



THE WOMEN'S FUND
MIAMI-DADE

MIAMILAW
UNIVERSITY OF MIAMI SCHOOL OF LAW
**Human Rights
Clinic**

**Examining the Systemic Issues that Prevent Impoverished Women
from Gaining Economic Security in Miami-Dade County**

**Submission to the United Nations Special Rapporteur on Extreme Poverty and Human
Rights in Preparation for his Official 2017 Visit to the United States¹**

October 31, 2017

The University of Miami School of Law Human Rights Clinic and The Women's Fund of Miami-Dade thank you for this opportunity to highlight the systemic issues in Miami-Dade County that prevent impoverished women from gaining economic security, and we hope you will consider visiting us in December.

I. Introduction

The Women's Fund of Miami-Dade is a nonprofit organization dedicated to improving the lives of women and girls in Miami-Dade County. The organization's core belief is that "all women and girls have the right to economic security, freedom from violence, equal access to leadership and education, and the right to choose regarding their healthcare."² Since its founding in 1993, The Women's Fund has "awarded over \$3.6 million to more than 470 gender specific programs serving thousands of women and girls" while also educating the community and advocating for legislation that protects the security of women and girls.³ The following information highlights systemic issues in Miami-Dade County that prevent impoverished women from gaining economic security and offers recommendations on how to fix these problems.

The Human Rights Clinic (HRC) works for the promotion of social and economic justice globally and in the United States. The Clinic uses international human rights laws and norms, domestic law and policy, and multidimensional strategies, such as community organizing, political activism, and global networking, to draw attention to human rights violations, develop practical solutions to those problems, and promote accountability on the part of state and non-state actors.

¹ The following University of Miami School of Law students principally drafted this report under the supervision of Professor Caroline Bettinger-López and in collaboration with The Women's Fund of Miami-Dade: Angela Audie, Cecilia Criddle, Courtney Burroughs, and Joshua Gutter.

² *Who We Are*, WOMEN'S FUND OF MIAMI-DADE, <https://womensfundmiami.org/who-we-are/>.

³ *Id.*

II. Issues

Childcare: One of the most difficult economic tradeoffs facing women in poverty is when a woman must choose between staying home to take care of her children and going to work to earn a living. Foregoing work to earn income is unrealistic for many low-income families, which means that the children are then watched by other family members, childcare services, or some other alternative. Currently, Miami-Dade has the Early Head Start / Head Start Program, which provides comprehensive child development services for low income children and families in Miami-Dade County.⁴ The program is open to children ages newborn through age 5, and provides care and instruction for children in a classroom setting.⁵ In order to qualify for this service, applicants must meet the income and poverty guidelines as established by the U.S. Department of Health and Human Services.⁶ However, when women begin making more income to support their families, this means that they may no longer qualify for childcare assistance. This catch-22 is echoed in a 2009 report, entitled *Portrait of Women's Economic Security in Miami*, which states, "Ironically, many women who are living below the self-sufficiency standard make too much to qualify for safety net supports, such as subsidized child care, food stamps, housing aid or other services."⁷

Domestic Violence: One in four women in the United States have been victims of sexual assault, physical assault, and/or stalking by an intimate partner, oftentimes with devastating consequences.⁸ Domestic violence is a "grave phenomenon" in Miami-Dade County, as it has the highest number of reported cases in Florida.⁹ Domestic violence is even more prevalent than the statistics indicate because it is dramatically underreported.¹⁰ Poverty exacerbates the obstacles women face when trying to leave an abusive partner because there are economic hurdles to overcome, and "economic insecurity...could mean the difference between life or death."¹¹ Impoverished immigrant women are especially vulnerable,¹² and many times, an abuser may possess her documentation, preventing her from reporting the abuse due to fear of immigration

⁴ *Early Head Start and Head Start Program*, MIAMI-DADE COUNTY, <http://www.miamidade.gov/socialservices/head-start.asp>.

⁵ *Id.*

⁶ *How to Apply*, MIAMI-DADE COUNTY, <http://www.miamidade.gov/socialservices/head-start-application.asp>.

⁷ *The Portrait of Women and Girls Project: Portrait of Women's Economic Security in Greater Miami*, WOMEN'S FUND OF MIAMI-DADE, (2009), https://risep.fiu.edu/research-publications/workers-rights-econ-justice/women-minority-workers/2009/portrait-of-womens-economic-security-in-greater-miami/portrait_wes_2.pdf.

⁸ *What is Domestic Violence?*, THE FLORIDA COALITION AGAINST DOMESTIC VIOLENCE, <http://www.fcadv.org/about/what-domestic-violence>; See, e.g., *Facts Everyone Should Know About Intimate Partner Violence, Sexual Violence, & Stalking*, THE NATIONAL INTIMATE PARTNER AND SEXUAL VIOLENCE SURVEY, (2010-2012), <https://www.cdc.gov/violenceprevention/nisvs/infographic.html> (52% of survivors reported symptoms of PTSD).

⁹ Enrique Flor and Brenda Medina, *Domestic Violence: Face of a South Florida epidemic*, MIAMI HERALD, September 20, 2015, <http://www.miamiherald.com/news/local/community/miami-dade/article35715309.html> (9,811 cases in 2014).

¹⁰ WOMEN'S FUND OF MIAMI-DADE, *supra* note 6; See Flor and Medina *supra* note 8 ("[M]any victims refuse to report the abuse to authorities [because] [t]hey depend financially on their partners.").

¹¹ WOMEN'S FUND OF MIAMI-DADE, *supra* note 6.

¹² *Domestic Violence & Human Trafficking – Lucha*, AMERICANS FOR IMMIGRANT JUSTICE, http://www.aijustice.org/domestic_violence ("Immigration status has profound consequences on a survivor's ability to support their family and build a life. Without status, a survivor cannot work, open a bank account, or get a Florida driver's license.").

consequences. The data regarding the connection between homelessness and domestic violence is limited, but statistics from 2016 indicated 12% of the homeless population experienced domestic violence.¹³

Under a Municipal Ordinance, survivors are entitled to 30 days of unpaid domestic leave.¹⁴ The purpose is to give survivors time to receive medical or dental care for themselves or their children, legal assistance, counseling, and to make other arrangements needed.¹⁵ If a woman lacks economic security, she will not be inclined to forego 30 needed days of paid work, and therefore, the policy may be rendered useless for impoverished victims. “Unpaid leave is not enough to ensure that [women] will survive the violence and be able to keep a roof over their heads and feed their children.”¹⁶

Human Trafficking: Florida, the second-largest hub of human trafficking in the US, is one of the top three states receiving trafficked women and children into the US.¹⁷ Home to Florida’s largest city and busiest port, Miami-Dade suffers from pervasive labor and sexual trafficking rings that target women and children. In Miami-Dade, 96% of our minor victims and 92% of our adult victims are female, with young women sold into sex trafficking as early as age 13.¹⁸ Throughout Miami-Dade, victims of human trafficking are forced to work in prostitution, sexual entertainment industries, domestic servitude, restaurant work, janitorial work, sweatshop factory work, and migrant agricultural work.¹⁹ Young girls have reported being sold for sex as much as 40 times a day.²⁰

Poverty and economic insecurity enable traffickers to entrap and seduce women and children into the complex underground sectors of the economy.²¹ Recent migration, unstable housing, and homeless and runaway youth are some of the top risk factors that contribute to entrapment in trafficking rings.²² Youth in foster care, especially young women aging out of the foster care system or other welfare settings, are highly vulnerable to traffickers who use force, fraud and coercion to entrap economically insecure youth.²³ Victims are absorbed into labor and sexual

¹³ See, *Domestic Violence*, NATIONAL ALLIANCE TO END HOMELESSNESS, <https://endhomelessness.org/homelessness-in-america/what-causes-homelessness/domestic-violence/> (In New York City, 1 in 5 homeless families experienced D.V., and 88% reported that domestic violence contributed to their homelessness “a lot.” This data is a reflection of the national crisis and is at least related to the prevalence of D.V. in Miami.); See, *Why we need M.U.J.E.R.*, MEN AND WOMEN UNITED IN JUSTICE, EDUCATION, AND REFORM (“[D.V.] is the third leading cause of homelessness among families.”).

¹⁴ Miami-Dade, Florida, Municipal Code § 11A-61.

¹⁵ WOMEN’S FUND OF MIAMI-DADE, *supra* note 6.

¹⁶ *Id.*

¹⁷ *Id.* at 11.

¹⁸ MIAMI-DADE STATE ATTORNEY HUMAN TRAFFICKING UNIT, <http://www.miamisao.com/services/human-trafficking/> (last visited Oct. 17, 2017).

¹⁹ *Id.*

²⁰ THE WOMEN’S FUND MIAMI-DADE STOP SEX TRAFFICKING MIAMI, <https://womensfundmiami.org/what-we-do/stop-sex-trafficking-miami/> (last visited Oct. 17, 2017).

²¹ See *More Assistance. More Action. 2016 Statistics from the National Human Trafficking Hotline and Be Free Textline*, POLARIS, (2017), <http://polarisproject.org/sites/default/files/2016-Statistics.pdf>.

²² *Id.*

²³ See *State and Local Agencies Are in Initial Stages of Addressing Needs of Child Victims of Commercial Sexual Exploitation*. THE FLORIDA LEGISLATURE OFFICE OF PROGRAM POLICY ANALYSIS AND

trafficking rings where wage, labor, health and safety law violations routinely occur. Creating policies that promote economic security for women is imperative to not only reduce the trafficked victims in Miami-Dade, but also to ensure that survivors can establish and support themselves and have a rehabilitated life once they escape the trafficking rings.

Pay Equity: Women in Miami Dade County make 89 cents for every dollar that men make. This disparity becomes even more extreme when race is considered,²⁴ as Hispanic and black women make just 63 cents for every dollar earned by white women in Miami Dade County.²⁵ Significant differences in pay between men and women, and especially between white men and women of color, exacerbate issues of poverty and economic insecurity felt by women and their families in Miami-Dade County.

Education: In addition to fixing equal pay disparities, providing affordable and accessible STEM (science, technology, engineering, and math) education to impoverished women can help increase their earnings power and promote economic security. In Miami, the Knight Foundation has funded initiatives focused on improving the accessibility of STEM education to women, minorities, and low-income individuals.²⁶ This past summer, the Foundation teamed with Citrix Systems to facilitate a seven-week summer immersion program with the nonprofit, Girls Who Code.²⁷ The program taught “girls in the 10th and 11th grades the fundamentals of computer science, from robotics to how to build a webpage, while providing exposure to the tech industry and mentorship from women who work in tech.”²⁸

Affordable Housing and Transportation: The lack of affordable housing is a major driver of poverty in Miami-Dade County. (Please see our colleagues’ report, *Miami’s Housing Crisis and its Perpetuation of Poverty*, for more specific information on affordable housing issues in the county.) Low income women, specifically, are sharply impacted by housing prices because they are more likely to work in areas of the city in which they cannot afford to live and to undertake hours-long commutes on the county’s substandard public transportation.²⁹ The combined burden of work-days artificially lengthened by commutes and domestic labor responsibilities still

GOVERNMENT ACCOUNTABILITY (2015).

<http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1506rpt.pdf>.

²⁴ *The Status of Women in Miami-Dade County*, Florida International University Metropolitan Center (2016) at 9.

²⁵ *Id.* at 10.

²⁶ See, e.g., Chabeli Herrera, *Free tech boot camp launches in low-income Miami communities*, MIAMI HERALD, May 24, 2016, <http://www.miamiherald.com/news/business/technology/article79543847.html> (“Funded in part by the John S. and James L. Knight Foundation, Digital Citizen’s main objective is to widen the opportunities available to low-income communities as well as introduce locals to technology career paths.”).

²⁷ Debora Lima, *Nonprofit partners with Citrix, Knight Foundation to close tech gender gap*, SOUTH FLORIDA BUSINESS JOURNAL, June 19, 2017, <https://www.bizjournals.com/southflorida/news/2017/06/19/nonprofit-partners-with-citrix-knight-foundation.html>.

²⁸ *Id.* (The founder of Girls Who Code, Reshma Saujauni, stated, “Computing jobs are some of the fastest-growing and highest paying in our country, yet girls continue to get left behind. Access to a computer science education can bring women into a thriving innovation economy and give families a real shot at the middle class.”).

²⁹ Ana Veciana-Suarez, *Long Journey: How commuters cope in going the extra mile*, MIAMI HERALD (May 16, 2015) <http://www.miamiherald.com/news/traffic/article21226311.html>; See also, Douglas Hanks, *In battle for more Metrorail funding, a ‘transit march’ comes to South Dade rush hour*, MIAMI HERALD (October 17, 2017) <http://www.miamiherald.com/news/local/community/miami-dade/article179223151.html>.

required at home, impacts low-wage earning women disproportionately to low-wage earning men.

Right to Abortion: Although the 1973 Supreme Court case *Roe v. Wade* guaranteed a woman’s right to abortion in the United States, the regulations that govern abortion clinics are decided on a state-by-state basis and vary widely. Many states, including Florida, have enacted harsh restrictions on abortion access.

Pro-choice activist group NARAL Pro-Choice America classifies abortion access in Florida as “severely restricted” based on a number of factors, including legal restrictions or protections of abortion in the state, attitudes and proposals of state political leaders, and practical access to abortion based on the cost and location of abortion services.³⁰ Rollbacks on abortion access make services more expensive and time consuming, disproportionately affecting poor women.

Sex Education: Many Florida schools practice “abstinence-only” sex education, meaning that children are given very limited information on birth control and disease prevention in favor of a curriculum which emphasizes abstinence as the only sure method of avoiding pregnancy and sexually transmitted infections (“STIs”). Abstinence-only programs are widely condemned as ineffective and unethical by the academic community because they play a role in increasing rates of STI infection and adolescent pregnancy by denying students information about preventative measures and by promoting an unrealistic model of adolescent sexual behavior.³⁰ In Miami-Dade County, STI rates among 20-25 year olds have risen consistently since 2010³¹ and South Florida led the United States in new HIV diagnoses in both 2015 and 2016.³² The spread of STIs, especially HIV, has a devastating impact on low-income communities where the cost of treatment can be prohibitive.

Furthermore, lack of adequate sexual education has been proven to lead to an uptick in adolescent “teen” pregnancy and in unplanned pregnancies in general. Unplanned pregnancies can be devastating for women experiencing economic insecurity. The lack of protected maternity leave in the United States means that low-income women in at-will jobs can be fired for taking time off for delivery. Only about fifty percent of teen mothers obtain a high school diploma by 22 years of age, increasing those women’s likelihood of holding low-income occupations and continuing a cycle of poverty.³³

³⁰ *State Government: Florida*, NARAL PRO-CHOICE AMERICA, <https://www.prochoiceamerica.org/state/florida/> (last visited October 22, 2017).

³⁰ *Abstinence-Only Education is Ineffective and Unethical, Report Argues*, NATIONAL PUBLIC RADIO <http://www.npr.org/sections/health-shots/2017/08/23/545289168/abstinence-education-is-ineffective-and-unethical-report-argues> (last visited October 22, 2017).

³¹ Emily Moore, *Responding to High Rates of Sexually Transmitted Diseases in Miami-Dade County*, 17 EPI MONTHLY 4 (2016).

³² Daniel Chang, *South Florida Leads the Nation in New HIV Diagnoses, CDC Says*, MIAMI HERALD (December 6, 2016) <http://www.miamiherald.com/news/health-care/article119274813.html>.

³³ *Reproductive Health: Teen Pregnancy*, CENTER FOR DISEASE CONTROL AND PREVENTION, <https://www.cdc.gov/teenpregnancy/about/index.htm>.

III. Legal Analysis

The following UN declarations and treaties highlight mandates related to women's rights: (1) the Universal Declaration of Human Rights (UDHR), (2) the International Covenant on Civil and Political Rights (ICCPR), (3) the International Covenant on Economic, Social, and Cultural Rights (ICESCR), and (4) the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). These documents advocate:

- “the right to equal pay for equal work,”³⁴
- “the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant,”³⁵ and,
- “fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work.”³⁶

Although the United States has not ratified all of these covenants and conventions, it is a signatory to all and is therefore responsible for enacting laws and policies that align with the fundamental purpose of these international documents.

IV. Key Recommendations

Childcare: Legislation at all levels of government should be enacted to provide sliding scale childcare based on parents' income along with facilities that are open and available beyond the traditional “business” schedule. This includes pay for training and providing a living salary for all child care facility workers. The cost of training and paying childcare workers would be offset by the decreased cost of funding programs/services for children who are negatively impacted by not receiving appropriate childcare services.

Domestic Violence: The government should:

- Support more domestic violence awareness programs, including teen dating violence to educate young people on healthy relationships;
- Limit the ability of those individuals who have a history of domestic abuse to purchase guns;
- Provide more safe, affordable housing (both short- and long-term) for victims of domestic violence; and
- Determine and put in place alternative deterrents for domestic abusers other than incarceration.

Human Trafficking: The Miami-Dade Police Department should develop a classification system that distinguishes human trafficking dispatch calls from general sex offense dispatch calls

³⁴ Universal Declaration of Human Rights, Article 23.

³⁵ International Covenant on Civil and Political Rights, Article 3.

³⁶ International Covenant on Economic, Social, and Cultural Rights, Article 7.

in order to more accurately allocate funds for victims.³⁷ The foster care and juvenile systems need to teach self-worth, instill value in girls, and supply temporary financial support for young women aging out. Lastly, there should be increased penalties for traffickers and increased education and training for law enforcement.

Pay Equity: There needs to be increased awareness of pay inequity in our community. While the overall pay gap for women is approximately \$.89 vs. \$1.00 for their male counterparts, the numbers are even more staggering for minority women. Closing this gap will not only reduce the number of women living in poverty by 50%, it increases their buying power thus increasing overall economic development in Miami-Dade County.

Education: Education, whether college-bound, technical or vocational, needs to be strong, stimulating, excellent and accessible from the early ages. Building on the child care issue, all children need to be educated to achieve their maximum potential starting at Birth. Girls need to be afforded all opportunities to learn and receive training without being classified by gender. They need to be directed to careers in all fields, including fields that have been traditionally identified as “male” careers.

Affordable Housing & Transportation: Miami-Dade County must recognize its role in creating and perpetuating a lack of affordable housing and transportation, which is driving poverty. Housing and transportation authorities must prioritize these issues, putting solutions into place.

Right to Abortion: *Roe v. Wade* is still the law of the land, guaranteeing a woman’s right to an abortion. Nonetheless, long-standing roll-backs on abortion access disproportionately restrict poor women from claiming this right. Increased awareness of this hardship must continue and all efforts must be to protect these rights. Vigorous efforts must be made to provide these services outside these current barriers.

Sex Education: Comprehensive sex education needs to be provided to everyone regardless of gender. It needs to be age appropriate, medically accurate, presented in a safe learning environment by trained specialists, and inclusive of all gender identifications and expressions. Topics need to include human development, relationships, decision-making, contraception, and disease prevention. While abstinence-only programs have been proven not to be effective, programs that demonstrate to young girls that delayed child-bearing does permit them to attain a higher academic level, and ultimately increase their potential for financial success in life, have been proven effective.

³⁷ CEDAW AND THE STATUS OF WOMEN IN MIAMI DADE COUNTY, MIAMI-DADE COUNTY COMMISSION FOR WOMEN, December 6, 2016, <http://www.miamidade.gov/advocacy/library/2016-status-of-women-recommendations.pdf>.