



General Assembly

Distr.: General
22 February 2019

English only

Human Rights Council

Fortieth session

25 February–22 March 2019

Agenda item 4

Human rights situations that require the Council's attention

Written statement* submitted by Fundación Luz María, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2019]

* Issued as received, in the language(s) of submission only.



Written Statement

My name is Luz Maria Utrera and I am the President and Founder of Luz Maria Foundation. In this current culture of #MeToo and #TimesUp revelations, there is at last a desire to listen to women and their past experiences of violence, assault, and/or abuse. While more women come forward to report any and all abuse, assault, or harassment they have faced, it also is crucial to acknowledge the experiences of those that, for a variety of reasons, may not be able to be as forthcoming.

These women include undocumented immigrant women who face physical and sexual violence in the United States of America. Specifically, it is important to recognize that there is a more difficult challenge faced by immigrant women who try and report sexual assault and domestic abuse when saddled with the added fear that reporting could lead to deportation. It is notable to examine that even citizens who have the legal protections to come forward are often still afraid to report harassment and assault. The situation becomes exponentially more complicated when a woman who is undocumented does not have recourse under the law to report an abuser of a similar crime. Although laws have evolved in an attempt to extend protections to more groups of people in a society, their purpose of defending the most vulnerable of the population has not always been at the forefront of the practice. US history demonstrates that many groups have had to fight for equal protection. The paradox is that while the law has been used to fight discrimination, it has also been used to perpetuate it.

The difficulty of the issue goes beyond believing victims, and is compounded by the negative ways immigrants are often perceived. It is important to recognize the types of rhetoric used to describe immigrants when studying the obstacles of reporting a crime. If the rhetoric is negative and has an implication that immigrants are to blame for a society's woes, then it becomes even more difficult to view them as equal individuals deserving of their rights from the courts. The way immigrants are described as a monolith of people with similar experiences and the propensity for similar crimes creates a culture that views all as invaders of a host country's protections. The law is perceived to be an objective practice that treats all individuals the same; however, the reality is that some people are subject to prejudices and marginalization if they don't belong to the majority of the population. These individuals must find resources that will help them climb over the hurdles of a justice system that is selective in its justice.

The results of the different aspects of the immigrant experience creates a culture that makes even the motion of stepping forward to report abuse difficult. While services are available, the law does not indicate that they are ones of which undocumented women are able to avail themselves. For some it is easier to handle issue themselves, but for those who vocalize their abuse, they are often met with doubts and a lack of resources. It is imperative that the lives of those who face abuse and assault are not ignored but are rather also at the forefront of the culture of believing women and providing them with the all available protections. Regardless of her citizenship status, a woman should not be deprived of her rights and a life of safety, respect, and dignity.
