

**Testimony of Carrie Cuthbert, co-director of the Battered Mothers' Testimony Project (1999-2002), before the Massachusetts Joint Judiciary Committee Hearing on the *Human Rights for All* Bill (HB706), June 7, 2005**

June 6, 2005

Senator Robert S. Creedon  
Representative Eugene O'Flaherty  
Co-Chairs, Joint Judiciary Committee  
Re: House Bill 706

Dear Senator Creedon and Representative O'Flaherty:

I respectfully submit this testimony in support of House Bill 706. Passage of this bill would mark a critical step in meeting the Commonwealth's obligation to uphold the human rights of its citizens under international and domestic law, and would position it as a national leader in advancing domestic human rights.

Specific reasons to support this bill are many. I write in particular with regard to the issue of violence against women and children. I served as co-director of the Battered Mothers' Testimony Project from 1999-2002, a community-based initiative that documented human rights violations against battered mothers and their children in the Massachusetts family court system. In the course of this project, I and my colleagues took the testimonies of 40 battered mothers throughout Massachusetts, surveyed 31 advocate-witnesses, held 5 five groups with a total of 23 advocates and survivors, and interviewed 16 state actors, including family court judges, Guardians ad Litem and probate probation officers. All were asked to describe in detail their experiences with how our family courts are handling child custody issues when there is a history of partner and/or child abuse. What emerged was a pattern of human rights violations by our family courts against battered mothers and their children in areas ranging from failure to protect battered women and children from abuse, to bias and discrimination against battered mothers, to failure to respect the economic human rights of battered mothers and their children. Copies of the report as well as a video of the live testimony of a number of project participants can be obtained through the Wellesley Centers for Women at Wellesley College or on-line at [www.wcwonline/wrn](http://www.wcwonline/wrn). The voices and experiences of these women and their children continue to haunt me, making it painfully clear that House Bill 706 is urgently needed.

Massachusetts also has an obligation under human rights law not only to respond to abuses once they occur, but also to promote the human rights of all within its borders. By requiring a review of existing state law and regulations to determine the extent to which they meet international human rights standards, House Bill 706 would be a key step towards fulfilling this obligation.

Briefly, Massachusetts is obligated to meet the terms of the international human rights treaties that the United States has ratified, such as the Convention on the Elimination of Racial Discrimination, and those treaties to which it is a signatory, such as the Convention on the Rights of the Child. It is also obligated to meet the terms of international laws, declarations and principles that have attained the status of customary law, such as the Universal Declaration of Human Rights. Indeed, the U.S. Constitution states that “[t]his Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.” (Article 6). In other words, because the United States has ratified and signed numerous international human rights treaties, including those protecting the rights of women and children, Massachusetts must devise ways to comply with them at the state level.

House Bill 706 is also timely. Increasingly, U.S. courts are looking to international law for guidance, and community advocates are looking to international human rights for inspiration. In addition, San Francisco offers a clear example of the benefits of government working to implement human rights principles and laws at levels other than that of the federal government. According to the Women’s Institute for Leadership Development for Human Rights ([www.wildforhumanrights.org](http://www.wildforhumanrights.org)), San Francisco is the first and still-only city in the United States to put into effect an ordinance implementing the principles of CEDAW, the Convention on the Elimination of all forms of Discrimination Against Women. The ordinance requires City departments to undergo gender analysis to determine whether the departments are implementing the principles of CEDAW or discriminating against women and girls in their service delivery, employment practices, and budget allocation. In areas where discrimination is identified, remedies must be found. To date, analyses have been conducted in the Department of Public Works, the Juvenile Probation Department, the Adult Probation Department, Arts Commission, Department of Environment and the Rent Stabilization Board. In 2001, the ordinance was expanded to include the intersection of gender and race, and the CEDAW San Francisco Task Force has now adopted a five-year plan for full implementation of CEDAW at the city level. San Francisco’s experience offers a model for implementing human rights at the local level that is grounded in community-government collaboration and on which the Commonwealth could draw as it moves forward in its own human rights work.

For all of these reasons, I wholeheartedly support House Bill 706 and urge the Commonwealth to adopt this urgently-needed and visionary bill.

Thank you for your time and attention.

Sincerely,  
Carrie Cuthbert, J.D.  
P.O. Box 818  
Whately, MA 01093

