

## **Written Testimony**

### **UN Working Group on discrimination against women and girls**

#### **House Committee on the Judiciary, Subcommittee on Immigration Integrity, Security, and Enforcement Committee Hearing: Fairfax County, Virginia: The Dangerous Consequences of Sanctuary Policies**

**14 May 2026**

#### **Introduction**

The Working Group on discrimination against women and girls (the Working Group), established pursuant to Human Rights Council resolution 15/23 and most recently renewed through 59/14, respectfully submits this written testimony to the House Committee on the Judiciary, Subcommittee on Immigration Integrity, Security, and Enforcement Committee Hearing: “Fairfax County, Virginia: The Dangerous Consequences of Sanctuary Policies.”

In performing its mandate, the Working Group is accorded privileges and immunities as experts on mission under the Convention on the Privileges and Immunities of the United Nations, adopted by the United Nations General Assembly on 13 February 1946, acceded to by the United States of America on April 29, 1970. This written submission is provided voluntarily without prejudice to and should not be considered as a waiver - express or implied - of the privileges and immunities of the United Nations, its officials and experts on mission, under the 1946 Convention. In accordance with its independence, the Working Group has not sought authorization for this submission from the United Nations, Human Rights Council, Office of the United Nations High Commissioner for Human Rights, or any officials associated with those bodies.

The members of the Working Group extend their deepest condolences to the family of Ms. Stephanie Minter for their profound loss. The Working Group is mandated to provide advice to governments on measures to ensure the rights of all women and girls are respected, protected and fulfilled. This mandate includes responding to policy and legislative developments affecting these rights. In carrying out its functions, the Working Group offers evidence-based approaches to safeguarding women’s and girls’ rights in all spheres of life, including in legal and judicial processes, engagement with criminal law enforcement, and interactions with national immigration authorities.

The Working Group’s written testimony is informed by its country visit to the United States of America in 2016<sup>i</sup> and ongoing work on monitoring and promoting the rights of women and girls in migration, criminal justice, law enforcement, particularly with the aim of ensuring women and girls have equal access to justice. As the Working Group reported following its visit in 2016, the United States of America has made significant political, legislative, and procedural progress in addressing gender-based discrimination and violence, including through the continued reauthorization of the Violence against Women Act. These efforts have strengthened responses to domestic violence, sexual assault, dating violence, and stalking, while also enhancing support for

sexual assault response teams and improving training for law enforcement officers and prosecutors.<sup>ii</sup>

The Working Group urges lawmakers on this Committee to adopt human rights-based approaches to several issues raised in this hearing, including strengthening the prevention of crimes against women and girls'; safeguarding gains made on improving the training, capacity and resources for law enforcement to protect the rights of women and girls community members; addressing the chilling effect of law enforcement cooperation with federal immigration authorities on women's and girls' access to justice; and avoiding the harmful criminalization of migrant communities, including women and girls.

### **The Role of Law Enforcement in Addressing Gender-based Violence & the Chilling Effect of Cooperation with Immigration Enforcement Authorities**

Historically, many women who experience violence may simultaneously have increased interactions with police, reluctance to engage with law enforcement due to fear of further violence or discrimination against them, as well as increased risk of criminalization.<sup>iii</sup> These forms of uncertainty when engaging with law enforcement contributes to enduring cycles of violence, discrimination, and a lack of access to justice in the most vulnerable populations, including victims of forced labor, trafficking or other forms of exploitation. These risks are heightened for women who are stigmatized or criminalized, including sex workers, those who use drugs, or those who are irregular migrants. Although trafficked women and undocumented migrant women are often the victims, they are regularly perceived and treated as criminals.<sup>iv</sup>

In addition, migrant women and girls experience further risks to their rights from the added layer of abuses often perpetrated by the smugglers, male migrants and even police or immigration officials.<sup>v</sup> Even when victimized, they may continue to be classified as offenders due to their immigration status. The issues raised in this hearing highlight, specifically, the intersecting forms of discrimination faced by undocumented women and girls who, when victims or witnesses of violent crime may be even more reluctant to engage with law enforcement where cooperation with immigration enforcement authorities is regularized.

Law enforcement agencies trained on survivor-centered approaches are an essential factor in ensuring that women and girls can live their lives free from discrimination and violence, alongside law enforcement agencies that understand and respond to the complexities outlined above. Outcomes where women and girls who seek assistance for domestic violence,<sup>vi</sup> report crimes, or are criminalized, profiled or stigmatized by law enforcement or immigration enforcement authorities fundamentally undermine trust in law enforcement and deter survivors from seeking protection they are entitled to and deserve.

The interaction between local law enforcement and immigration authorities creates just this effect. Significant barriers to justice and produces a chilling effect deters reporting of crimes. This not only affects survivors but also weakens community trust and undermines public safety. Restrictive immigration laws, and local law enforcement's use of resources for those efforts instead of community service, are a key factor discouraging women from reporting violence.<sup>vii</sup> When

survivors fear that contacting the police will lead to immigration detention or removal, the state effectively fails in its duty to provide protective mechanisms that are accessible.<sup>viii</sup> Confidentiality is also compromised when personal data shared with police is transmitted to immigration authorities. This undermines women's privacy rights and transforms protective systems into mechanisms of enforcement.<sup>ix</sup> All protective measures should avoid burdening survivors.<sup>x</sup> Linking reporting to deportation imposes severe consequences, including family separation and loss of safety, ultimately eroding trust in public institutions and deterring access to justice.

The Working Group underscores that migrant status compounds gender-based discrimination, creating a condition that exacerbates the precarity of women's and girls' rights and lives.<sup>xi</sup> When protection is conditioned on immigration status, fundamental rights—including the rights to life and physical, sexual, and psychological integrity—are effectively denied.<sup>xii</sup>

### **Global Good Practices among Law Enforcement in Ensuring Protection for Survivors or Witnesses of Crime, and Access to Justice for Women & Girls**

The Working Group consistently recommends that countries incorporate laws, policies and effective programmes that will enhance protection from trafficking in persons, irregular migration and contemporary forms of slavery, and establish regular migration channels.<sup>xiii</sup>

Effective practices also include strengthening police–community relations through structured dialogue and partnerships with women's rights organizations and migrant communities.<sup>xiv</sup> These protocols help address historical power imbalances, ensure that measures for women facing intersectional discrimination are developed with the victims themselves as active stakeholders.<sup>xv</sup> The Working Group recommends all countries, including the United States of America, enhance protection from trafficking and contemporary forms of slavery by establishing regular migration channels and decoupling protection services from migration control.<sup>xvi</sup> Collectively, these recommendations provide a robust international mandate for the endorsement of sanctuary city principles. By decoupling local law enforcement from immigration enforcement, jurisdictions ensure that the physical and psychological integrity of women and girls are prioritized over their administrative status. This separation is essential to prevent the chilling effect that occurs when police cooperation with immigration authorities transforms potential protectors into agents of deportation, thereby fulfilling the state obligation to provide universal access to justice and safety for all women and girls regardless of their residency.

Responses to gender-based violence require a fundamental shift away from punitive immigration enforcement toward protection-centered institutional frameworks. States must provide mandatory, recurrent, and effective capacity-building for law enforcement and judicial officers to ensure they understand trauma, power dynamics, and the intersecting forms of discrimination that affect diverse groups of women.<sup>xvii</sup> A critical component of this duty involves dismantling victim-blaming beliefs and removing legal barriers that deter reporting, such as restrictive immigration laws and guardianship requirements that strip women of their legal capacity.<sup>xviii</sup> By ensuring that documentation and referrals within law enforcement also respect fundamental rights to privacy

and operate only with free and informed consent of individuals, states can prevent the revictimization that weakens public confidence in government institutions.<sup>xix</sup>

## Recommendations

In line with the above objectives, the Working Group reiterates the following recommendations made through the exercise of its mandate as relevant to this hearing. Lawmakers should focus any outcomes or legislative efforts that follow from this hearing on the following priorities:

- **Recognize and mitigate the chilling effect** of cooperation between local law enforcement and federal immigration authorities, and safeguard the ability of state and local jurisdictions to adopt policies that ensure access to justice (A/HRC/41/33). This is particularly important when draconian immigration enforcement policies create severe levels of fear among immigrant communities (see e.g. concerns expressed in [USA 39/2025](#), [USA 8/2018](#), [USA 23/2017](#)).
- **Abolish policies that criminalize survivors**, including those that lead to arrest or detention based on immigration status or related grounds.<sup>xx</sup>
- **Protect the confidentiality of survivors' data** and prevent its use in immigration enforcement.<sup>xxi</sup>
- Enhance protections for trafficking and modern slavery by expanding regular migration pathways and decoupling protection services from immigration control.<sup>xxii</sup>
- **Implement recurrent, mandatory training** for law enforcement and judicial officers on trauma, power dynamics, and intersecting forms of discrimination.<sup>xxiii</sup>
- **Address institutional bias and victim-blaming practices** that undermine trust in law enforcement.<sup>xxiv</sup>
- **Address the disproportionately high rates of violence** against Latino, African-American, Native American, and immigrant women through specialized investigative resources.<sup>xxv</sup>
- **Establish formal partnerships** with women's rights organizations and migrant community members to address historical power imbalances.<sup>xxvi</sup>
- **Ensure survivor participation** in the design and implementation of policies affecting their protection.<sup>xxvii</sup>

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- <sup>i</sup> A/HRC/32/44/Add.2.
- <sup>ii</sup> A/HRC/17/26/Add.5 and Corr.1, paras. 67–71.
- <sup>iii</sup> A/HRC/41/33, para. 68.
- <sup>iv</sup> E/CN.4/2000/68, para. 44.
- <sup>v</sup> E/CN.4/2000/68, para. 44.
- <sup>vi</sup> A/HRC/41/33, para. 68.
- <sup>vii</sup> CEDAW/C/GC/35, para. 29(iii).
- <sup>viii</sup> CEDAW/C/GC/35, para. 31(a)(ii).
- <sup>ix</sup> CEDAW/C/GC/35, para. 30(e)(iii).
- <sup>x</sup> CEDAW/C/GC/35, para. 31(a)(ii).
- <sup>xi</sup> CEDAW/C/GC/35, para. 30(e)(ii).
- <sup>xii</sup> CEDAW/C/GC/35, para. 31(a)(ii).
- <sup>xiii</sup> A./HRC./41/33.
- <sup>xiv</sup> A/HRC/35/29, paras. 95, 98.
- <sup>xv</sup> A/HRC/35/29, para. 99.
- <sup>xvi</sup> A/HRC/41/33.
- <sup>xvii</sup> CEDAW/C/GC/35, Para. 30(e).
- <sup>xviii</sup> CEDAW/C/GC/35, Para. 29(iii).
- <sup>xix</sup> CEDAW/C/GC/35, Para. 30(e)(ii-iii).
- <sup>xx</sup> A/HRC/41/33, para. 68.
- <sup>xxi</sup> CEDAW/C/GC/35, para. 30(e)(iii).
- <sup>xxii</sup> A/HRC/41/33.
- <sup>xxiii</sup> CEDAW/C/GC/35, Para. 30(e).
- <sup>xxiv</sup> CEDAW/C/GC/35, Para. 30(e)(ii).
- <sup>xxv</sup> CERD/C/USA/CO/7-9; A/HRC/17/26/Add.5.
- <sup>xxvi</sup> A/HRC/35/29, paras. 95, 98.
- <sup>xxvii</sup> A/HRC/35/29, para. 99.