

THE HUMAN RIGHTS APPROACH OF THE BATTERED MOTHERS' TESTIMONY PROJECT

OVERVIEW: The Battered Mothers' Testimony Project (BMTP), 1999-2003, was the first human rights initiative in the United States to address domestic violence and child custody issues. Based at the Wellesley Centers for Women, our mission was two-fold: 1) to assess whether the Massachusetts family court system was acting in accordance with internationally accepted human rights standards and norms in child custody cases involving partner and/or child abuse, and 2) to identify and promote the changes necessary to ensure that the family courts meet their human rights obligations.

The BMTP offers a new model for conducting research on and organizing to end violence against women in U.S. communities. A multi-year effort, the project consisted of 4 key phases: 1) Documentation and research (1999 – 2002), 2) A human rights tribunal on domestic violence & child custody (May 9, 2002), 3) A human rights report, *Battered Mothers Speak Out*, (Nov. 2002), and 4) Community education and organizing for positive change in the family courts (1999-2003).

See previous section for report and tribunal video ordering information

PROJECT LEADERSHIP: Our leadership networks were extensive, primarily involving the following:

Steering Committee: A 6-person, statewide multidisciplinary committee consisting of 2 men and 4 women, including one survivor, conceived of and implemented all aspects of the project.

Advisory Board: A 14-person international advisory board offered guidance to the project. The board consisted of experts in human rights, partner and child abuse, batterer intervention, child custody, government, public health, and qualitative research, many of whom participated in statewide quarterly project meetings.

Documentation Team: A team of over 20 community volunteers, the majority of whom worked at organizations serving battered women and children in Massachusetts, interviewed battered women and state actors for the project. Members of the Steering Committee also conducted interviews.

Volunteers: Over 25 volunteers, primarily college students, transcribed interviews with battered women, state actors and focus groups.

SUMMARY OF HUMAN RIGHTS FRAMEWORK:

Everyone has the right to life, liberty and security of person.

- Universal Declaration of Human Rights, article 7

Human rights are inscribed in the hearts of people;

They were there long before lawmakers drafted their first proclamation.

- Mary Robinson, Former U.N. High Commissioner for Human Rights

Since the United Nations proclaimed the Universal Declaration of Human Rights in 1948, the international community has adopted numerous laws, standards, and mechanisms to protect and promote the human rights of individuals vis-à-vis their governments. The Battered Mothers' Testimony Project used these standards to investigate and evaluate how the Massachusetts family courts handle child custody

Human rights are based on the fundamental principle that all people – no matter who they are or where they come from – possess an inherent human dignity, and that regardless of sex, race, class, sexual orientation, immigration status, age, religion, or other distinctions, they are equally entitled to enjoy their human rights and equally responsible for respecting the human rights of others. Moreover, in the human rights framework, economic, social and cultural rights are as important as civil and political rights. For example, the right to food and shelter are considered to be on a par with the right to free speech, bodily integrity and due process; indeed, they are interdependent and inextricable.

According to international human rights law and principles, governments throughout the world, including the United States, are responsible for respecting, protecting and fulfilling the human rights of people within their jurisdictions. This obligation includes not only refraining from directly violating people's human rights, but also taking positive steps to protect and promote human rights. For example, key international instruments, such as the U.N. Declaration on the Elimination of Violence against Women, the U.N. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the U.N. Convention on the Rights of the Child (CRC), define partner abuse and child abuse as human rights violations, and map out government obligations to take steps to end and prevent such abuse.

“Our government – like all governments – is obligated, at all levels, to acknowledge where and how discrimination and lack of due diligence is facilitating torture of women in the family and community and take steps to stop it.” Sheila Dauer, Director, Women's Human Rights Program, Amnesty International USA (Remarks at the BMTP's Human Rights Tribunal, May 9, 2002)

The United States government has a responsibility to meet the human rights standards set by the United Nations regarding violence against women and children. First, by virtue of its membership in the United Nations, the United States is automatically considered to be in agreement with the

Wellesley Centers for Women