



Human Rights Advocates

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*Protection Orders and Shelters:
Empowering Intimate Partner Violence Survivors*
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I. The Problem: One in Three Women Will Experience Violence

A. Definition of Violence Against Women and Girls

Violence against women or girls is defined in the United Nations Declaration on the Elimination of Violence against Women as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental 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

B. Violence Against Women and Girls is Universal

Violence against women and girls is universal and devastating.² No continent, country or culture goes untouched.³ The United States government released a study reporting that nearly one in five women surveyed said they had been raped or had experienced an attempted rape at some point.⁴ One in four reported having been beaten by an intimate partner.⁵ One in six women have been stalked.⁶ It is estimated that, worldwide, one in five women will become a victim of rape or attempted rape in her lifetime.⁷

For example, the independent Human Rights Commission of Pakistan reports that in Pakistan a woman is raped every two hours, and gang raped every eight hours.⁸ These statistics,

¹ United Nations Declaration on the Elimination of Violence against Women, art. 1, December 1993.

² United to End Violence Against Women Fact Sheet, United Nations Secretary-General Ban Ki-moon, 1, found at <http://www.un.org/en/women/endviolence/pdf/VAW.pdf>.

³ Id.

⁴ *Nearly 1 in 5 Women in U.S. Survey Say They Have Been Sexually Assaulted*, The New York Times, 14 December 2011, posted at <http://www.nytimes.com/2011/12/15/health/nearly-1-in-5-women-in-us-survey-report-sexual-assault.html>.

⁵ Id.

⁶ Id.

⁷ United to End Violence Against Women Fact Sheet, United Nations Secretary-General Ban Ki-moon, 1, found at <http://www.un.org/en/women/endviolence/pdf/VAW.pdf>.

⁸ *Pakistan Votes to Amend Rape Laws*, BBC News, 15 November 2006, posted at http://news.bbc.co.uk/2/hi/south_asia/6148590.stm.

while alarming, are even more shocking since they are considered underestimations because rape is underreported in Pakistan.⁹

C. Women Commonly Abused by Intimate Partners

The most common form of violence experienced by women globally is physical violence inflicted by an intimate partner.¹⁰ At least one in three women will be beaten, coerced into sex or otherwise abused in the course of her lifetime.¹¹ Data compiled by United Nations Secretary-General Ban Ki-moon suggest that one-half of all women who are murdered are killed by their current or former husbands, or intimate partners.¹² In Australia, Canada, Israel, South Africa and the United States, 40%-70% of female murder victims were killed by their partners, according to the World Health Organization.¹³ In Colombia, one woman is reportedly killed by her current or former husband, or intimate partner every six days.¹⁴

Violence has long-term consequences for these women and their children, as well as social and economic costs for all society.¹⁵ Violence against women and girls has both fatal and non-fatal health consequences, including homicide, suicide, maternal mortality and AIDS-related deaths.¹⁶ On average, women who experience violence report more surgeries, doctor visits and hospital stays than those without a history of abuse and these health effects may persist long after the violence ends.¹⁷

⁹ Id.

¹⁰ Id.

¹¹ Id.

¹² Id.

¹³ Id.

¹⁴ Id.

¹⁵ Heise L, Garcia Moreno C. Violence by intimate partners. In: Krug EG et al., eds. World report on violence and health. Geneva, World Health Organization, 2002:87–121 from http://apps.who.int/iris/bitstream/10665/77433/1/WHO_RHR_12.35_eng.pdf.

¹⁶ Understanding and addressing violence against women, World Health Organization, 2, found at http://apps.who.int/iris/bitstream/10665/77433/1/WHO_RHR_12.35_eng.pdf.

¹⁷ Understanding and addressing violence against women, World Health Organization, 3, found at http://apps.who.int/iris/bitstream/10665/77433/1/WHO_RHR_12.35_eng.pdf.

Intimate partner abuse is not confined to a specific culture, region or country, nor to a particular societal group. United Nations Secretary-General Ban Ki-moon observed “violence against women and girls continues unabated in every continent, country and culture. It takes a devastating toll on women’s lives.”¹⁸ However, several populations are particularly vulnerable to intimate partner violence. In South Asia married women are killed by their husbands and in-laws because they are unable to meet the in-laws’ demands for a dowry.¹⁹ Indigenous women in Canada are five times more likely than other women of the same age to die as a result of violence.²⁰ In Europe, North America and Australia, over half of women with disabilities have experienced physical abuse.²¹

Intimate partner violence also has a great monetary cost. The direct costs of intimate partner violence are extremely high. It is estimated that in the United States intimate partner violence costs US\$4.1 billion in medical and health care services for survivors.²² An additional US\$1.8 billion is lost in productivity in the United States.²³

The widespread prevalence of intimate partner violence is not only a universal tragedy, but also an indicator of widespread inequality. As noted in the Declaration on the Elimination of Violence Against Women, violence against women, in all its forms, “is an obstacle to the achievement of equality, development and peace.”²⁴

¹⁸ United to End Violence Against Women Fact Sheet, United Nations Secretary-General Ban Ki-moon, found at <http://www.un.org/en/women/endviolence/pdf/VAW.pdf>.

¹⁹ Id.

²⁰ Id.

²¹ Id.

²² Id.

²³ Id.

²⁴ United Nations Declaration on the Elimination of Violence against Women, preamble, December 1993.

D. Women, Girls, and their Children Face Obstacles When Leaving Abuse

Despite the prevalence of violence against women, a common response to intimate partner violence is to blame the abused because she continues to expose herself to the abuser.²⁵ However, due to the nature of abusive relationships and the difficulties faced by survivors trying to remove themselves and their children from an abusive situation, abused women often return to their abusers. In the United States the average abused woman leaves her abuser seven times before she leaves permanently.²⁶ The period immediately following separation is a particularly dangerous time for abuse survivors.²⁷ The point of separation is the time at which the risk is highest for serious violence to occur, tragically marked with former husbands and intimate partners taking the life of the woman fleeing abuse.

Furthermore, men who witnessed or experienced parental abuse as children are significantly more likely to be abusive to their intimate partner than men who did not witness parental abuse.²⁸ This disturbing cycle of abuse can be broken. Children will be less likely to be exposed to parental violence if survivors are supported when leaving an abusive situation; and by decreasing children's exposure to parental violence, that next generation will be significantly less likely to abuse. Despite the prevalence of violence against women and girls it is important to note that significant gains can be made in just one generation if survivors are supported in their attempts to leave abusive situations.

²⁵ Berlinger, June Sheehan. (1998). "Why Don't You Just Leave Him?" *Nursing*, 28(4), 34–6, found at http://journals.lww.com/nursing/Citation/1998/04000/Why_don_t_you_just_LEAVE_him_Answers_to_your.19.a.spx.

²⁶ *Id.*

²⁷ American Psychological Association. (1996). *Violence and the Family*. Washington, DC: APA, found at http://www.eric.ed.gov/ERICWebPortal/search/detailmini.jsp?_nfpb=true&_ERICExtSearch_SearchValue_0=ED399073&ERICExtSearch_SearchType_0=no&accno=ED399073.

²⁸ American Medical Association. (1992). "Violence Against Women: Relevance for Medical Practitioners." *Journal of the American Medical Association*, 267(23), 3184–9. found at http://www.unboundmedicine.com/medline/citation/1593741/Violence_against_women_Relevance_for_medical_practitioners_Council_on_Scientific_Affairs_American_Medical_Association_, & American Psychological Association. (1996). *Violence and the Family*. Washington, DC: APA, found at http://www.eric.ed.gov/ERICWebPortal/search/detailmini.jsp?_nfpb=true&_ERICExtSearch_SearchValue_0=ED399073&ERICExtSearch_SearchType_0=no&accno=ED399073.

Accordingly, it behooves governments, including local governments, community organizations, non-governmental organizations, educational institutions, and the public and private sectors to support survivors, specifically by increasing access to protection orders and shelters.

II. Elimination of all Forms of Violence Against Women and Girls, and Protection Orders

A. United Nations Standards

Protective orders are one means of assuring the principles of security of person and freedom from violence enumerated in United Nations Universal Declaration of Human Rights and the Declaration on the Elimination of Violence against Women.²⁹ These instruments have recognized women's and girls' fundamental human right to live free from violence. Specifically, the above goals are in accordance with the Beijing Platform for Action, which notably called on Governments and other actors to:

c) Enact and/or reinforce penal, civil... sanctions in domestic legislation to punish and redress the wrongs done to women and girls who are subjected to any form of violence, whether in the home, the workplace, the community or society; d) Adopt and/or implement ... legislation to ensure its effectiveness in eliminating violence against women, emphasizing the prevention of violence and the prosecution of offenders; take measures to ensure the of women subjected to violence.³⁰

1. Prior Commission on the Status of Women Recommendations

The 1998 Conclusions of the Commission on the Status of Women identified and fleshed out the goals outlined in the above Beijing Platform for Action, specifically calling for

²⁹ Universal Declaration of Human Rights, art. 3 and Declaration on the Elimination of Violence Against Women, Dec. 1993, art. 3.

³⁰ Beijing Platform for Action, D. Violence Against Women, ¶124 c) & d). September 1995.

governments to provide restraining orders against perpetrators.³¹ Other recommendations intended to protect survivors included witness programs, and other programs intended to assist with full recovery and reintegration into society.³²

2. General Assembly Resolutions

The General Assembly passed a Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice in 1997.³³ The General Assembly urged all governments to implement criminal laws to ensure that “Courts, subject to the constitution of their State, have the authority to issue and restraining orders in cases of violence against women, including removal of the perpetrator from the domicile, prohibiting further contact with the victim and other affected parties, inside and outside the domicile, and to impose penalties for breaches of these orders³⁴ The General Assembly also passed a resolution intended to strengthen criminal justice responses to violence against women in 2011.³⁵

B. Protection Orders

Protection orders, also known as restraining orders, or civil injunctions, are a major asset in a State’s legal response to violence against women.³⁶ An order of protection is a court order that prohibits an offender from further abusing the victim and may set other limits on the abusers’ behavior. As the General Assembly urged, governments should authorize their courts to

³¹ 1998/12 Conclusions of the Commission on the Status of Women on critical areas of concern identified in the Beijing Platform for Action, March 1998.

³² Id.

³³ Resolution 52/86. Crime prevention and criminal justice measures to eliminate violence against women. 12 December 1997.

³⁴ Resolution 52/86. ¶ 2, sec. 7(g). 12 December 1997.

³⁵ Resolution 65/228. Strengthening crime prevention and criminal justice responses to violence against women. 31 March 2011, (emphasis added).

³⁶ Sally F. Goldfarb, "Violence against women: Good practices in combating and eliminating violence against women: Combating Violence Against Women in the Legal Domain" Expert Group Meeting Organized by: UN Division for the Advancement of Women in collaboration with: UN Office on Drugs and Crime, 5, found at <http://www.un.org/womenwatch/daw/egm/vaw-gp-2005/docs/experts/goldfarb.legaldomain.pdf>.

have the ability to protect the survivor by evicting the abuser from the family home, forbidding the abuser from contacting the survivor, with criminal penalties for violation of the order.³⁷ The United States even allows courts to prohibit the abuser from possessing firearms.³⁸ Orders of this nature are typically available in most countries.³⁹

1. Procedure

In some Member States, a temporary order can be granted on an emergency basis, without notification to, or the presence of, the accused; in some jurisdictions, proceedings to obtain an emergency order are available seven days a week, at all hours.⁴⁰ Thereafter, a protection order of longer duration can then be obtained at a later hearing. The procedure is usually designed to be simple enough that a victim can manage without an attorney, although legal representation is helpful in obtaining the desired outcome.⁴¹

2. Mutual Restraining Orders

In the United States, some judges presented with a survivor's application for a protection order will issue a mutual protection order that restricts the conduct of both parties despite the facts demonstrating that the woman was not the aggressor or instigator of the violence.⁴² While seemingly harmless, these orders imply that both the survivor and the abuser are equally at fault, despite no wrongdoing on the part of the survivor. The non-culpable party is equally liable for

³⁷ Resolution 52/86. ¶ 2, sec. 7(g). 12 December 1997.

³⁸ Sally F. Goldfarb, "Violence against women: Good practices in combating and eliminating violence against women: Combating Violence Against Women in the Legal Domain" Expert Group Meeting Organized by: UN Division for the Advancement of Women in collaboration with: UN Office on Drugs and Crime, 5, found at <http://www.un.org/womenwatch/daw/egm/vaw-gp-2005/docs/experts/goldfarb.legaldomain.pdf>.

³⁹ ST/ESA/329 Handbook for Legislation on Violence against Women, United Nations Secretariat Division for the Advancement of Women in the Department of Economic and Social Affairs, Jul 2010, 45.

⁴⁰ Sally F. Goldfarb, "Violence against women: Good practices in combating and eliminating violence against women: Combating Violence Against Women in the Legal Domain" Expert Group Meeting Organized by: UN Division for the Advancement of Women in collaboration with: UN Office on Drugs and Crime, 5, found at <http://www.un.org/womenwatch/daw/egm/vaw-gp-2005/docs/experts/goldfarb.legaldomain.pdf>.

⁴¹ Id.

⁴² ST/ESA/329 Handbook for Legislation on Violence against Women, United Nations Secretariat Division for the Advancement of Women in the Department of Economic and Social Affairs, Jul 2010, 49.

any violation of the order, and her liberty is constrained without cause.⁴³ While the issuing judge may consider that a mutual restraining order is functionally the same as one restraining order and primarily a symbolic gesture, mutual-restraining orders create ongoing legal problems for the survivor.⁴⁴ Furthermore, these judges are distilling the powerful message conveyed when a protection order is conferred; that intimate partner violence is unacceptable and that protection orders are serious.

a. Protection Orders that Authorize the Removal of the Perpetrator

The removal of the perpetrator, or a move-away order, is also expressly authorized by the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice adopted by the General Assembly in 1997. This commitment to move-away orders was strengthened and renewed in 2011.⁴⁵

Albania law authorizes the courts to order the abuser to leave the home shared with the survivor, and may also require the abuser to continue paying rent.⁴⁶ In the United Kingdom, a survivor may apply for an occupation order, in addition to a protection order, which allows the survivor to remain in the home and prohibit the abuser from entering the premises.⁴⁷ Similar orders are authorized by legislation enacted in Ghana and India.⁴⁸

However, many Member States allow police to intervene and proceed with criminal action when a survivor is hesitant to testify or seek a protection order.⁴⁹ Critics of this method

⁴³ Id.

⁴⁴ Id.

⁴⁵ Resolution 52/86. ¶ II, sec. 7(g). 12 December 1997 & Resolution 65/228. 31 March 2011.

⁴⁶ ST/ESA/329 Handbook for Legislation on Violence against Women, United Nations Secretariat Division for the Advancement of Women in the Department of Economic and Social Affairs, Jul 2010, 46.

⁴⁷ Id.

⁴⁸ Ghanaian *Domestic Violence Act* (2007), and section 19 of the Indian *Protection of Women from Domestic Violence Act* (2005).

⁴⁹ Carol Hagemann-White, Written statement, Panel on “Emerging issues, trends and new approaches to issues affecting the situation of women or equality between women and men”, Commission on the Status of Women, Fifty-first session, New York, 26 February – 9 March 2007, 4.

note that these approaches assume that most domestic violence situations include identifiable criminal acts and provide enough evidence for a conviction.⁵⁰ Experts note that “this may often not be the case; there may be too little evidence, or the woman may hesitate to testify: police intervention comes in a situation where the victim is not at all prepared to make such a long-term decision about her relationships and her life.”⁵¹

Therefore, governments should only authorize courts to remove the perpetrator from the domicile when the survivor seeks this remedy. Allowing courts and police to seek this remedy despite the survivors’ wishes makes the legal system complicit in her disempowerment. This outcome is contrary to the intent of the Convention on the Elimination of all Forms of Violence Against Women and Girls, and other applicable treaties. An alternative to this method is for a state to implement a policy that encourages criminal prosecutions to proceed in the absence of the survivor.⁵² This policy indicates that the crime is taken seriously by the justice system and also serves the State’s desire to ensure the safety of the survivor.

b. Protective Custody

On the other hand, some Member States practice mandatory protective custody. The police are allowed to remove the survivor from her home, against her will. In 2004, according to a report prepared by the United Nations resident coordinator, nearly 524 Jordanian women were held in protective custody at different intervals.⁵³ The Interior Minister of Jordan in September 2011 recommended changing the law, and if approved by the Council of Ministers and

⁵⁰ Id. at 5.

⁵¹ Id.

⁵² ST/ESA/329 Handbook for Legislation on Violence against Women, United Nations Secretariat Division for the Advancement of Women in the Department of Economic and Social Affairs, Jul 2010.

⁵³ Violence against Women: Assessing the Situation in Jordan, United Nations, Women Watch, 2007, 26, found at http://www.un.org/womenwatch/ianwge/taskforces/vaw/VAW_Jordan_baseline_assessment_final.pdf.

parliament, protective custody would be prohibited.⁵⁴ Practices of this kind should be abolished and all survivors should be removed from custody immediately.⁵⁵

3. Effectiveness of Protection Orders

Critics of protection orders argue that they are easily violated. Contrary to this belief, protection orders have been successful in many cases. According to a study by the National Center for State Courts, which surveyed women six months after they had obtained a protection orders in the United States, over 85 percent of the women felt their lives had improved since getting the order, over 80 percent felt safer, and 65 percent of the orders had not been violated.⁵⁶ Ultimately, proponents of protection orders argue that women feel empowered by the court's issuance of an order because of the message it communicates to the abuser that this behavior is unacceptable and society takes intimate partner violence seriously.⁵⁷

Protection orders are not enough on their own. Their effectiveness depends on proper enforcement and other issues. In order to improve the effectiveness of protection orders training police, prosecutors, and judges on proper enforcement methods is essential to ensuring the effectiveness of orders of protection. Often a simple database could increase effectiveness. This database could track protection orders, would be accessible to law enforcement officers, and would allow police or criminal justice officials to quickly determine whether such an order is in force and to speedily respond to violations.

⁵⁴ World Report 2012: Jordan, Human Rights Watch, 2012, found at <http://www.hrw.org/world-report-2012/world-report-2012-jordan>.

⁵⁵ ST/ESA/329 Handbook for Legislation on Violence against Women, United Nations Secretariat Division for the Advancement of Women in the Department of Economic and Social Affairs, Jul 2010.

⁵⁶ Sally F. Goldfarb, "Violence against women: Good practices in combating and eliminating violence against women: Combating Violence Against Women in the Legal Domain" Expert Group Meeting Organized by: UN Division for the Advancement of Women in collaboration with: UN Office on Drugs and Crime, 5, found at <http://www.un.org/womenwatch/daw/egm/vaw-gp-2005/docs/experts/goldfarb.legaldomain.pdf>.

⁵⁷ Id.

IV. Elimination of all Forms of Violence Against Women and Girls and the Right to Housing

A. United Nations Standards

Shelters for women fleeing abuse are accordance with the principles of security of person and adequate housing enumerated in United Nations Universal Declaration of Human Rights, the Convention on the Elimination on Violence Against Women, and the International Covenant on Economic, Social and Cultural Rights.⁵⁸ The Beijing Platform for Action also called upon governments, community organizations, non-governmental organizations, and the public and private sectors to “provide well-funded shelters and relief support for girls and women subjected to violence.”⁵⁹

1. Prior Commission on the Status of Women Recommendations

The 1998 Conclusions of the Commission on the Status of Women also urged governments to provide shelters.⁶⁰ Other recommendations intended to protect survivors included crisis centers, telephone hotlines, provisions for economic support and livelihood assistance, and other programs intended to assist with full recovery and reintegration into society.⁶¹

2. General Assembly Resolutions

The General Assembly passed a Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal

⁵⁸ Universal Declaration of Human Rights, art. III, International Covenant on Economic, Social and Cultural Rights, art. XI, and the Declaration on the Elimination of Violence Against Women.

⁵⁹ Beijing Platform for Action, D. Violence Against Women, ¶125 (a). September 1995.

⁶⁰ 1998/12 Conclusions of the Commission on the Status of Women on critical areas of concern identified in the Beijing Platform for Action, March 1998.

⁶¹ 1998/12 Conclusions of the Commission on the Status of Women on critical areas of concern identified in the Beijing Platform for Action, March 1998.

Justice in 1997.⁶² The General Assembly urged all governments, non-government and community organizations to implement criminal laws to “establish, and coordinate a sustainable network of accessible facilities and services for emergency and temporary residential accommodation for women and their children who are at risks.”⁶³ The General Assembly also passed a resolution intended to strengthen criminal justice responses to violence against women calling for Member States to remove “barriers that prevent victims from seeking safety, including barriers related to custody of children, access to shelter.”⁶⁴

B. Shelters

Not all survivors wish to remain in the home that they shared with their abuser. The dwelling could be owned by an unfriendly party, the neighborhood could be unsupportive, the survivor may feel her life is in danger, or the survivor may require a secret new address. These survivors still need safe housing to protect themselves, their children, and ultimately to break the cycle of violence.

In accordance with these realities, the United Nations Secretariat recommends that one shelter be made available for every 100, 000 inhabitants.⁶⁵ These shelters should focus on providing safe emergency accommodation, qualified counseling and assistance in finding long-term accommodation.⁶⁶

States are increasingly providing legislative mandates for the establishment of services. Guatemalan law requires the Government to guarantee survivors of violence access to integrated

⁶² Resolution 52/86. 12 December 1997.

⁶³ Resolution 52/86. art. 4, sec. 11(a). 12 December 1997.

⁶⁴ Resolution 65/228. 31 March 2011, (emphasis added).

⁶⁵ ST/ESA/329 Handbook for Legislation on Violence against Women, United Nations Secretariat Division for the Advancement of Women in the Department of Economic and Social Affairs, Jul 2010, 31.

⁶⁶ Id.

service centers, including by providing financial resources.⁶⁷ Mexican law requires the State to support the installation and maintenance of shelters.⁶⁸ In Turkey, the local administration law requires the creation of shelters in municipalities with more than 50,000 inhabitants.⁶⁹

1. Custody Issues

Another obstacle survivors face when leaving an abusive situation is child custody. Survivors will often refuse to leave if they fear that their children cannot legally flee with them. Furthermore, abusers will often threaten criminal penalties for kidnapping and legal action that will permanently take away the survivor's children.

United Nations Secretariat frameworks suggest that legislation should include: a presumption against an award of custody to the perpetrator; a presumption against unsupervised visitation by the perpetrator; a requirement that, prior to supervised visitation being granted, the perpetrator must show that at least three months has passed since the most recent act of violence, that he has stopped using any form of violence, and that he is participating in a treatment program.⁷⁰ However, all of these recommendations are dependent upon seeking a survivor seeking a protection order and a court's adjudication. If a State's legal system does not allow the initial removal of children, many survivors will be unwilling to seek shelter, knowing they must leave their children, even temporarily. Therefore, the Commission on the Status of Women should recommend that the appropriate United Nations bodies and mandate holders study the matter further, and conclude if legal barriers related to the custody of children are hindering survivors.

⁶⁷ Id., 32.

⁶⁸ Id.

⁶⁹ Id.

⁷⁰ Id., 49.

2. Shelters and Children

A common practice in the United States' shelters is to accept female children of all ages and male children younger than 12-14 years of age.⁷¹ This practice puts survivors in a horrible position. If they have a child that is male they are often forced to choose in between their safety and their child. This practice may result in violating the children's right to non-discrimination, healthy development, and protection from mental and physical abuse under the Convention of the Rights of the Child.⁷² Some shelters, the very institutions that are supposed to be aiding women fleeing violence, are creating barriers. These practices should be examined and weighed against the ultimate goal of stopping the cycle of violence.

Perhaps shelters fear that older male children will become perpetrators of violence because of their exposure to parental violence. This exposure is feared and believed to cause male children to exploit the vulnerable population of the shelter. Rather than excluding these male children, they could also be given counseling. At the very least, a variety of shelter facilities should be made available to all types of families with all combinations of children.

⁷¹ Los Angeles County, Public Health, Domestic Violence: Battered Women's Shelter, 1, found at http://publichealth.lacounty.gov/mch/cpsp/CPSP%20Direct/SPA%202/SPA2_DomesticViolence.PDF, & Houston Bar Association, Reference from HBA Domestic Violence Services, found at <http://www.hba.org/home-elements/services.htm>.

⁷² Convention on the Rights of the Child, art. 2, 4 & 19.

IV. Recommendations

Human Rights Advocates:

- A. Urges the Commission on the Status of Women to request the Special Rapporteur on Violence Against Women to:
 - 1) Study further the cycle of abuse and its relationship to men experiencing parental abuse as children.
 - 2) Study further the cycle of abuse, its relationship with the average number of times that an abused women leaves her abuser before she leaves permanently, and any factors contributing to increasing attempts.
 - 3) Study further barriers related to the custody of children that discourage women from leaving an abusive situation.
- B. Urges Member States to:
 - 1) Increase access to protection orders and move-away orders for women and girls confronted with intimate partner violence.
 - 2) Abolish the practice of protective custody, to immediately release all detainees and to assist detainees with reintegration into society.
 - 3) Abolish third party standing in protective order proceedings, only allowing an individual survivor to have standing to seek a protection order and move-away order.
 - 4) Educate judicial officials on the dangers of issuing a mutual restraining order without cause.
- C. Urges Members States, NGOs, IGOs and others, to work together to implement a multi-faceted approach that will:
 - 1) Increase access to shelters facilities for families with older male children, usually aged 12 years or older.
 - 2) Provide at least one shelter for every 100,000 people.
 - 3) Increase access to multilingual forms, including protection order and move-away order forms.
 - 4) Increase access to translators in court proceedings and on hotlines.
 - 5) Increase access to legal aid services.
 - 6) Increase access to grass roots protection order clinics.