

Case in Point: Violence Against Women in College

Massachusetts Human Rights Bill

The Massachusetts Human Rights Bill (House Bill 706) is an innovative piece of legislation, currently under consideration by the Massachusetts legislature. The aim of [House Bill 706](#) is to initiate a process to integrate international human rights standards and protections into state law. [House Bill 706](#) would authorize state legislators to investigate human rights abuses in Massachusetts through a series of public hearings. The bill would also authorize a technical review of state law. In September 2004, the Massachusetts CEDAW Project partnered with the Law, Culture and Difference Social Justice Program at Northeastern University School of Law to conduct preliminary technical reviews in five narrowly defined areas of law. This Case in Point summarized the findings of one of these pilot studies. For further information on [House Bill 706](#) visit www.masscedaw.org.

CEDAW: a Bill of Human Rights for Women

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is a comprehensive bill of rights for women endorsing the adoption of proactive measures to ensure gender equality in the enjoyment of rights and freedoms. CEDAW requires that governments respect, protect, and fulfill the full range of women's human rights and freedoms. [House Bill 706](#) would measure Massachusetts state law and regulations against the standards of non-discrimination developed by the committee overseeing compliance with international treaty law. This "case in point" offers a preview of what the legal reviews requested by [House Bill 706](#) might discover about one area of urgent concern to Massachusetts women: Violence Against Women in College.

Applicable Articles of CEDAW

The prototype review commissioned for the area of Violence Against Women in College identified gaps between current state law and the following human rights standards guaranteed by CEDAW:

- General Recommendations No. 12 – provides general protection against and eradication of all kinds of violence.
- General Recommendations No. 19 – analyzes the original text of The Convention on the Elimination of All Forms of Violence Against Women with a focus on eliminating all forms of violence.

Measuring the State Protection Against Violence Laws Against the Standards of CEDAW	Yes	No
Does this report describe the gaps between Massachusetts laws aimed at protecting women in college against acts of violence and the international human rights standards of CEDAW?	X	
Do the provisions of the Massachusetts and federal statutes related to violence against women meet the international human rights standards of CEDAW?		X
Do the individual school policies that supplement the federal and state protections for women meet the international human rights standards of CEDAW?		X
Does the failure to address all aspects of violence against women perpetuate a cycle in which violence prevents women from reaping the full benefits of the college educational system?	X	

Violence Against Women in College Findings

The right to be free from violence is at the heart of living a fulfilling life. This right is not amongst the fundamental rights guaranteed by the U.S. Constitution; however, the right to be free from violence is a fundamental right under international human rights standards. Freedom from violence is addressed in several Massachusetts statutes, yet substantial gaps exist in protecting women from violence. These gaps could be remedied by adopting international human rights standards.

- Massachusetts has enacted legislation criminalizing specific behaviors. Yet, by enumerating certain protections, victims of crimes not specifically identified in the statutes are often without a remedy. Adopting international standards, which utilize broad language, would encompass all forms of violence against women.
 - The broad language of the Equal Rights Act and the Civil Rights Protection Act mirror the language of CEDAW and its intent to prevent all acts of violence against women; however, these acts have not been applied in a manner consistent with this goal of CEDAW and they have been construed too narrowly to have the broad application required by international standards.
- By not addressing all aspects of violence against women, Massachusetts fails to provide equal access to education amongst its citizens. Women suffering from the fear of violence are unable to take full advantage of college life.
- Currently, Massachusetts legislation focuses on the crime after it has been committed; however, international standards require a more pro-active approach and place greater emphasis on preventative measures to ensure that the crimes never take place.
- Massachusetts has legislation requiring police officers to be trained to deal with victims of sexual assault; however there is no similar legislation for other professionals who may encounter a victim of a sexual assault, including health care professionals.

A study of 7,000 students at 35 schools determined that 1 of every 8 women was a victim of rape.

Less than 5% of completed and attempted rapes are reported to law enforcement officials.

In the same study, 47% of rapes were by first or casual dates or romantic acquaintances.

52% of all women surveyed experienced some form of sexual victimization

Case in Point

An 18-year-old college student moves into her dorm room with the optimism of living an independent life. After moving in, she decides to experience the social scene. She finds her way to one of the fraternity houses that is having a welcoming party. Wanting to be "cool" she decides to drink a few beers to loosen up. Within a couple of hours, she is feeling the effects of the alcohol; she is talking and dancing with new people.

As the party becomes crowded, it becomes more difficult to get drinks. A new friend, who is a senior and a member of the fraternity, offers to take her upstairs, where he says he has some beers. She follows him to his room and sits on his bed while waiting to be served. She starts to become overwhelmed by the alcohol in her system, and lays back and rests her eyes. Suddenly, she feels a hand working its way up her blouse; being so intoxicated, she is not sure whether it is real. Upon opening her eyes, she realizes that it is her new friend. Not wanting to seem like a prude, she does not immediately say anything. Having never been in this type of situation before, she does not know how to respond. As the man begins to undo her pants, she finally musters up the courage to ask him to stop. Despite her repeatedly asking him to stop, he continues to touch her. As he is almost done removing her pants, she is able to free herself and jumps up and runs out the door.

After her escape, she notifies the school authorities. They inform her that without corroboration it is his word against hers and that her intoxication will weigh prohibitively against her if she brought charges. Since her school is unable to provide her with appropriate remedies, she contacts the local police who essentially tell her the same thing. As a result of her encounter, the student becomes withdrawn, performs poorly in her classes, abandons her social life, and lives with the constant guilt that she is to blame for the incident.

A sexually coercive environment like this impacts a woman's right to bodily integrity, bodily autonomy, and her right to sexuality, which international human rights standards seek to protect; however, these rights are not necessarily included as part of the current legislative protections afforded by Massachusetts.