

International Commission Finds United States Denied Justice to Domestic Violence Survivor

Landmark Human Rights Case Finds that Failure to Enforce a Restraining Order and Indifference to Domestic Violence Led to Daughters' Deaths

FOR IMMEDIATE RELEASE
Aug. 17, 2011

CONTACT:

Caroline Bettinger-Lopez, University of Miami School of Law, (305) 284-5923 (office), (305) 281-9856 (cell); clopez@law.miami.edu

Robyn Shepherd, ACLU national, (212) 519-7829 or 549-2666; media@aclu.org

Nancy Goldfarb, Columbia Law School, (212) 854-1584, nancy.goldfarb@law.columbia.edu

WASHINGTON, D.C. – In a landmark decision, an international tribunal has found the U.S. government responsible for human rights violations against a Colorado woman and her three deceased children who were victims of domestic violence.

Jessica Lenahan (Gonzales) v. United States is the first case brought by a domestic violence survivor against the U.S. before an international human rights body, the Inter-American Commission on Human Rights (IACHR). The IACHR ruling also sets forth comprehensive recommendations for changes to U.S. law and policy pertaining to domestic violence.

The case concerns a tragic 1999 incident in which police in Castle Rock, Colorado failed to respond to Jessica Lenahan's repeated calls for help after her estranged husband, Simon Gonzales, kidnapped their three young children in violation of a domestic violence restraining order. Ten hours after Lenahan's first call to the police, her husband drove up to the Castle Rock Police Department and began firing his gun at the police station. The police returned fire, killing Gonzales. Inside the truck, the police found the bodies of the three girls – Rebecca, Katheryn, and Leslie – who had been shot dead. Local authorities failed to conduct a proper investigation into the children's deaths, resulting in questions about the cause, time, and place of their deaths that remain to this day.

"I have waited 12 years for justice, knowing in my heart that police inaction led to the tragic and untimely deaths of my three young daughters," said Lenahan. "Today's decision tells the world that the government violated my human rights by failing to protect me and my children from domestic violence."

Lenahan is represented by the Human Rights Clinic at the University of Miami School of Law, the Columbia Law School Human Rights Clinic and the American Civil Liberties Union.

"The commission's determination that the United States violated Ms. Lenahan's and her children's human rights by failing to ensure their protection from domestic violence has far-reaching implications," said Professor Caroline Bettinger-Lopez, director of the Human Rights Clinic at the University of Miami School of Law. "As our country seeks to promote human rights of women and children around the world, we must also look at our own record here at home."

The commission's decision stands in stark contrast to the U.S. Supreme Court's decision in *Town of Castle Rock v. Jessica Gonzales* (2005), where the justices ruled that Lenahan (then Gonzales) had no constitutional right to police protection, and that the failure of the police to enforce Lenahan's order of protection was not unconstitutional. Lenahan then filed a petition against the U.S. before the IACHR, alleging violations of international human rights.

"Now that the commission has appropriately found the police and the United States responsible for their appalling lack of action, it is critical that they be held accountable," said Lenora Lapidus, director of the ACLU Women's Rights Project. "We can no longer accept police departments' failure to treat domestic violence seriously and to regard it as simply a private matter unworthy of serious police attention."

Established in 1959, the Inter-American Commission on Human Rights is charged with promoting the observance of and respect for human rights throughout the Americas. The commission is expressly authorized to examine allegations of human rights violations by all 35 member-states of the Organization of American States, which includes the United States, and to investigate specific allegations of violations of Inter-American human rights treaties, declarations and other legal instruments.

"We know that the issue of violence against women is one that the Obama Administration cares deeply about," said Peter Rosenblum, director of the Columbia Law School Human Rights Clinic. "We encourage the Administration to work with the appropriate state and local officials to address and adapt the Commission's recommendations in a meaningful way."

More information on this case can be found at:

www.aclu.org/human-rights-womens-rights/jessica-gonzales-v-usa;

www.law.miami.edu/hrc/hrc_gonzalez_usa.php;

www.law.columbia.edu/human-rights-institute/initiatives/interamerican/gonzales