, Domestic Violence Issues.



ACHIEVEMENTS

Coordination

Coordination amongst agencies has improved. Today, regional, state and federal agencies are forming task forces and working together to combat violence against women and girls. Examples of coordinated efforts include, but are not limited to:

- **Trafficking**

In 2004 and 2005, the U.S. Department of Justice funded the creation of 6 regional task forces to combat human trafficking, with 3 more added in 2009 and 2010, for a total of nine. The task forces bring together government agencies with lead NGO's that provide services within the field so that victims can be identified, arrests can be made, and needed services can be provided.⁴

- **Domestic Violence**

There are a growing number of coalitions and consortiums forming to combat domestic violence. These groups come together on a regular basis (monthly, quarterly, etc) to

⁴ <https://oag.ca.gov/human-trafficking/fighting>.

discuss current issues, patterns, and problems that are arising within their communities. The coalitions/consortiums tend to be city or county efforts, addressing particular needs of their community. A combination of legal, law enforcement, commissions and NGO's are involved in the coordinated efforts.

- **Campus Assault**

In 2014, UC President Janet Napolitano announced the formation of a task force to combat sexual assault. The purpose of the statewide UC task force is to not only monitor campus assault, but also to “work to develop best practices in prevention, investigation and response to sexual violence.”⁵

Education

The purpose behind education is to inform the public, survivors, educators, companies, institutions, and even perpetrators, of their rights and obligations. Education on issues surrounding gender-based violence has taken many forms in recent years. It is formal through events, panel discussions, conferences, trainings, and in school; but also informally taught through social media and the press.

Incoming Freshman at many universities are now required to take an online course on areas of concern for college campuses. These topics include, among others, binge drinking, campus safety, and the meaning of consent. Lesson plans are being developed to incorporate consent education into the school curriculum from a young age.

Education also comes in the form of training. Organizations have been formed whose sole mission is to educate professionals on issues surrounding women and girls, whether it is consent, post-trauma treatment, or how businesses and hotels can help in the efforts to reduce child sex trafficking.

Education increases awareness of the existence of violence against women and girls, and provides best practices for working with survivors of violence. It is through increased awareness that action steps begin to take place, so that change can occur.

Awareness On The Rise

Increased internet and media access provide a platform from which to launch awareness and information campaigns. This has enabled the formerly private subject of gender-based violence to become mainstream conversation. Bringing forth the topic of violence against women and girls in all its forms is no longer taboo. As a result, changes are happening.

Public outcry after recent news broadcasts on sexual assault and domestic violence within the professional sporting leagues has forced these leagues to look within, develop stronger policies, and involve themselves in anti-violence campaigns. This has lead to collaborations

⁵ <http://www.latimes.com/local/education/la-me-adv-uc-assault-panel-20140622-story.html> UC Creates Task Force to Oversee Efforts to Prevent Campus Sexual Assault, by Stephen Ceasar (June 21, 2014).

between unlikely cohorts such as NoMore organization and the National Football League, who recently worked together to produce the first ever anti-domestic violence PSA aired during the 2016 Super Bowl.

The problem of sexual assault, past and present, is now openly addressed at venues from the White House to the Grammy Awards, and universities across the country. Awareness of both the prevalence of and the aftermath for, victims of military and campus assault has increased dramatically through documentary films such as *The Invisible War* and *The Hunting Ground*; and is leading to policy, legal and structural changes within both institutions.

Campus rape is not longer an institutional-only problem that can be swept under the rug. A recent high profile rape of an unconscious student by a Stanford swimmer has ignited a national debate after he was given a 6-month sentence upon conviction. The victim's statement⁶, a raw and honest picture of the impact rape has on a survivor – personally, emotionally, legally, and professionally - was put out to the public via social media. The letter to the Judge has since gone viral, and there is now a change.org campaign to recall the judge on the case.⁷ This type of awareness (and subsequent public action) was unheard of 5 years ago.

National social media campaigns lead by It's On Us⁸, NoMore⁹, Not Alone¹⁰ and others increase awareness of organizations, resources, and issues. Hashtags allow a user to participate in chats, find a community, search by subject matter, and join campaigns. Social media has been significant in spreading awareness quickly throughout communities, countries, and the globe.

Lastly, open conversations and increased awareness is changing the language from child prostitute to victim of child sex trafficking, and the focus is now on providing services as opposed to criminalizing the victim.

This increased awareness has done more than bring issues to the forefront, it has led to real changes in laws, policies, programs, prosecutions, protections and possibilities for women and girls.

Some examples of more recent actions on both the Federal as well as the State level include, but are not limited to:

⁶ http://www.mercurynews.com/san-mateo-county/ci_29975888/brock-turner-sexual-assault-case-victim-reads-letter Brock Turner Sexual Assault Case: Stanford Victim's Letter to Attacker, Judge.

⁷ <https://www.change.org/p/california-state-house-recall-judge-aaron-persky/sponsors/new> Change.org, *Remove Judge Aaron Persky from the Bench For Decision in Brock Turner Rape Case*, By Maria Ruiz.

⁸ <http://www.itsonus.org> It's On Us.

⁹ <http://www.nomore.org> No More.

¹⁰ <http://www.notalone.gov> Not Alone.

Federal Law

- **H.R. 1340: International Violence Against Women Act of 2015**

Introduced in 2015 by Rep. Schakowsky, Janice D. [D-IL-9], the Bill seeks to expand VAWA to include prevention and response to violence against women and girls on the global level. The Bill was referred to the Subcommittee on Africa, Global Health, Global Human Rights and International Organizations in March 2015.

- **VAWA – Violence Against Women Reauthorization Act of 2013**

Originally introduced by then Senator and current Vice President Joe Biden in 1994, VAWA sought to improve the criminal justice response to acts of violence against women, holding perpetrators more accountable combined with increased services for victims and families. The bill was reauthorized in 2000 and again in 2005, when it authorized the addition of the first federally funded direct services for survivors of sexual assault.

VAWA 2013, signed into law by President Obama in March 2013, increased access and support to ALL victims, thereby closing previous gaps within VAWA that left some victims without services. Today, the law's protections and services extend to LGBT, college students, residents in subsidized housing units, and immigrant communities.

As of March 2015, "VAWA 2013 recognizes tribes' inherent power to exercise "special domestic violence criminal jurisdiction" (SDVCJ) over certain defendants, regardless of their Indian or non-Indian status, who commit acts of domestic violence or dating violence or violate certain protection orders in Indian country."¹¹

Lastly, "VAWA amended the Clery Act [Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act] to require institutions to compile statistics for incidents of dating violence, domestic violence, sexual assault, and stalking and to include certain policies, procedures, and programs pertaining to these incidents in their annual security reports."¹²

- **Title IX of the Education Amendments Act of 1972 (Title IX)**

This act prohibits sex discrimination in all federally funded education programs. Most notably known for its application in the equalization of sporting opportunities for women within the educational sector, Title IX also applies to campus sexual

¹¹ <https://www.justice.gov/tribal/violence-against-women-act-vawa-reauthorization-2013-0> United States Department of Justice, Tribal Justice and Safety.

¹² <https://www.federalregister.gov/articles/2014/10/20/2014-24284/violence-against-women-act#h-8> Federal Register, The Daily Journal of the United States Government, A Rule by the Education Department on 10/20/2014.

harassment, sexual assault and bullying, requiring proper protocols and protections for survivors who report under Title IX.¹³

More recently, Title IX has been used to prevent discrimination during pregnancy, as well as educational attainment.¹⁴

Title IX is not for women only, as it applies to any form of sex discrimination and has most recently applied to gender identity rights, which were affirmed today when the U.S. Fourth Circuit Court of Appeals denied a request to reconsider an earlier ruling.¹⁵

California Law

- **SB 967 Student Safety: Sexual Assault**

California Senate Bill 967 was introduced by President pro tempore of the California State Senate Kevin De Leon and approved by Governor Jerry Brown in September 2014. Otherwise known as **Yes Means Yes** or Affirmative Consent, the bill replaces the former No Means No standard applied to sexual assault cases. Section 1, section 67386 (a) states that, “ In order to receive state funds for student financial assistance, the governing board of each community college district, the Trustees of the California State University, the Regents of the University of California, and the governing boards of independent postsecondary institutions shall adopt a policy concerning sexual assault, domestic violence, dating violence, and stalking, as defined in the federal Higher Education Act of 1965 (20 U.S.C. Sec. 1092(f)) involving a student, both on and off campus.”¹⁶ The Bill includes a number of items required within the policy and defines affirmative consent as an “affirmative, conscious and voluntary agreement to engage in sexual activity.”¹⁷

- **AB 1517 DNA Evidence**

This Bill, introduced by Rep. Nancy Skinner and enacted into law in September 2014, amends Section 680 of the Penal Code and is known as the Sexual Assault Victims’ DNA Bill of Rights. The Bill addresses DNA collection, processing and turn-around, and also requires agencies to notify victim if no testing and/or processing is being done.

¹³ <http://knowyourix.org/title-ix/title-ix-the-basics/> Know Your IX, Empowering Students to Stop Sexual Violence.

¹⁴ <http://nces.ed.gov/fastfacts/display.asp?id=93> IES – NCES National Center for Education Statistics.

¹⁵ <http://www.businessinsider.com/r-us-court-denies-motion-to-reconsider-transgender-bathroom-ruling-2016-5> Reuters, Business Insider, *U.S. Court Denies Motion to Reconsider Transgender Bathroom Ruling*, May 31, 2016.

¹⁶

https://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=201320140SB967 Student Safety: Sexual Assault.

¹⁷ Id.

- **AB 12 Abolition of Child Commerce, Exploitation and Sexual Slavery Act 2011**

Also known as ACCESS Act of 2011, the bill amends CA Penal Code Section 261.9 to hold buyers or those seeking to procure sexual services of minors, accountable for additional fines to be used to fund services for sexually exploited minors.¹⁸

While AB 12 addresses fines, a full list of Bills relating to Human Trafficking can be found at <http://oag.ca.gov/human-trafficking/legislation>. Other Bills cover areas such as Asset Forfeiture, Civil Nuisance Abatement, and Victim Resources.

- **Ann.Cal.Labor Code §230**

The California Labor Code offers specific workplace protections for victims of domestic violence, sexual assault or stalking. These increased workplace protections were effective January 1, 2014, and are designed to protect against victim retaliation for time off for needed services related to the crime.

- **Proposition 9, the Victims' Bill of Rights Act of 2008: Marsy's Law**

“Under Marsy’s Law, a victim has the right to reasonable notice of all public proceedings, including delinquency proceedings, **upon request**, at which the defendant and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings.”¹⁹

- **Other Relevant California Laws**

- **CA Code Family 6200-6219 – Known as the Domestic Violence Prevention Act**
- **CA Penal Code Section 270-273.75 – Relating to Child Abuse**
- **CA Penal Code Section 240-248 – Relating to Assault (Sexual Assault is 243.4)**
- **CA Penal Code Section 646.9 - Stalking**

Results

The ultimate achievement is in the results. Statistics show that combined efforts DO have a positive impact. The nation’s largest anti-sexual violence organization reports that sexual assaults and rape have dropped 74% since 1993:²⁰

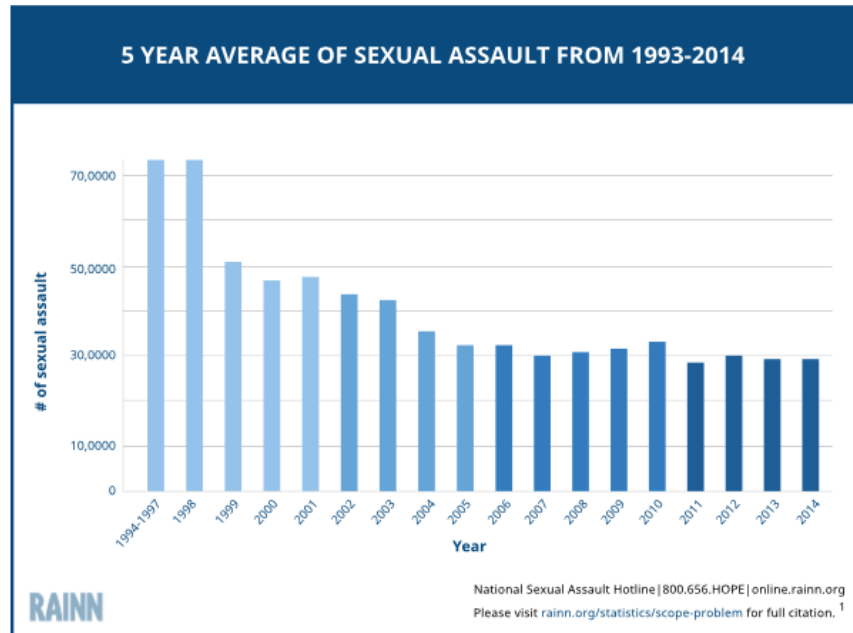
¹⁸

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB12&search_keywords ACCESS Act of 2011.

¹⁹ <https://oag.ca.gov/victimservices/rights> State of California Department of Justice Office of the Attorney General .

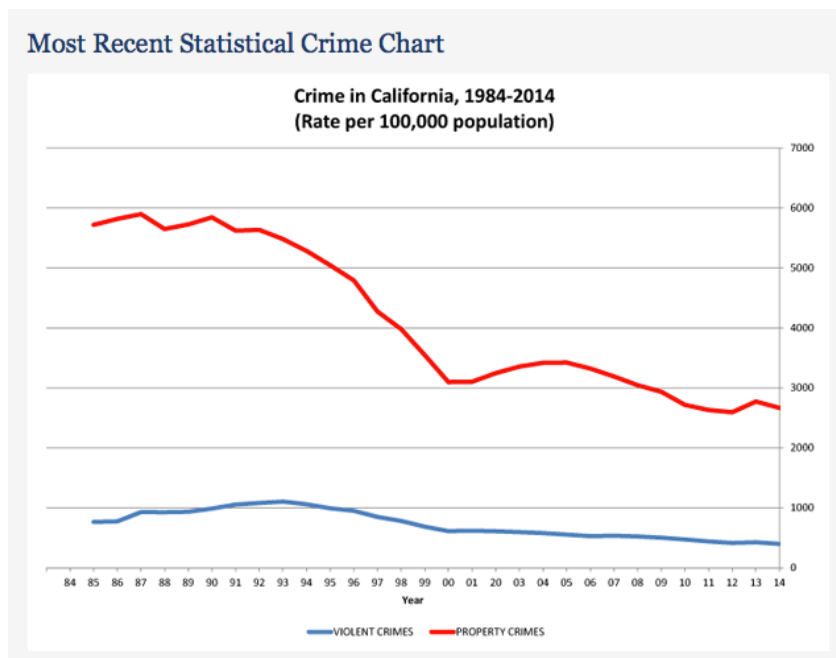
²⁰ <https://rainn.org/statistics/scope-problem> RAINN Scope of the Problem: Statistics.

Sexual Violence has Fallen by More than Half Since 1993



- The rate of sexual assault and rape has fallen 74% since 1993, from a rate of 4.3 assaults per 1000 people in 1993, to 1.1 per 1000 in 2014.¹

According to the State of California Department of Justice, violent crime has been steadily dropping over the last 20 years since it peaked in 1993:²¹



²¹ <https://oag.ca.gov/crime> Most Recent Statistical Crime Chart.

OBSTACLES

Scope

Violence against women and girls is not limited to sexual assault or domestic violence. There is stalking, cyber-stalking, emotional intimate partner violence, workplace harassment, street harassment, and now online harassment.

In California, data collected from the California Women's Health Survey showed that nearly 40% of women reported experiencing IPV (Intimate Partner Violence) in their lifetime.²² A typical day in California yields 21,000 calls to domestic violence hotlines, which is roughly 15 calls every minute.²³

In looking at campus sexual assault statistics in California, “[s]tudies suggest that as many as one in five undergraduate students have been a victim of an attempted or completed sexual assault. In addition, this crime is severely underreported, with 80% of campus sexual assaults going unreported to law enforcement. Lack of reporting also impacts public safety, as studies suggest that repeat perpetrators account for nine out of 10 assaults on campus.”²⁴

Online harassment has taken the level of threat to a whole new level. Huffington Post writer Soraya Chemaly not only states that, “Women are more frequently targeted...with gendered slurs, hateful commentary, and pornographic photo manipulation because the objectification and dehumanization of women are central to normalizing violence against us,” but provides the reader with a graphic of what the “real” world of online harassment looks like:²⁵

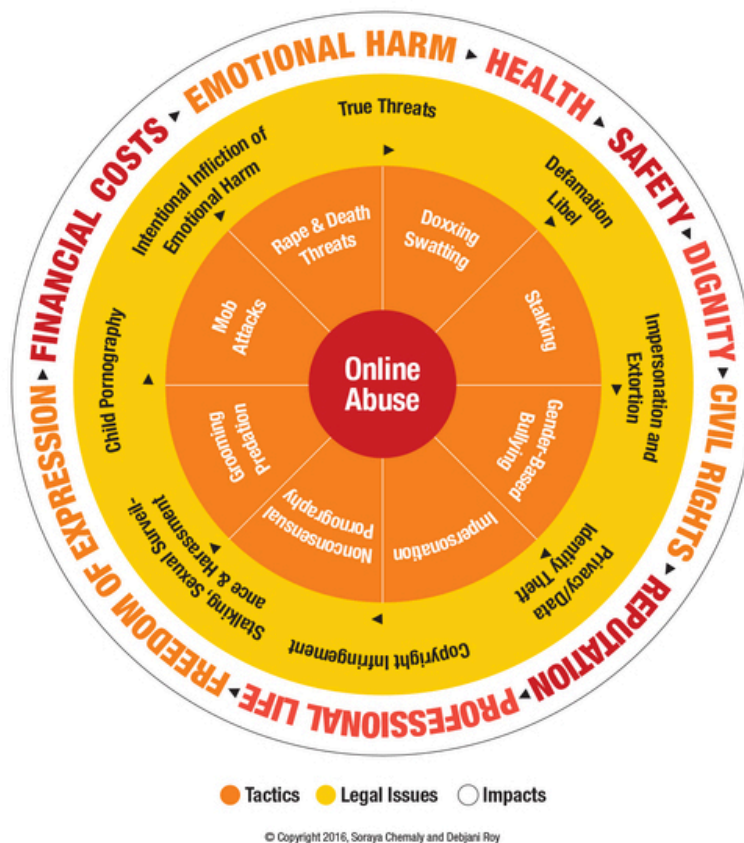
²²

<http://www.dhcs.ca.gov/dataandstats/reports/Documents/OWHReports/DataPoints2009/2009DP21.pdf> California Department of Health Care Services and California Department of Public Health, Office of Women's Health, *Data Points: Results from the 2009 California Women's Health Survey*, by Patricia Lee, Ph.D. and Terri Thorfinnson, J.D..

²³ <http://www.ncadv.org/files/California.pdf> National Coalition Against Domestic Violence, *Domestic Violence in California*.

²⁴ <https://oag.ca.gov/campus-sexual-assault> State of California Department of Justice, Office of Attorney General, *Campus Sexual Assault*.

²⁵ <http://www.huffingtonpost.com/soraya-chemaly/online-harassment-is-about-9702696.html> *Online Harassment is a Social Problem that Requires a Social Response*, by Soraya Chemaly (April 15, 2016).



Funding

The U.S. Department of Justice is a federal funding source, providing grants authorized through VAWA and administered through the Office on Violence Against Women (OVW). These grants include both formula and discretionary grant programs.

The current administration has put aside funding to help finance the testing of back-logged rape kits. Most state funding comes by way of federal funding. The rest is through private, corporate, and foundation grants.

Competition for funds is stiff. Grant seeking is time consuming, variable, and yearly for organizations working to eliminate VAW and/or providing services, training, or developing education programs.

Lastly, funding is variable from year to year, impacting services. “In a 2008 survey, domestic violence service providers cited “not enough funding” as the number one reason they were unable to serve victims on the survey day.²⁶ This also applies to organizations in California. “At WEAVE, a dual service agency serving victims of domestic violence and sexual assault in Sacramento, the budget woes started in 2009 as the county started

²⁶ http://nnev.org/downloads/Stats/NNEDV_DVandEconomy.pdf National Network to End Domestic Violence, The Impact on the Economy of Domestic Violence (2010).

“dramatically” cutting funding, Executive Director Beth Hassett told ThinkProgress. To deal with those cuts, she limited mid-level management and kept “boots on the ground.” The program also got rid of free counseling for anyone who is not a client in the shelter, which was a big shift. “It’s too bad because some of that is really preventative work,” she said.”²⁷

Access and other Barriers

Access to services, housing, or even reporting, can be difficult. This is especially true for rural women and/or immigrants, who may fear going to law enforcement for fear of deportation. While there are protections in place for victims, including immigrants, it is still a deterrent to seeking help. Other elements that impact access are language barriers, transportation, and resources. The economics of leaving a partner when in a violent relationship, especially when financially dependent and/or have children, can be a huge barrier to access and leave the victim feeling trapped.²⁸

ISSUES OF CONCERN

Despite all the education, awareness, and legislation – violence against women and girls, while having decreased over the years, continues at an alarming rate. The overall statistics continue to show that 1 in 3 women will experience some form of violence over the course of their lifetime.

Human Trafficking

A particular issue of concern for the state of California is Human Trafficking. While there are real and concerted efforts in place to combat, or even get a handle on, human trafficking - these laws, task forces, and funds are all relatively new. California’s first anti-trafficking law was not enacted until 2005. Therefore, statistics on the issue of trafficking, particularly Child Sex Trafficking, are only just being compiled and the numbers are showing California to be a hotbed for trafficking due to geographic advantages.

“The problem of human trafficking has reached into neighborhoods through out California and is one of the fastest growing criminal enterprises in the world. Individuals are bought, sold, transported and held in inhumane conditions for use in prostitution or as forced laborers. It would be morally and socially irresponsible to ignore this problem and the victims it creates in California every year.” (Sally Lieber, California Assembly Member September 21, 2005)

²⁷ <http://thinkprogress.org/economy/2013/06/03/2093221/domestic-violence-shelters-fear-the-ultimate-cost-from-sequestration/> Think Progress, *Domestic Violence Shelters Warn That Sequestration Has Put Women’s Lives On The Line*, by Bryce Covert (June 3, 2013).

²⁸ <https://www.domesticshelters.org/domestic-violence-articles-information/when-you-cant-afford-to-leave-your-abusive-partner#.V1dCvjeraK> Domestic Shelters, *When You Can’t Afford to Leave a Domestic* (April 29, 2015).

RECOMMENDATIONS FOR ACTION

Incremental improvements for women and girls are achieved through current awareness, education and legislative efforts, and should continue. But in order for real change to occur, there must be a cultural shift. And no such shift is going to happen overnight, or without all parties being involved.

Education, Education, Education + Consent Is Key

How do cultural shifts in society happen? One could say that while utilizing all three efforts mentioned above are necessary, but in order to achieve a true cultural shift, the education efforts need to start at a much younger age. Violence against women and girls begins with consent. The difference between a violent act and a perceived violent act is consent. Without consent, the violent act becomes a crime. Abuse, assault, stalking, filming, and even something seemingly benign as receiving a nude photo via text, are all forms of violence against women and girls when the acts are absent of consent.

Concepts of consent, and what that both means and looks like, are concepts that can be taught to children as young as toddler age.

- Primary/ Elementary School - The concept itself can be taught without association to violence and is therefore appropriate for all ages. Play choices, food choices, and even conflict reaction choices, are all inherently connected to the **concept of consent**. Once the concept of consent is understood, it can be applied to more topics on an age-appropriate level.
- Middle School – Here the concept of consent can be tied into part of a comprehensive sex education program, which includes the notion of a **healthy relationship between partners, where mutual respect and consent are key**.
- High School – Currently, there is no known consistent education at the high school level surrounding the **legal definitions and consequences** of assault, particularly with regard to rape. While many college campuses are now providing some information, it is not required for incoming students on all college campuses. And sadly, waiting until college to address domestic violence and sexual assault is often too late, *for dating violence and rape already exists at the high school level*. Therefore, it is recommended that the legalities associated with violence be incorporated into a comprehensive sex education curriculum. And legally, consent is the main factor – for if a victim is too young, too drunk, or unable to give consent for any reason – any subsequent violent act is illegal.

There are many curriculum programs currently being developed, and comprehensive sex education is now supported by both the Courts²⁹ and the

²⁹ <https://www.aclunc.org/news/historic-ruling-aclu-lawsuit-abstinence-only-sex-ed-violated-state-law>.

Governor of California. Education must now be medically accurate...and **this paper purposes a requirement that education must also include information about assault from the legal perspective so that students are legal informed of both rights and consequences.**

- University – Continue to develop best practices for monitoring, investigating, and handling, in coordination with Federal Law. Make education for all incoming students required for all college students in the state of California.

Engagement of Men and Boys

It is now recognized that if there is to be a true cultural shift, men are an integral part of making this happen. National campaigns such as ItsOnUs.org encourage the participation of men and women to “Take the Pledge” and commit to helping stop sexual assault by refusing to be a bystander. Anti-violence organizations Futures Without Violence³⁰, White Ribbon and Good Men Project³¹, all seek to change the conversation, engage men, and shift the view of what masculinity means. The documentary film *The Mask You Live In*³² seeks to bring to light the current narrow definition of masculinity, and how that impacts our boys’ emotional well-being.

Recommendations for more fully engaging men are similar to above ... **start engagement at a younger age.** Create venues and opportunities to have discussions about gender-based violence. Futures Without Violence, a national anti-violence organization based in San Francisco, has developed a number of programs to engage men - from sports to fatherhood.³³ Without reinventing the wheel, schools and sporting clubs should implement existing programs such as Coaching Boys into Men.³⁴

CONCLUSION

In conclusion, tackling violence against women and girls can seem impossible. However, with recognition that true long-term change will require a cultural shift, it is possible. With time, patience, continued implementation of effective legislation, awareness and support programs, funding, best practices, training, education, again TIME and COMMITMENT, change is possible.

Violence against women and girls is not an individual problem. It is a societal problem. Violence against women and girls is not limited. It crosses all boundaries – age, time situation, culture, socio-economic status, education, and year. It was present in the past and remains a prolific problem today. The difference is that today, the conversation has started. Keep the conversation going.

³⁰ <https://www.futureswithoutviolence.org> Futures Without Violence.

³¹ <http://goodmenproject.com> Good Men Project.

³² <http://therepresentationproject.org/film/the-mask-you-live-in/> The Mask You Live In.

³³ <https://www.futureswithoutviolence.org/engaging-men/> Engaging Men.

³⁴ <https://www.futureswithoutviolence.org/engaging-men/coaching-boys-into-men/> Coaching Boys into Men.