



**Commission on the Status of Women**

<http://www.oas.org/en/iachr/decisions/2011/USPU12626EN.doc> (“IACHR decision”). The decision found that the U.S. violated the American Declaration on the Rights and Duties of Man in its failure to respond to the domestic violence perpetrated against Jessica Lenahan and her three daughters, including violating their rights to life, non-discrimination, and judicial protection. *Id.* at ¶¶ 5, 107. The IACHR decision recommended that the U.S. implement several individual and systemic remedies. *Id.* at 56-57.

These findings offer an important perspective on the role of the national government to affirmatively promote women’s and children’s rights at a time when domestic protections are being curtailed. U.S. Supreme Court decisions have eliminated federal remedies for victims. *Castle Rock v. Gonzales*, 545 U.S. 748 (2005); *United States v. Morrison*, 529 U.S. 598 (2000); *DeShaney v. Winnebago City Dept. of Soc. Servs.*, 489 U.S. 189 (1989). Notably, the IACHR decision came after the U.S. Supreme Court ruling concluding that Ms. Lenahan had no constitutional right to police enforcement of a government-issued protective order.

Despite these valuable findings, little action has been taken by the U.S. to ensure that current practices are consistent with international human rights obligations. To the extent the Rapporteur Report and IACHR decision have been discussed domestically, civil society has been the primary driver of these conversations and the piecemeal implementation that has taken place. *See, e.g.*, Elizabeth M. Schneider et al., *Implementing the Inter-American Commission on Human Rights’ Domestic-Violence Ruling*, 46 Clearinghouse Rev. 113 (July-Aug. 2012).

In contrast, the U.S. has expressed its strong commitment to women’s human rights on the international stage. In a welcomed step, the U.S. pledged before the U.N. to take steps to reduce violence against women, including domestic violence fatalities. United States of America, *Statement of the United States of America On the Occasion of the 67<sup>th</sup> Session UN General Assembly’s Rule of Law High Level Meeting* (Sept. 24, 2012),

by the Special Rapporteur and shown by the Supreme Court decision in Ms. Lenahan's case, U.S. constitutional law does not impose upon the government affirmative obligations to prevent violence.

*Human Rights Principles and Findings Are Not Disseminated or Explained to U.S. Governmental Actors*

The U.S. has taken important steps toward ensuring that its policies advance its human rights

We therefore recommend:

The CSW should call on the U.S. and other states to take effective measures at the national, state and local levels to promote and proactively incor