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### VAWA @ 20: RAISING THE VISIBILITY OF THE MARGINS AND THE RESPONSIBILITY OF MAINSTREAM

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#### INTRODUCTION

The Violence Against Women Act (VAWA) originated over twenty years ago from a movement led by predominately white, middle class, educated women in a strong capitalist economy, who were outraged at the lack of response to violence against women and who looked to the criminal justice system as the solution. The federal legislation has been the foundation for addressing gender based violence in our country. In recent years, there is a growing understanding that the criminal justice system as the primary mechanism to end gender based violence is a false solution. Decades of mass incarceration of African American men and men in other communities of color have resulted in the “New Jim Crow” and the school to prison pipeline. Instead of helping youth get their lives back on track, incarceration in a juvenile facility is the greatest predictor of adult incarceration and adult criminality. The criminal justice response assumes that violence against women is an individual aberration and ignores the complexity of violence and the structural oppressions that sustain it. It also heightens the potential for state control of marginalized communities through police surveillance and interventions utilizing the criminal justice system.

In 2013, the voices and experiences of immigrant women, Native American women, and the LGBTQ community were the catalyst for the amendments to the VAWA. The 2013 amendments represent a critical course correction to the VAWA, raising the visibility of communities marginalized by society.

Before the 2013 amendments, Native American victims of domestic violence often were denied justice because their courts had not been permitted to prosecute non-Native offenders – even for crimes committed on tribal land. For example, if an individual committed a crime on a reservation such as a rape or sexual assault, simply walking outside the bounds of the reservation could make the crime nearly impossible to prosecute if the perpetrator was not affiliated with the reservation. As a result, survivors were routinely denied justice at alarming rates as well as suffering disproportionate rates of violence in the first place. The VAWA 2013 attempts to address this injustice and restores tribes' authority to preside over cases involving non-Indian perpetrators and Indian victims on tribal land in cases involving domestic violence, dating violence, and violations of protection orders.

Similarly, immigrants who experience violence may be dependent upon their partner's status in order to remain in the country or may fear that contacting law enforcement will lead to deportation. Individuals who engage in abuse often use the threat of deportation or loss of immigration status as methods of control and isolation. VAWA 2013 retained important self-petition protections for immigrants who experience abuse, while also strengthening the International Marriage Broker Regulation Act and the provisions around self-petitions and U visas.

Likewise, lesbian, gay, bisexual, and transgender survivors of violence often experience discrimination when seeking services for gender based violence. In VAWA 2103, Congress specifically recognized LGBT survivors as an underserved population and prohibited recipients of VAWA funds from discriminating against individuals on the basis of their sexual orientation or gender identity.

Each time that VAWA has been reauthorized, Congress has broadened the law to reach more communities. The forward momentum is promising and lets us re-imagine a future VAWA that has the potential to create real solutions to end gender based violence in all communities. As momentum grows, the fundamental injustice of violence against women and girls in all communities will be felt deeply and widely enough so that individuals, organizations, and communities will mobilize to re-imagine a version of VAWA that will challenge mainstream services for individuals and communities impacted by gender based violence, the response of the criminal justice institutions, and social norms. A bold vision powerful enough to achieve real solutions that reach every individual and all communities and directly addresses the deepest roots of violence and the structures that sustain it is emerging.

### WHY WE NEED TO RE-IMAGINE VAWA

Over the last twenty years, VAWA has expanded the number and funding for discretionary grant programs intended to reach marginalized communities, such grants for culturally specific services, outreach to underserved communities, and transitional housing programs. While these discretionary programs strive to recognize the needs of marginalized communities, VAWA needs to expand further to raise the visibility and build power in the margins and to encourage the mainstream to embrace responsibility for the integration of an intersectional approach that address the needs of the entire community.

### RAISING VISIBILITY AND BUILDING POWER IN THE MARGINS

VAWA needs to continue to broaden its reach to marginalized communities by providing a federal remedy for women victims of gender based violence, instead of deferring to states to voluntarily provide remedies that often do not meet the needs of individuals impacted by violence. Additionally, VAWA needs to also significantly increase funding for resources and services for people and communities impacted by violence, especially for marginalized communities.

VAWA needs to directly address the lack of cultural competency necessary to engage, empower, and to raise the visibility of individuals and all communities suffering from this national and global epidemic. The movement to end gender-based violence, lead mostly by a complex system of mainstream nonprofits, needs to pay attention to and re-evaluate the different factors that contribute to and create the inequities in our movement. The mainstream needs to be proactive in raising the visibility of groups of people affected by discriminatory policies and practices in the field as well as root out these practices in the organizations that serve survivors of violence. The development of successful strategies must be based on an analysis that includes and reflects the voices, experiences, culture and values of the new demographic of the country. There must also be an integration of an intersectional framework on race, class, economics, ability, gender expression, and more to best address the needs of people impacted by violence.

Community leaders and grassroots organizations working with women and families in marginalized communities have an opportunity to organize for social change. Through the voices and leadership coming from marginalized communities, we can move beyond empowerment, beyond liberation to a true democracy.

## MAINSTREAM RESPONSIBILITY

With the passage of VAWA 2013, there has been a resurgence of political will and hope, not only in marginalized communities, but also in mainstream organizations. Mainstream anti-violence organizations must continue to be self-reflective and encourage new ways of addressing violence in its many forms. As a result of VAWA 2013, meaningful partnerships between the mainstream organizations and those working in the margins are being formed to create a more holistic strategy for addressing gender-based violence.

Mainstream organizations are beginning to more fully appreciate the complex texture of the lives of those with whom they work, including the racial, societal, cultural, and generational factors at play in creating violence. At the national, state and local levels, authentic conversations on power, privilege, race, class, and other structural oppressions are occurring. We should not expect these conversations to be easy: we need to accept uncertainty and embrace authentic conversations and healthy conflict. While improvements have been made, we must continue to push ourselves to continue to evaluate current and future strategies in order to make exclusionary ideals to not creep into current work.

What is clear is that mainstream organizations have the responsibility and opportunity to raise our individual and organizational consciousness, integrate a race and class equity framework, and overcome internal structural oppressions. It is imperative mainstream organizations recognize that their success owes much to their being part of and benefitting from the dominant white culture. They need to become more conscious of issues of power and privilege and how structured inequities based on race, class, ability, and gender affect their perception of the problem of violence and their response to it. In the anti-violence community, women and girls of color and other marginalized communities often feel invisible. That has to change. Mainstream organizations need to seek out the voices and experiences of women of color and incorporate the wants and needs of marginalized groups into their work. They need to learn about the history, culture, and historical struggles of marginalized communities. Our anti-violence organizations need to be multi-racial, multi-ethnic and multi-cultural, and invest significantly in real leadership opportunities to women and men of color. Mandatory reading for mainstream organizations should include *This Bridge Called My Back*, edited by Cherrie Moraya and Gloria E. Anzaldua, *Color of Violence: the INCITE! Anthology* and current books like Beth E. Richie's *Arrested Justice: Black Women, Violence, and America's Prison Nation*. Reading these critical pieces of literature is a good start, but commitment and willingness to listen and learn must

continue. People from marginalized communities should speak for themselves not be spoken for! A great challenge for our work is learning how to listen and reflect rather than just acting without doing so.

Mainstream organizations need to continue to move beyond the criminal justice system as the solution to violence and engage in community-based solutions. Primary prevention programs focused on the “low hanging fruit” will need to expand their vision if they are to effect real change in the culture of violence. Mainstream organizations will need to integrate proactive and progressive political issues, including racial justice, immigration reform, and reproductive justice, in order to see individuals, families, and communities in the entirety of their lived experience.

The mainstream needs to embrace responsibility and with it the opportunities for real change – it is what is needed to create compassionate, peaceful communities where gender based violence is no longer a common occurrence, and violence in all communities is no longer accepted.

#### CONCLUSION

Building a powerful movement to end gender based violence requires that we learn to truly understand one another’s daily lived experience, informed by the social realities that shape it. It is about understanding the consequences of a dominant culture and structural oppression, and raising the visibility of marginalized communities. It is about working together in new strategic ways to dismantle the various forms of inequality that create and sustain violence. It will take leaders from the margins and the mainstream working together to define and articulate a common vision and strategy for real solutions, then build critical mass to demand real solutions toward a new vision.

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