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## Women's Interest Network

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## **Women's Interest Network**

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This article reviews significant legal and political developments impacting women internationally in 2018. Highlighted areas of interest include: legal empowerment, gender-based and sexual violence, sexual harassment and assault, human trafficking, peace and security measures for women, and international courts and tribunals.

### **I. Legal Empowerment**

2018 ushered in worldwide protests demanding equal political representation, pay, and rights for women in the second Women's March.<sup>1</sup> Women's movements such as #MeToo have led to hundreds of prominent figures across industries being accused of sexual harassment and abuse.<sup>2</sup> International and national-level agitation encouraged many governments to

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commit to gender equality through national and foreign policy creation and funding.<sup>3</sup>

**A. WOMEN'S REPRESENTATION IN POLITICAL LEADERSHIP**

Although gender parity in national parliaments remains a distant goal, progress continued in 2018 with women holding twenty-four percent of seats, globally.<sup>4</sup> Women also gained political representation in upper houses.<sup>5</sup> Additionally, five countries welcomed their first-ever female heads of state: Barbados,<sup>6</sup> Ethiopia,<sup>7</sup> Trinidad and Tobago,<sup>8</sup> Vietnam,<sup>9</sup> and Romania.<sup>10</sup> The U.S. saw record-breaking midterm elections, more than doubling women's representation in Congress.<sup>11</sup> Next year, the U.S. House of Representatives will hold the most women in its history.<sup>12</sup> Furthermore, several countries, including Ethiopia,<sup>13</sup> Colombia,<sup>14</sup> and Canada, gained gender parity in ministerial positions.<sup>15</sup>

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12. *Id.*

13. Paul Schemm, *In Ethiopian Leader's New Cabinet, Half the Ministers are Women*, WASH. POST (Oct. 16, 2018), [https://www.washingtonpost.com/world/africa/ethiopias-reformist-leader-inaugurates-new-cabinet-half-of-the-ministers-women/2018/10/16/b5002e7a-d127-11e8-b2d2-f397227b43f0\\_story.html?noredirect=on&utm\\_term=.4cbef556849c](https://www.washingtonpost.com/world/africa/ethiopias-reformist-leader-inaugurates-new-cabinet-half-of-the-ministers-women/2018/10/16/b5002e7a-d127-11e8-b2d2-f397227b43f0_story.html?noredirect=on&utm_term=.4cbef556849c).

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**B. LEGAL EQUALITY IN CONSTITUTIONS AND LAWS**

While the United Nations' (U.N.) 2030 Agenda for Sustainable Development has been approved by the U.N.'s 193 Member States, only ten Member States recognize gender equality as an issue across all seventeen of the Sustainable Development Goals (SDGs).<sup>16</sup> The SDGs address a wide range of issues including the eradication of poverty, reduction of inequalities, end of conflict, sustainable peace, and climate change, with SDG 5 focusing specifically on gender equality.<sup>17</sup> No country has achieved gender equality; it is estimated that it will take 217 years to achieve global economic gender equality assuming progress continues at its current rate.<sup>18</sup>

*1. Right to Economic and Social Equality*

Globally, men are paid significantly more than women for equal work.<sup>19</sup> In 2018, leaders from governments, civil society, trade unions, and private sector companies worldwide pledged to close the twenty-percent-less-than-men gender pay gap by 2030 at the Equal Pay International Coalition held during the U.N. General Assembly.<sup>20</sup> At the Coalition, the President of Iceland committed to implement the Law on the Equal Pay Certification, a first-of-its-kind legislation.<sup>21</sup>

Socially, while Saudi Arabia began issuing driver's licenses to women in June, it also arrested and continued to detain feminist activists who previously protested for a woman's right to drive.<sup>22</sup> Additionally, Saudi

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16. See U.N. Entity for Gender Equal. and the Empowerment of Women [U.N. Women], *Turning Promises into Action: Gender Equality in the 2030 Agenda for Sustainable Development*, at 24, 38 (2018), <http://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2018/sdg-report-gender-equality-in-the-2030-agenda-for-sustainable-development-2018-en.pdf?la=en&vs=4332>.

17. See *id.* at 24, 27.

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19. See *Press release: Global leaders and companies pledge to reduce the gender pay gap by 2030*, U.N. WOMEN (Sept. 26, 2018), <http://www.unwomen.org/en/news/stories/2018/9/press-release-equal-pay-international-coalition-pledging-event>.

20. *Id.*

21. *Id.*

22. See Margaret Coker, *Saudi Women Can Drive, but Here's the Real Roadblock*, N.Y. TIMES (June 22, 2018), <https://www.nytimes.com/2018/06/22/world/middleeast/saudi-arabia-women-driving.html>; Samah Hadid, *Saudi Arabia: Outrageous Ongoing Detention of Women's Rights Defenders Reaches 100 Days*, AMNESTY INT'L (Aug. 23, 2018), <https://www.amnesty.org/en/latest/news/2018/08/saudi-arabia-outrageous-ongoing-detention-of-women-rights-defenders-reaches-100-days/>; Lynn Maalouf, *Saudi Arabia: Reports of Torture and Sexual Harassment of Detained Activists*, AMNESTY INT'L (Nov. 20, 2018), <https://www.amnesty.org/en/latest/news/2018/11/saudi-arabia-reports-of-torture-and-sexual-harassment-of-detained-activists/>.

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Arabia continued its restrictive guardianship system, through which women are dependents of male relatives.<sup>23</sup>

Over ten million individuals are considered stateless.<sup>24</sup> U.N. Women, the U.N. High Commissioner for Refugees (UNHCR), and the U.N. Children's Fund (UNICEF) called for a reduction in gender inequality in nationality laws, which, in part, drives statelessness.<sup>25</sup> In over fifty countries, women are denied equal rights with respect to their own nationality.<sup>26</sup> Additionally, nationality laws in twenty-five countries do not allow women to confer their nationality to their children under the same conditions as men.<sup>27</sup>

## 2. *Marriage Rights*

Marriage inequalities persist internationally.<sup>28</sup> Despite U.N. SDGs, some countries still allow girls younger than the age of 18 to marry.<sup>29</sup> Senator Sherry Rehman of Pakistan submitted a bill to end child marriage.<sup>30</sup> Similarly, the UK Parliament introduced a bill to ban child marriage in England and Wales.<sup>31</sup>

Same-sex marriage remains a topic of debate. Cuba's legislature considered modifying its constitution to recognize same-sex marriage.<sup>32</sup> In Taiwan, the battle over same-sex marriage continued despite last year's ruling from the country's highest court in favor of same-sex marriage.<sup>33</sup> The government of Bermuda is appealing last year's Supreme Court decision

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23. See Coker, *supra* note 22.

24. See Inst. on Statelessness and Inclusion [ISI], *Statelessness in Numbers 2018: An Overview and Analysis of Global Statistics*, 1 (June 2018), [https://www.institutesi.org/ISI\\_statistics\\_analysis\\_2018.pdf](https://www.institutesi.org/ISI_statistics_analysis_2018.pdf).

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26. See *id.*

27. See *id.*

28. See Lucy Westcott, *Child Marriages, Less Pay: The World for Women is Still Unequal*, NEWSWEEK (Mar. 9, 2015), <https://www.newsweek.com/gender-gaps-persist-most-worlds-countries-312203>.

29. See U.N. Sustainable Dev. Sol. Network [SDSN], Indicators and a Monitoring Framework: Launching a Data Revolution for the SDGs, <http://indicators.report/targets/5-3/> (last visited Apr. 16, 2019).

30. The Child Marriage Restraint (Amendment) Bill, 2014 (withdrawn Jan. 14, 2016) (Pak.), available at [http://www.na.gov.pk/uploads/documents/1397730973\\_450.pdf](http://www.na.gov.pk/uploads/documents/1397730973_450.pdf); see Saroop Ijaz, *Time to End Child Marriage in Pakistan*, HUMAN RIGHTS WATCH (Nov. 9, 2018), <https://www.hrw.org/news/2018/11/09/time-end-child-marriage-pakistan>.

31. See Heather Barr, *Ending Child Marriage in the United Kingdom*, HUMAN RIGHTS WATCH (Sept. 6, 2018), <https://www.hrw.org/news/2018/09/06/ending-child-marriage-united-kingdom>.

32. See *Cuba's Legislature Considers Same-Sex Marriage*, HAVANA TIMES (July 22, 2018), <https://havanatimes.org/?p=136268>.

33. See Catherine Shu, *As Taiwan Prepares to Vote on LGBTQ Issues, a Homophobic Group is Running ads before Kid Videos on YouTube*, TECHCRUNCH (Nov. 22, 2018), <https://techcrunch>

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declaring a ban on same-sex marriage unconstitutional.<sup>34</sup> The Costa Rica Supreme Court declared a law prohibiting same-sex marriage unconstitutional and gave lawmakers eighteen months to extend marriage rights to same-sex couples.<sup>35</sup>

### 3. *Right to Health*

The Human Rights Committee of the U.N. Office of the High Commissioner for Human Rights(OHCHR) called for decriminalizing abortion in its “General comment No. 36 (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to life.”<sup>36</sup> It deemed criminalization of abortion inherently in conflict with the right to life.<sup>37</sup> The “comment” urges governments to provide legal and safe access to abortion if the woman’s life is in danger, if carrying to term would cause pain and suffering, in cases of rape or incest, or, if the pregnancy is not viable.<sup>38</sup> The Human Rights Committee also called on governments not to further restrict abortion rights.<sup>39</sup>

In Argentina, the Senate rejected a bill to decriminalize abortion until fourteen weeks of pregnancy; under current law, abortion is legal only if a woman’s health is in jeopardy or in the case of rape.<sup>40</sup> Poland allows abortion only if the woman’s life is in danger, in cases of rape, or due to fetal abnormality; a proposed a bill would remove the last exception.<sup>41</sup> Norway, one of the most liberal countries in Europe, is contemplating tightening its abortion laws.<sup>42</sup>

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.com/2018/11/22/as-taiwan-prepares-to-vote-on-lgbtq-issues-a-homophobic-group-is-running-ads-before-kid-videos-on-youtube/.

34. See Esan Swan, *Bermuda Government Fights against Same-Sex Marriage in Court of Appeal*, CNN (last updated Nov. 8, 2018), <https://www.cnn.com/2018/11/08/world/bermuda-government-same-sex-marriage-appeal/index.html>.

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36. U.N. Office of the High Comm’r for Human Rights [OHCHR], General comment No. 36 (2018) on Article 6 of the International Covenant on Civil and Political Rights, on the right to life, U.N. Doc. CCPR/C/GC/36 (Oct. 30, 2018), [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1\\_Global/CCPR\\_C\\_GC\\_36\\_8785\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/CCPR_C_GC_36_8785_E.pdf).

37. *Id.* at 2.

38. *Id.*

39. *See id.*

40. *See Argentina: Pass Law to Legalize Abortion*, HUMAN RIGHTS WATCH (Aug. 8, 2018), <https://www.hrw.org/news/2018/08/08/argentina-pass-law-legalize-abortion>; *see also* Anthony Faiola & Max Radwin, *Argentina’s Senate Rejects Bill Legalizing Abortion During the first 14 Weeks of a Pregnancy*, WASH. POST (Aug. 9, 2018), [https://www.washingtonpost.com/world/the\\_american\\_showdown-in-argentina-over-the-broad-legalization-of-abortion/2018/08/08/a07d4c44-9699-11e8-818b-e9b7348cd87d\\_story.html?utm\\_term=.4fce3bd4498c](https://www.washingtonpost.com/world/the_american_showdown-in-argentina-over-the-broad-legalization-of-abortion/2018/08/08/a07d4c44-9699-11e8-818b-e9b7348cd87d_story.html?utm_term=.4fce3bd4498c).

41. *See Poland Abortion: Protests Against bill Imposing new Limits*, BBC NEWS (Mar. 26, 2018), <https://www.bbc.com/news/world-europe-43514965>.

42. *See* Lisbeth Kirk, *Norway Plays Politics with Abortion Laws*, EUOBSERVER (Oct. 30, 2018), <https://euobserver.com/news/143242>.

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Conversely, Ireland intends to increase abortion rights after a landslide referendum to repeal its Eighth Amendment.<sup>43</sup> Previously, a woman and her unborn child had an equal right to life under the Irish Constitution, permitting abortion only if the woman's life was in danger.<sup>44</sup> As well, under Indonesian law, abortion is illegal except in circumstances such as rape, and it must be carried out within six weeks.<sup>45</sup> Nevertheless, the High Court of Jambi released a woman convicted under this law even though she had her abortion at seven months.<sup>46</sup>

International efforts to eliminate female genital mutilation/cutting (FGM) have continued, such as with the United Nations' Zero Tolerance Day, and a U.N. call to criminalize FGM.<sup>47</sup> In Somalia, although no criminal legislation specific to FGM exists,<sup>48</sup> the Attorney General has announced the first prosecution for FGM following the death of a ten-year-old girl.<sup>49</sup>

In response to the massive defunding of the U.N. Population Fund (UNFPA) and non-governmental health service providers by the expanded U.S. Global Gag Rule of 2017,<sup>50</sup> the EU donated €2 million to UNFPA to grant access to contraceptives to women in Yemen,<sup>51</sup> and the UK invested £200 million in its new Women's Integrated Sexual Health program to help women in Africa and Asia access contraceptives.<sup>52</sup>

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43. See *Eighth Amendment Repealed as Irish President Signs bill into law*, BBC NEWS (Sept. 18, 2018), <https://www.bbc.com/news/world-europe-45568094>.

44. Constitution of Ireland 1937 amend. 8, <http://www.irishstatutebook.ie/eli/1983/ca/8/enacted/en/html>.

45. See Amnesty Int'l, *Indonesia: Release 15-year-old Rape Survivor Jailed for Abortion*, AI Index ASA 21/8852/2018 (July 31, 2018), <https://www.amnesty.org/download/Documents/ASA2188522018ENGLISH.pdf>.

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48. See Emma Batha, *Somalia Announces First Prosecution for Female Genital Mutilation*, REUTERS (July 25, 2018), <https://www.reuters.com/article/us-somalia-fgm-prosecution/somalia-announces-first-prosecution-for-female-genital-mutilation-idUSKBN1KF2JE>.

49. See U.N. Population Fund [UNFPA], *Somalia Announces First Prosecution for FGM* (July 31, 2018), <https://somalia.unfpa.org/en/news/somalia-announces-first-prosecution-fgm>.

50. See *Trump's 'Mexico City Policy' or 'Global Gag Rule': Questions and Answers*, HUMAN RIGHTS WATCH (last updated Feb. 8, 2018), <https://www.hrw.org/news/2018/02/14/trumps-mexico-city-policy-or-global-gag-rule>.

51. See *Press Release: European Union supports reproductive health and protection services for women and girls in Yemen with funding to UNFPA*, U.N. POPULATION FUND (Sept. 19, 2018), <https://www.unfpa.org/press/european-union-supports-reproductive-health-and-protection-services-women-and-girls-yemen>.

52. See *Press release: UK announces major investments in future of African youth through education and voluntary family planning*, GOV.UK (Aug. 30, 2018), <https://www.gov.uk/government/news/uk-announces-major-investments-in-future-of-african-youth-through-education-and-voluntary-family-planning>; see also Liz Ford, *UK Gives 'Landmark' £200m to Improve Contraceptive Access in Africa and Asia*, GUARDIAN (Nov. 13, 2018), <https://www.theguardian>

## **II. Gender-Based and Sexual Violence, Sexual Harassment and Assault**

The 2018 Nobel Peace Prize went to Congolese physician Denis Mukwege and Yazidi sexual-slavery survivor and activist Nadia Murad “for their efforts to end the use of sexual violence as a weapon of war and armed conflict.”<sup>53</sup> Murad’s attorney, Amal Clooney, said the Prize “sends a message that survivors of sexual violence must not be ignored, and that their abusers must be held to account.”<sup>54</sup>

Gender-based and sexual violence is a “global pandemic” affecting thirty-five percent of women and knows no social, geographic, or economic boundaries;<sup>55</sup> it includes sexual harassment and assault.<sup>56</sup> In conflict-heavy regions, violence increases as conflicts worsen—and women and girls pay the heaviest price; women and girls account for seventy-five percent of those displaced by conflict.<sup>57</sup> In Yemen, considered the world’s worst humanitarian crisis, three million women and girls are at risk of gender-based and sexual violence.<sup>58</sup>

### **A. SEXUAL HARASSMENT**

Though the #MeToo movement began in the United States, it spread throughout the world as #BalanceTonPorc (France),<sup>59</sup> #QuellaVoltaChe (Italy),<sup>60</sup> #YoTambien (Spain),<sup>61</sup> and #AnaKaman (Arabic-speaking

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.com/global-development/2018/nov/13/uk-gives-landmark-200m-to-improve-contraceptive-access-in-africa-and-asia.

53. *The Nobel Peace Prize 2018*, THE NOBEL PEACE PRIZE (Oct. 5, 2018), <https://www.nobelpeaceprize.org/The-Nobel-Peace-Prize-2018>.

54. *The Latest: Lawyer Clooney Says Client’s Nobel Sends Message*, AP NEWS (Oct. 5, 2018), <https://www.apnews.com/f6d1084cd6e0420f853aab7031be5ab6>.

55. *Gender-Based Violence (Violence Against Women and Girls)*, WORLD BANK (Oct. 5, 2018), <http://www.worldbank.org/en/topic/socialdevelopment/brief/violence-against-women-and-girls>.

56. See Eur. Consult. Ass., *Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Abuse*, Doc. No. 210 (2011).

57. See U.N. Population Fund [UNFPA], *Leaders Demand Protection for Women and Girls Affected by Conflict* (Sept. 28, 2018), <https://www.unfpa.org/news/leaders-demand-protection-women-and-girls-affected-conflict>.

58. *Id.*; see Neha Wadekar, *Women Want to Put Yemen Back Together Again*, FOREIGN POL’Y (Nov. 27, 2018), <https://foreignpolicy.com/2018/11/27/women-want-to-put-yemen-back-together-again/#>.

59. Rachel Donadio, *BalanceTonPorc Is France’s #MeToo*, ATLANTIC (Oct. 18, 2017), <https://www.theatlantic.com/international/archive/2017/10/the-weinstein-scandal-seen-from-france/543315/>.

60. *Id.*

61. Karla Adam & William Booth, *A Year After it Began, has #MeToo Become a Global Movement?*, WASH. POST (Oct. 5, 2018), [https://www.washingtonpost.com/world/a-year-after-it-began-has-metoo-become-a-global-movement/2018/10/05/1fc0929e-c71a-11e8-9c0f-2ffaf6d422aa\\_story.html?utm\\_term=.23422b4e1d58](https://www.washingtonpost.com/world/a-year-after-it-began-has-metoo-become-a-global-movement/2018/10/05/1fc0929e-c71a-11e8-9c0f-2ffaf6d422aa_story.html?utm_term=.23422b4e1d58).

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countries).<sup>62</sup> These hashtags unified victims, amplified their voices, and empowered them to publicly accuse their abusers and hold them responsible.<sup>63</sup> However, in regions like Russia,<sup>64</sup> sub-Saharan Africa, and China, the impact of the movement has been more modest due to government opposition, cultural sexism, and resistance to perceived “American influence.”<sup>65</sup>

In the U.S., Time’s Up, a legal defense fund administered by the National Women’s Law Center, was formed to help cover costs for victims of sexual harassment or related retaliation in the workplace.<sup>66</sup> Google, Facebook, and Microsoft announced that they were ending mandatory arbitration for claims of sexual harassment in the workplace, in part because the confidential nature of arbitration silences victims and protects their abusers from scrutiny or repercussions.<sup>67</sup>

1. *Domestic Sexual Harassment Laws*

While sexual harassment awareness has increased, gaps in the law remain.<sup>68</sup> Several states in the U.S. (Arizona, Maryland, New York, Tennessee, Vermont, and Washington) have passed laws restricting the use of nondisclosure agreements in employment agreements and settlement of sexual harassment claims in the workplace.<sup>69</sup> Four of these states (Maryland, New York, Vermont, and Washington) also have limited mandatory arbitration for workplace-related claims.<sup>70</sup>

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62. *Id.*

63. See *Behind Closed Doors: American Business and #MeToo*, *ECONOMIST* (Sept. 27, 2018), <https://www.economist.com/business/2018/09/27/american-business-and-metoo>.

64. Hayes Brown, *This #MeToo Moment Is Tearing The Russian Internet Apart*, *BUZZFEED NEWS* (Nov. 9, 2018), <https://www.buzzfeednews.com/article/hayesbrown/this-metoo-moment-is-tearing-the-russian-internet-apart>.

65. See David Crary, *For #MeToo Movement, a Mixed Reception in Nations Outside US*, *AP NEWS* (Mar. 6, 2018), <https://www.apnews.com/e16f5ff6c97e438b92b4ef4a80a24197>.

66. See *History*, *TIME’S UP*, <https://www.timesupnow.com/history> (last visited Apr. 15, 2019).

67. See Jena McGregor, *Google and Facebook Ended Forced Arbitration for Sexual Harassment Claims. Why more Companies Could Follow*, *WASH. POST* (Nov. 12, 2018), [https://www.washingtonpost.com/business/2018/11/12/google-facebook-ended-forced-arbitration-sex-harassment-claims-why-more-companies-could-follow/?utm\\_term=.beece0a67290](https://www.washingtonpost.com/business/2018/11/12/google-facebook-ended-forced-arbitration-sex-harassment-claims-why-more-companies-could-follow/?utm_term=.beece0a67290).

68. See Maya Raghu, *We Can’t Stop Sexual Harassment Without Addressing Retaliation*, *NAT’L WOMEN’S L. CTR.* (Jan. 23, 2018), <https://nwlc.org/blog/we-cant-stop-sexual-harassment-without-addressing-retaliation/>.

69. See *2018 Legislation on Sexual Harassment in the Legislature*, *NAT’L CONF. OF ST. LEG.* (Feb. 11, 2019), <http://www.ncsl.org/research/about-state-legislatures/2018-legislative-sexual-harassment-legislation.aspx>; see also *States Move to Limit Workplace Confidentiality Agreements*, *CBS NEWS* (Aug. 27, 2018), <https://www.cbsnews.com/news/states-move-to-limit-workplace-confidentiality-agreements/>.

70. See Porter Wells, *States Take Up #MeToo Mantle in Year After Weinstein*, *BLOOMBERG L.* (Oct. 3, 2018), <https://www.bna.com/states-metoo-mantle-n73014482949/>.

2. *Regional and International Sexual Harassment Laws*

The 107th Session of the International Labour Conference (ILC) took place in 2018, following the release of a report issued by the International Labour Organization (ILO) titled “Ending Violence and Harassment in the World of Work.”<sup>71</sup> The report was “intended to facilitate the standard-setting discussion of violence and harassment against men and women in the world of work at the [2018 ILC].”<sup>72</sup> The report analyzed the regulatory frameworks of eighty countries, examining the issue of violence and harassment in the workplace.<sup>73</sup> Researchers examined the policies, legislation, agreements, and other initiatives within these countries to provide a repository of information on the laws and practices across the world concerning violence and harassment in the workplace.<sup>74</sup> This was the first time that the issue of workplace violence and harassment has been considered within the ILO from a standard-setting perspective, and it was also the first time that the ILC held discussions on the possibility of setting new standards to put an end to workplace violence and harassment.<sup>75</sup>

The ILO’s report informed the ILC’s discussions on the issue by highlighting the lack of clarity in key definitions and scope of coverage, the lack of an instrument consistent with national circumstances, the lack of control employers have in preventing violence and harassment in the workplace, and the need to deal with gender-based violence.<sup>76</sup> The clear consensus throughout the report was the need for an inclusive and integrated approach to tackle the issues identified.<sup>77</sup>

B. ELIMINATION OF VIOLENCE AGAINST WOMEN

In December, the EU and the U.N. approved €260 million in funding for the “Spotlight Initiative” program, in an effort to eliminate all forms of violence against women and girls. The “total investment across the 13 countries is the largest commitment of its kind, ever.”<sup>78</sup> The program will launch campaigns targeted at “addressing sexual and gender-based violence, child marriage, female genital mutilation and their linkages to sexual and

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71. ILO, *Ending Violence and Harassment against Men and Women in the World of Work*, ILC/107/V/1 (2017), [https://www.ilo.org/ilc/ILCSessions/107/reports/reports-to-the-conference/WCMS\\_553577/lang-en/index.htm](https://www.ilo.org/ilc/ILCSessions/107/reports/reports-to-the-conference/WCMS_553577/lang-en/index.htm); *Ending Violence and Harassment in the World of Work*, ILC/107/V/2 (2018), [https://www.ilo.org/ilc/ILCSessions/107/reports/reports-to-the-conference/WCMS\\_619730/lang-en/index.htm](https://www.ilo.org/ilc/ILCSessions/107/reports/reports-to-the-conference/WCMS_619730/lang-en/index.htm). The 2018 report was issued in response to the questionnaire contained in the 2017 report.

72. *Ending Violence and Harassment in the World of Work*, *supra* note 71, ¶ 12.

73. *Id.*

74. *Id.* ¶ 12.

75. *Id.*

76. *Ending Violence and Harassment against Men and Women in the World of Work*, *supra* note 71, at 3, 5, 10.

77. *Supra* note 72.

78. *Supra* note 72.

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reproductive health access”<sup>79</sup> in Africa, and “femicide”<sup>80</sup> in Latin America, a region where twelve women, on average, are murdered every day.<sup>81</sup> The Initiative will work closely with U.N. agencies, civil society, and the governments of the thirteen program countries selected to focus on reaching women and girls most at risk of violence by tackling legislative and policy gaps, fostering gender-equitable attitudes, and “providing high-quality interventions that can save women and girls’ lives.”<sup>82</sup>

1. *Domestic Violence as a Criminal Offense*

In the past year, the Committee on the Elimination of Discrimination Against Women (CEDAW) has continued to urge countries to promote, advance, and protect women’s rights by “confronting sexual violence,” and to expand legislation to include domestic violence as a criminal offense.<sup>83</sup> In Liberia, an executive order issued by President Ellen Johnson Sirleaf temporarily outlawed domestic violence and FGM; however, the legislature declined to ratify the order, which is set to expire in January of 2019.<sup>84</sup> Italy passed a law that extends a right to legal representation for both civil and criminal matters to minor orphans affected by domestic violence.<sup>85</sup> The Kingdom of Eswatini passed the country’s first law criminalizing domestic violence.<sup>86</sup> But forty-nine countries have no laws that specifically protect women from such violence.<sup>87</sup>

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79. Press Release, EU and UN Green-Light €260 Million to Save Women’s Lives in 13 Countries, SPOTLIGHT INITIATIVE (Dec. 14, 2018), <http://spotlightinitiative.org/EU-and-UN-green-light-260-million-to-save-womens-lives-in-13-countries.html>.

80. “Femicide is when a woman or girl falls victim to an attack and is killed merely because of her gender.” European Commission Memorandum MEMO/18/5904, Questions and Answers: EU-UN Spotlight Initiative to Eliminate Violence Against Women and Girls (Feb. 26, 2019); see European Commission Press Release IP/18/5906, European Union and United Nations Join Forces to end Femicide in Latin America Under the Spotlight Initiative (Sept. 27, 2018).

81. European Commission Press Release IP/18/5906, *supra* note 80.

82. Press Release, Spotlight Initiative: European Union and United Nations Join Forces to end Violence Against Women in Latin America, UNDP IN LATIN AMERICA AND THE CARIBBEAN (Sept. 27, 2018), <http://www.latinamerica.undp.org/content/rblac/en/home/presscenter/pressreleases/2018/spotlight-initiative—european-union-and-united-nations-join-for.html>.

83. The Office of the High Comm’r on Human Rights, Rep. of the Comm. on the Elimination of Discrimination against Women, U.N. Doc. A/73/38, at 39, 41 – 42 (Mar. 29, 2018).

84. Hanibal Goitom, *Liberia: Temporary Ban on Domestic Violence, Including Female Genital Mutilation*, L. LIBRARY OF CONG. (Jan. 31, 2018), <http://www.loc.gov/law/foreign-news/article/liberia-temporary-ban-on-domestic-violence-including-female-genital-mutilation/>.

85. Dante Figueroa, *Italy: Protection of Minors Orphaned by Domestic Violence*, L. LIBRARY OF CONG. (Feb. 28, 2018), <http://www.loc.gov/law/foreign-news/article/italy-protection-of-minors-orphaned-by-domestic-violence/>.

86. *Eswatini: New law on Sexual and Domestic Violence a Vital Achievement and Opportunity for Change*, INT’L COMM. OF JURISTS (July 19, 2018), <https://www.icj.org/eswatini-new-law-on-sexual-and-domestic-violence-a-vital-achievement-and-opportunity-for-change/>.

87. U.N., Goal 5: Achieve Gender Equality and Empower all Women and Girls, <https://www.un.org/sustainabledevelopment/gender-equality/>.

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This year, Brazil's National Council of Justice and Federal Council of Psychology "signed a protocol of intentions to give psychological assistance to women who have been subjected to domestic and family violence, as well as to their dependents."<sup>88</sup> Similarly, New Zealand's Parliament passed a law granting victims of domestic violence, upon request, up to two months of a work variation schedule to cope with the effects of domestic violence; employers have a period of ten days to comply with the request.<sup>89</sup> Although at least 144 countries have passed some type of laws on domestic violence and 154 have laws on sexual harassment, more remains to be done to ensure that countries are compliant with international standards, that they support victims of violence, and that they adequately enforce existing laws.<sup>90</sup>

## 2. *Online Abuse and Violence*

As online harassment, stalking, threats, and extortion have become more prevalent, the United Nations Human Rights Council (UNHRC) called on states to take immediate and effective action to prevent all forms of violence against women and girls, including in digital contexts.<sup>91</sup> Specifically, the UNHRC reaffirms that the rights against abuse and harassment that people have offline must also be protected online.<sup>92</sup>

According to a report by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs, twenty percent of young women in the EU have experienced online sexual harassment, and fourteen percent of women have experienced cyberstalking since the age of fifteen.<sup>93</sup> An Amnesty International study also found that violence on online social media platforms, and Twitter in particular, leads women to censor their posts, limits their interactions with others on the site, and may even drive women away from the platforms completely.<sup>94</sup> The U.N. CEDAW found that adolescent girls are more than twice as likely to be both victims and perpetrators of cyberbullying, which takes the form of name-calling, rumors,

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88. Eduardo Soares, *Brazil: National Council of Justice and Federal Council of Psychology Sign Protocol of Intentions to Help Victims of Violence*, L. LIBRARY OF CONG. (July 11, 2018), <http://www.loc.gov/law/foreign-news/article/brazil-national-council-of-justice-and-federal-council-of-psychology-sign-protocol-of-intentions-to-help-victims-of-violence/>.

89. Domestic Violence—Victims' Protection Act 2018, pt 6AB (N.Z.).

90. *Facts and Figures: Ending Violence Against Women*, U.N. WOMEN (last updated Nov. 2018), <http://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures>.

91. G.A. Res. 38/L.6, U.N. Doc. A/HRC/38/L.6 (July 2, 2018), *available at* <https://undocs.org/A/HRC/38/L.6>.

92. *Id.*

93. *Cyber Violence and Hate Speech Online Against Women*, POL'Y DEP'T FOR CITIZENS' RIGHTS & CONST. AFFAIRS: DIRECTORATE GEN. FOR INTERNAL POLICIES OF THE E.U. (Sept. 2018), *available at* [http://www.europarl.europa.eu/RegData/etudes/STUD/2018/604979/IPOL\\_STU\(2018\)604979\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2018/604979/IPOL_STU(2018)604979_EN.pdf).

94. *#ToxicTwitter, Violence and Abuse Against Women Online*, AMNESTY INT'L (2017), *available at* <https://www.amnestyusa.org/wp-content/uploads/2018/03/Toxic-Twitter.pdf>.

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threats, disclosure of confidential information, images and videos, revenge porn, sexual harassment and sexual advances, often from strangers.<sup>95</sup>

The U.N. Special Rapporteur on violence against women cautioned that the problem should be viewed from a human rights perspective.<sup>96</sup> In response, the UNHRC adopted a resolution promoting the protection and enjoyment of human rights on the internet, condemning online attacks against women, and calling upon Member States to ensure accountability for gender-based violence “committed against persons for exercising their human rights and fundamental freedoms on the Internet . . . .”<sup>97</sup>

### 3. *Regional Instruments and Guidelines*

In Latin America, the 1994 Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Belém do Pará Convention) is the principal treaty for tackling harassment and other forms of violence against women.<sup>98</sup> Thirty-two out of the thirty-five Member States of the Organization of American States (OAS) have ratified the Belém do Pará Convention and three have neither signed nor ratified it.<sup>99</sup> Under the Belém do Pará Convention, the Follow-up Mechanism to the Belém do Pará Convention (MESECVI) monitors the implementation of the treaty by its parties.<sup>100</sup> MESECVI’s Third Multilateral Evaluation Round is ongoing and scheduled to be completed in 2020.<sup>101</sup> The

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95. U.N. Office of the High Comm’r on Human Rights, U.N. Doc. CEDAW/C/GC/36, ¶ 70 (Nov. 27, 2017), available at <https://undocs.org/CEDAW/C/GC/36>.

96. See G.A. Res. 38/47, U.N. Doc. A/HRC/38/47 (June 18, 2018), available at <https://undocs.org/A/HRC/38/47>.

97. G.A. Res. 38/7, U.N. Doc. A/HRC/38/L.10/Rev. 1, at 10-11 (Jul. 4, 2018), available at [ap.ohchr.org/documents/E/HRC/d\\_res\\_dec/A\\_HRC\\_38\\_L10\\_rev1.docx](http://ap.ohchr.org/documents/E/HRC/d_res_dec/A_HRC_38_L10_rev1.docx).

98. See *Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women*, DEPT. OF INT’L L., ORG. OF AM. STATES (June 9, 1994), <http://www.oas.org/juridico/english/treaties/a-61.html> [hereinafter *Belém do Pará Convention*]; see also, *Regional Tools to Fight Violence Against Women: the Belém do Pará and Istanbul Conventions*, ORG. OF AM. STATES & COUNCIL OF EUR. (Feb. 2014), <http://www.oas.org/en/mesecvi/docs/MESECVI-CoE-CSWPub-EN.pdf> [hereinafter *Regional Tools*].

99. See *Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women: Signatories Table*, ORG. OF AM. STATES, <http://www.oas.org/en/mesecvi/docs/Signatories-Table-EN.pdf>.

100. See *What is MESECVI?*, ORG. OF AM. STATES, <http://www.oas.org/en/mesecvi/about.asp> (last visited Apr. 16, 2019).

101. See *Third Hemispheric Report on the Implementation of the Belém do Pará Convention: Prevention of Violence Against Women in the Americas: Paths to Follow*, ORG. OF AM. STATES (2017), <http://www.oas.org/en/mesecvi/docs/TercerInformeHemisferico-EN.pdf>; see also *National Reports*, ORG. OF AM. STATES, <http://www.oas.org/en/mesecvi/nationalreports.asp> (last visited Apr. 16, 2018); see also *National Reports on the Implementation of the Belém do Pará Convention*, ORG. OF AM. STATES, <http://www.oas.org/en/mesecvi/NationalReportsThirdRound.asp> (last visited Apr. 16, 2018); and see also *Sistema de Indicadores: Tercera Ronda de Evaluación Multilateral*, MECANISMO DE SEGUIMIENTO DE LA CONVENCIÓN DE BELÉM DO PARÁ (2018), <http://www.oas.org/es/mesecvi/docs/MESECVI-CE-ESP-IndicadoresTerceraRonda.pdf>.

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MESECVI has developed a comprehensive Model Law to prevent, punish, and eradicate femicide.<sup>102</sup> This Model Law was adopted during the 15th Meeting of the MESECVI's Committee of Experts in December 2018.<sup>103</sup>

In Europe, the 2011 Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) is the principal instrument for addressing violence against women.<sup>104</sup> Forty-five out of the forty-seven Council of Europe Member States have signed the Istanbul Convention, thirty-three have ratified it, and two have neither signed nor ratified it.<sup>105</sup> During 2018, one country signed the Istanbul Convention, six ratified it, and the Convention entered into force in nine countries.<sup>106</sup> Under the Istanbul Convention, the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) monitors the implementation of the treaty by its parties.<sup>107</sup> GREVIO received reports from four countries, visited two of those countries in addition to two others, and issued recommendations for another four countries.<sup>108</sup>

July marked the fifteenth anniversary of the adoption of the Maputo Protocol by the Assembly of the African Union.<sup>109</sup> Forty-nine out of the fifty-five African Union Member States have signed the Maputo Protocol, forty have ratified it, and six have neither signed nor ratified it.<sup>110</sup> During 2018, only Tunisia ratified the Protocol.<sup>111</sup> The African Union Member States continued to work on universal ratification and domestication of the

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102. *Report of the Platform of Independent International and Regional Mechanisms on Violence Against Women And Women's Rights*, U.N. OFFICE OF THE HIGH COMM'R ON HUMAN RIGHTS (Oct. 2, 2018), <https://www.ohchr.org/Documents/Issues/Women/SR/ReportColorado2Oct2018.pdf>.

103. *See id.*; *see OAS Semi-Annual Resource Management and Performance Report from January 1 to December 31, 2018, Main Programmatic Results by Chapter* (Dec. 31, 2018), available at [http://www.oas.org/saf/SAF/2018-Dec/Eng/Prog\\_results-Dec-18-ENG.pdf](http://www.oas.org/saf/SAF/2018-Dec/Eng/Prog_results-Dec-18-ENG.pdf).

104. *See Convention on Preventing and Combating Violence Against Women and Domestic Violence: Treaty 210*, COUNCIL OF EUR., (May 5, 2011), <https://rm.coe.int/168008482e> [hereinafter *Istanbul Convention*]; *see also Regional Tools*, *supra* note 98.

105. *See Chart of Signatories and Ratifications of Treaty 210*, COUNCIL OF EUR., [https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures?p\\_auth=C4Rjbe9C](https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures?p_auth=C4Rjbe9C) (last visited Apr. 16, 2019).

106. *See id.*

107. *About GREVIO – Group of Experts on Action Against Violence against Women and Domestic Violence*, COUNCIL OF EUR., <https://www.coe.int/en/web/istanbul-convention/grevio> (last visited Apr. 16, 2019).

108. *See Country-Monitoring Work*, COUNCIL OF EUR., <https://www.coe.int/en/web/istanbul-convention/country-monitoring-work> (last visited Apr. 16, 2019).

109. *See Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa*, AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS, (July 11, 2003), [http://www.achpr.org/files/instruments/women-protocol/achpr\\_instr\\_proto\\_women\\_eng.pdf](http://www.achpr.org/files/instruments/women-protocol/achpr_instr_proto_women_eng.pdf).

110. *See Ratification Table: Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa*, AFRICAN COMM'N. ON HUMAN RIGHTS AND PEOPLES' RIGHTS, <http://www.achpr.org/instruments/women-protocol/ratification/> (last visited Apr. 16, 2019).

111. *See id.*

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Protocol by 2020, the objective adopted with the launch of the African Women's Decade in 2009.<sup>112</sup>

The African Court of Human and Peoples' Rights issued its first ruling concerning the Maputo Protocol in *Association Pour le Progrès et la Défense des Droits des Femmes Maliennes (A.P.D.F.) and the Institute of Human Rights and Development in Africa (I.H.R.D.A.) v. Republic of Mali*.<sup>113</sup> The Court found that Mali had violated specific provisions of the Maputo Protocol and other international treaties and ordered Mali to amend the Family Code to bring it in line with international human rights standards.<sup>114</sup>

In Southeast Asia, the debate continued as to how far the Association of Southeast Asian Nations (ASEAN) Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) can go in promoting human rights and fundamental freedoms of women in the ASEAN region and the full implementation of CEDAW across all ASEAN Member States. In October, the ASEAN Ministers/Heads of Delegations, who are responsible for promoting gender equality and women's empowerment, issued a joint statement on the theme of "Social Protection for Women and Girls: Toward the ASEAN Community Vision 2025" during the Third ASEAN Ministerial Meeting on Women.<sup>115</sup> But as this ministerial statement is not legally binding, the ACWC's effectiveness remains limited.<sup>116</sup>

#### 4. *United Nations*

In November, the U.N. and UNiTE<sup>117</sup> brought survivors and advocates<sup>118</sup> to the U.N. Headquarters to jumpstart<sup>119</sup> "16 Days of Activism"<sup>120</sup> with The

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112. See *African Women's Decade*, AFRICAN UNION, <https://au.int/en/documents-43> (last visited Apr. 16, 2019).

113. See Application No. 046/2016, *Association Pour le Progrès et la Défense des Droits des Femmes Maliennes (APDF) & the Institute of Human Rights and Development in Africa (IHRDA) v. Republic of Mali*, Judgment (May 11, 2018), <http://en.african-court.org/images/Cases/Judgment/046%20-%202016%20-%20Association%20Pour%20le%20Progrès%20et%20la%20Defense%20Des%20Droits%20Des%20Femmes%20Maliennes%20-%20APDF%20Vs.%20Mali%20-%20Judgement%20of%2011%20Mai%202018%20-%20Optimized.pdf>.

114. See *id.* ¶¶ 111 – 115.

115. See *Joint Statement of the Third ASEAN Ministerial Meeting on Women*, ASS'N OF SOUTHEAST ASIAN NATIONS (Oct. 25, 2018), <https://asean.org/storage/2018/11/24-Joint-Statement-of-the-3rd-AMMW1.pdf>.

116. See *id.*

117. See *UNiTE to End Violence against Women*, U.N. WOMEN (2018), <http://www.unwomen.org/en/what-we-do/ending-violence-against-women/take-action/unite>.

118. See *Press Release: As global mobilizations soar, UN Women brings survivors of violence and advocates to centre stage on International Day for the Elimination of Violence against Women and Girls*, U.N. WOMEN (Nov. 19, 2018), <http://www.unwomen.org/en/news/stories/2018/11/press-release-international-day-for-the-elimination-of-violence-against-women-and-girls>.

119. See *Ending Inequality Means Ending 'Global Pandemic' of Violence Against Women* – U.N. Chief, U.N. NEWS (Nov. 19, 2018), <https://news.un.org/en/story/2018/11/1026071>.

120. See *16 Days of Activism*, RUTGERS SCH. OF ARTS AND SCI. (2018), <https://16dayscwg.rutgers.edu> (last visited Apr. 16, 2019).

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International Day for the Elimination of Violence Against Women.<sup>121</sup> This year's theme, "Orange the World: #HearMeToo,"<sup>122</sup> is a call to listen to and believe survivors of violence, seeking to ensure accountability for offenders.<sup>123</sup> In its Report on the Rights of Girls and Women to Education, the U.N. called upon all countries to limit violence against women by developing clear legislative and policy measures to ensure that, when girls and women participate in male-dominated disciplines and activities in educational institutions, they are protected from sexual harassment and violence.<sup>124</sup>

### III. Human Trafficking

Despite ongoing efforts to combat human trafficking, it continued to plague every corner of the world.<sup>125</sup> An estimated thirty million women and girls<sup>126</sup> have been sold, abducted, coerced or deceived into sex and labor trafficking, domestic servitude, forced marriages, organ donations, begging, online pornography, and child soldiering.<sup>127</sup> Human trafficking is a \$150 billion industry<sup>128</sup> and the world's second most profitable criminal enterprise after drug trafficking.<sup>129</sup> This year, the world's worst offender is North Korea.<sup>130</sup> In addition to state-sponsored human trafficking through forced labor, North Korean women and girls are frequently trafficked into involuntary servitude or sold into marriages, prostitution, and the internet-sex industry in China.<sup>131</sup> Many victims forcibly returned by Chinese

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121. See *16 Days of Activism*, U.N. WOMEN (2018), <http://www.unwomen.org/en/what-we-do/ending-violence-against-women/take-action/16-days-of-activism>.

122. *Message from Phumzile Mlambo-Ngcuka, U.N. Under-Secretary-General and Executive Director of U.N. Women on the International Day for the Elimination of Violence against Women, 25 November 2018*, U.N. WOMEN (Nov. 15, 2018), <http://www.unwomen.org/en/news/stories/2018/11/statement-ed-phumzile-mlambo-ngcuka-international-day-for-the-elimination-of-violence-against-women>.

123. *Id.*

124. See *supra* note 95, ¶ 62.

125. See *Accelerating Action to Eliminate Child Labour, Forced Labour and Modern Slavery with a Particular Focus on Global Supply Chains*, ILO (Feb. 20, 2018), [https://www.ilo.org/global/about-the-ilo/how-the-ilo-works/multilateral-system/g20/reports/WCMS\\_646039/lang-en/index.htm](https://www.ilo.org/global/about-the-ilo/how-the-ilo-works/multilateral-system/g20/reports/WCMS_646039/lang-en/index.htm); see generally U.S. Dep't of State, *Trafficking in Persons Report June 2018*, <https://www.state.gov/documents/organization/282798.pdf>.

126. *The Facts*, POLARIS PROJECT, <https://polarisproject.org/human-trafficking/facts> (last visited Apr. 16, 2019).

127. See Mely Caballero-Anthony, *A Hidden Scourge*, IMF: FIN. AND DEV. VOL. 55, NO. 3, (Sept. 2018), <https://www.imf.org/external/pubs/ft/fandd/2018/09/human-trafficking-in-southeast-asia-caballero.htm>.

128. *Id.*

129. *What is Human Trafficking?*, U.S. DEP'T OF HOMELAND SEC., <https://www.dhs.gov/blue-campaign/what-human-trafficking> (last visited Apr. 16, 2019).

130. Ellen Wulfburst, *North Korea, Eritrea Have World's Highest Rates of Modern Slavery: Report*, REUTERS (July 19, 2018), <https://www.reuters.com/article/us-global-slavery-countries/north-korea-eritrea-have-highest-rates-of-modern-slavery-report-idUSKBN1K90KQ>.

131. *Trafficking in Persons Report 2018*, *supra* note 125, at 256.

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authorities to North Korea are subjected to forced-labor camps, involuntary abortions, or death.<sup>132</sup>

Global pressure increased on both private and public procurers to stop sourcing goods and services produced by forced labor and to practice human-rights due diligence in operations and supply chains.<sup>133</sup> Some banks and regulators have been using digital technology to track money flows, monitor labor management, and enable better communication among workers to prevent and detect abuse.<sup>134</sup>

**A. THE ASIA PACIFIC REGION**

Two-thirds of all global trafficking originates or occurs in the Asia-Pacific region, the most profitable region for trafficking in the world.<sup>135</sup> Although some countries in this region have enacted strong anti-trafficking laws that accord with the principles set forth in multilateral anti-trafficking agreements like The Palermo Protocol and the ASEAN Convention Against Trafficking in Persons, Especially Women and Children, it is clear that these laws are not being adequately enforced.<sup>136</sup>

Women and girls from Thailand, Myanmar, Laos, Cambodia, and the Philippines are trafficked within the region and sent to surrounding countries to be enslaved in sex trafficking rings, forced marriages, or domestic servitude.<sup>137</sup> Thailand's commercial sex industry is largely populated by desperate foreign women and children.<sup>138</sup>

Armed conflicts and frequent natural disasters increase susceptibility to trafficking, especially of women and children.<sup>139</sup> Since August 2017, Myanmar has experienced multiple catastrophic floods, displacing over 150,000 people. Also, violent armed conflicts caused a mass exodus of more than 700,000 Rohingya, the stateless minority group whose villages were burned and members brutally attacked.<sup>140</sup> Other ethnic minorities in

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132. *Id.*

133. See *The Issue*, KNOW THE CHAIN, <https://knowthechain.org/the-issue> (last visited Apr. 16, 2019); see also *Accelerating Action to Eliminate Child Labour, Forced Labour and Modern Slavery with a Particular Focus on Global Supply Chains*, *supra* note 125, at 9.

134. See *Software that Detects Human Trafficking*, ECONOMIST (May 3, 2018), <https://www.economist.com/science-and-technology/2018/05/03/software-that-detects-human-trafficking>; *How Digitalization Can Help Achieve Fair Migration*, ILO (Oct. 31, 2018), [https://www.ilo.org/asia/media-centre/news/WCMS\\_648541/lang-en/index.htm](https://www.ilo.org/asia/media-centre/news/WCMS_648541/lang-en/index.htm); *11th ASEAN Forum on Migrant Labour*, ILO (Oct. 2018), [https://www.ilo.org/asia/events/WCMS\\_644224/lang-en/index.htm](https://www.ilo.org/asia/events/WCMS_644224/lang-en/index.htm).

135. See Caballero-Anthony, *supra* note 127, at 1 – 2.

136. *Id.* at 2 – 3; See generally *Slavery Index*, GLOB. SLAVERY INDEX, available at <https://www.globalslaveryindex.org/resources/downloads/> (last visited Apr. 16, 2019).

137. Julius Cesar Trajano, *Combatting Human Trafficking in East Asia: Mind the Gaps*, NTS INSIGHT (July 2018), available at <https://www.rsis.edu.sg/wp-content/uploads/2018/07/NTS-insight-Human-trafficking-july2018.pdf>.

138. *Id.*

139. *Id.*

140. See *Bangladesh: Rohingya Refugee Crisis Response, Situation Overview of Human Trafficking*, IOM U.N. MIGRATION (Oct. 2018), <https://www.iom.int/sitreps/bangladesh-rohingya-refugee->

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Myanmar were trafficked into Thailand as sex slaves or sold to men in China as brides.<sup>141</sup> Those who escaped to Bangladesh languish in refugee camps where women and young girls are routinely re-victimized by traffickers.<sup>142</sup>

**B. COMBATING TRAFFICKING OF WOMEN AND GIRLS**

According to the 2018 Global Slavery Index,<sup>143</sup> 40.3 million people live in modern slavery, 24.9 million are forced into labor, seventy-one percent are women, and the primary victims are women and girls<sup>144</sup> who are disproportionately affected by poverty, discrimination, violence, and exploitation.<sup>145</sup>

Combating modern slavery and human trafficking has never been more challenging,<sup>146</sup> especially in the midst of the worst migration crisis since World War II.<sup>147</sup> At the U.N., despite some progress after the adoption of the U.N. Global Plan of Action to Combat Trafficking in Persons<sup>148</sup> and the U.N. SDGs aimed at eradicating trafficking of women and girls by 2030, much remains to be done.<sup>149</sup>

National laws relating to modern slavery are a relatively recent legal development. In Australia, the Modern Slavery Act 2018 was signed into law in December.<sup>150</sup> In addition, the Canadian House of Commons

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crisis-response-situation-overview-human-trafficking-october; see also Karishma Vyas, *Tricked and Trapped: Inside the Rohingya Trade*, AL JAZEERA (Mar. 13, 2018), <https://www.aljazeera.com/indepth/features/tricked-trafficked-traded-rohingya-trade-180312071402525.html>.

141. Caballero-Anthony, *supra* note 127, at 2.

142. See Karishma Vyas, *supra* note 140.

143. See generally *Slavery Index*, *supra* note 136.

144. See Ewelina U. Ochab, *Human Trafficking is a Pandemic of the 21st Century*, FORBES (July 26, 2018), <https://www.forbes.com/sites/ewelinaochab/2018/07/26/human-trafficking-is-a-pandemic-of-the-21st-century/#37abe5096195>. “What is surprising (and breaking with the stereotype) is that in many countries where statistics on the gender of the traffickers are obtained, women are the main perpetrator of human trafficking.”

145. See generally Ian Fraiser, Madeleine Koalick, & Carolin Seeger, *Seizing Opportunities, Minimising Risks: Empowering Women in the Supply Chain Approaches and Case Studies for Business*, U.N. GLOB. COMPACT: GLOB. COMPACT NETWORK GERMANY (2018), available at [https://www.globalcompact.de/wAssets/docs/Lieferkettenmanagement/Chancen-nutzen\\_FINAL\\_WEB.pdf](https://www.globalcompact.de/wAssets/docs/Lieferkettenmanagement/Chancen-nutzen_FINAL_WEB.pdf).

146. See generally ICAT, *The Role of the Sustainable Development Goals (SDGs) in Combating Trafficking in Persons*, (Apr. 2018), [http://icat.network/sites/default/files/publications/documents/ICAT\\_Issue\\_Brief\\_SDGs%202018.pdf](http://icat.network/sites/default/files/publications/documents/ICAT_Issue_Brief_SDGs%202018.pdf).

147. On the theme of ‘Women and Migration,’ see *Global Compact for Safe, Orderly and Regular Migration*, GLOB. COMPACT FOR MIGRATION (July 11, 2018), [https://refugeesmigrants.un.org/sites/default/files/180711\\_final\\_draft\\_0.pdf](https://refugeesmigrants.un.org/sites/default/files/180711_final_draft_0.pdf).

148. See G.A. Res. 64/293, (Aug. 12, 2010), available at [http://www.unodc.org/documents/human-trafficking/United\\_Nations\\_Global\\_Plan\\_of\\_Action\\_to\\_Combat\\_Trafficking\\_in\\_Persons.pdf](http://www.unodc.org/documents/human-trafficking/United_Nations_Global_Plan_of_Action_to_Combat_Trafficking_in_Persons.pdf).

149. See *The Sustainable Development Goals that Aim to End Human Trafficking*, UNICEF (Jan. 2016), Goals 5, 8, 16, <https://www.unicefusa.org/stories/sustainable-development-goals-aim-end-human-trafficking/29864>, see Goals 5, 8, & 16.

150. *Modern Slavery Act of 2018* (Cth) (Austl.).

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produced the report, “A Call to Action: Ending the Use of All Forms of Child Labour in Supply Chains” from the Standing Committee on Foreign Affairs and International Development, which strongly calls for legislation.<sup>151</sup>

Domestically, in 2018, the U.S. Congress passed the “Allow States and Victims to Fight Online Sex Trafficking Act of 2017” to clarify that section 230 of the Communications Decency Act does not prohibit enforcement against providers and users of “interactive computer services,”<sup>152</sup> where third party content “unlawfully promote[s] and facilitate[s] prostitution and . . . facilitate[s] traffickers in advertising the sale of unlawful sex acts with sex trafficking victims.”<sup>153</sup> The legislation resulted in the shuttering of powerhouse website Backpage by the Federal Bureau of Investigation (FBI), and its CEO, Carl Ferrer, pleaded guilty to felonies in several states.<sup>154</sup> In addition, Craigslist shut down its “Personals” section after the law’s passage.<sup>155</sup>

#### **IV. Women, Peace, and Security**

For purposes of implementation of U.N. Resolution 1325,<sup>156</sup> the annual Report of the Secretary-General on Women and Peace and Security was submitted. The report describes the continuing need to strengthen commitments to international law and humanitarian law standards, especially in terms of preventing discriminatory treatment against women and violations of their human rights.<sup>157</sup>

According to U.N. estimates, there was a fifty-six percent increase in gender-based violence from 2016.<sup>158</sup> The U.N. continues to recognize the importance of women’s representation and involvement in peacebuilding efforts, and its system-wide gender-parity strategy introduced last year has proved to be effective, as evidenced by the gender parity achieved in senior positions of numerous peacekeeping departments.<sup>159</sup>

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151. See generally Michael Levitt & Anita Vandenbeld, *A Call to Action: Ending the Use of All Forms of Child Labour in Supply Chains*, HOUSE OF COMMONS CANADA (42ND PARL., 1ST SES.) (Oct. 2018) available at <http://www.ourcommons.ca/Content/Committee/421/FAAE/Reports/RP10078750/faaerp19/faaerp19-e.pdf>.

152. See Allow States and Victims to Fight Online Sex Trafficking Act of 2017, Pub. L. No. 115-164, 132 Stat. 1253 (2018).

153. *Id.* § 2.

154. Anna Schechter and Dennis Romero, *FOSTA Sex Trafficking Law Becomes Center of Debate About Tech Responsibility*, NBC NEWS (July 19, 2018), <https://www.nbcnews.com/tech/tech-news/sex-trafficking-bill-becomes-center-debate-about-tech-responsibility-n892876>.

155. *Id.*

156. See S.C. Res. 1325, ¶ 16 (Oct. 31, 2000).

157. See generally U.N. Secretary-General, *Report of the Secretary-General on Women and Peace and Security General*, U.N. Doc. S/2018/900 (Oct. 9, 2018).

158. *Id.* ¶ 5.

159. See *id.* ¶ 9.

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National-level efforts continued, as eight additional Member States adopted national action plans on women, peace, and security.<sup>160</sup> Also, eleven regional frameworks on women, peace, and security have been adopted.<sup>161</sup>

Women continued to lack representation in transitional justice and rule of law institutions, which are key to providing women and girls with protection in conflict countries. As of July, only thirty percent of commissioners on U.N.-supported truth commissions are women.<sup>162</sup> Some countries, such as Colombia, have appointed women to senior transitional justice positions,<sup>163</sup> while the government of Kosovo worked in partnership with U.N. bodies and civil society associations to establish a commission that would enhance access to reparations for survivors of conflict-related sexual violence.<sup>164</sup>

Finally, the Security Council unanimously adopted resolution 2405, extending the mandate of the U.N. Assistance Mission in Afghanistan through March 17, 2019.<sup>165</sup> This resolution has been adopted amid calls for women's empowerment and statements by two Afghan women leaders that stressed the importance of peace process outcomes and the political and social agency the country's Constitution can provide for Afghan women.<sup>166</sup>

## V. International Courts and Tribunals

### A. INTERNATIONAL CRIMINAL COURT (ICC)

The ICC Appeals Chamber held hearings in September on Jordan's appeal to a pre-trial decision. The decision related to Jordan's non-compliance with the ICC's request for the arrest and surrender of President Omar Al-Bashir of Sudan.<sup>167</sup> Al-Bashir had two outstanding arrest warrants issued by the ICC for multiple counts of genocide, war crimes, and crimes against humanity; charges include murder, extermination, forcible transfer, torture, and rape committed in Darfur, Sudan, between 2003 and 2008.<sup>168</sup> Al-Bashir remained at large in 2018. In accordance with procedural rules, he must be present for the case to proceed; thus, the case was placed on hold.<sup>169</sup>

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160. *See id.* ¶ 50.

161. *See id.* ¶ 53.

162. *See id.* ¶ 84.

163. *See* U.N. Secretary-General, *Report of the Secretary-General on Women and Peace and Security General*, U.N. Doc. S/2018/900 (Oct. 9, 2018).

164. *See id.* ¶ 88.

165. *See* Press Release, Security Council, Security Council Adopts Resolution 2405, Extends Mandate of United Nations Assistance Mission in Afghanistan amid Calls for Women's Empowerment, U.N. Press Release SC/13240 (Mar. 8, 2018).

166. *See id.*; *cf.* S.C. Res. 2405 (Mar. 8, 2018).

167. *See* ICC, Media Advisory, *Al-Bashir Case: ICC Appeals Chamber Hearing Submissions on Legal Matters Raised By Jordan From 10 to 14 September 2018* (Sept. 4, 2018), <https://www.icc-cpi.int/Pages/item.aspx?name=ma232>.

168. *See id.*

169. *See* Prosecutor v. Omar Hassan Ahmad Al Bashir, ICC-02/05-01/09, Pretrial Documents and Videos (Apr. 7, 2017).

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The trial of Congo militia leader Bosco Ntaganda concluded in August 2018 with closing statements; the Trial Chamber will pronounce its decision following deliberations.<sup>170</sup> Ntaganda was charged with war crimes and crimes against humanity, among them were enlistment and conscription of child soldiers, rape (including rape of female child-soldier recruits)<sup>171</sup> and sexual slavery.<sup>172</sup>

In July, the ICC postponed the confirmation of charges in the case against Al Hassan Ag Abdoul Aziz Ag Mohamed until next year.<sup>173</sup> Al Hassan is in ICC custody facing allegations of war crimes and crimes against humanity, including allegations that he participated in a policy of forced marriage that led to the rapes and sexual enslavement of women and girls in Mali.<sup>174</sup>

**B. EXECUTION OF FEMALE JUVENILE OFFENDER, VICTIM OF DOMESTIC VIOLENCE**

A 24-year-old Iranian-Kurdish woman, Zeinab Sekaanvand Lokran, was executed in October 2018 for a crime she was alleged to have committed at age seventeen.<sup>175</sup> Charged with murdering her physically abusive husband, she was denied access to a lawyer until her final court hearing, several years after her arrest.<sup>176</sup> The age of majority and criminal responsibility in Iran is fifteen-years-old for boys but only nine-years-old for girls.<sup>177</sup> Although Iran is a party to the Convention on the Rights of the Child, the government maintains: “[i]f the text of the Convention is or becomes incompatible with the domestic laws and Islamic standards at any time or in any case, the Government of the Islamic Republic shall not abide by it.”<sup>178</sup>

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170. See ICC, Press Release, *ICC Trial Chamber VI To Deliberate On The Case Against Bosco Ntaganda* (Aug. 30, 2018), <https://www.icc-cpi.int/Pages/item.aspx?name=pr1402>.

171. *In The Hague, Trial Opens for Congo Warlord Bosco Ntaganda*, DW (Sept. 2, 2015), <https://www.dw.com/en/in-the-hague-trial-opens-for-congo-warlord-bosco-ntaganda/a-18688983>.

172. See ICC, *Alleged Crimes (Non-Exhaustive List)* (June 9, 2014), <https://www.icc-cpi.int/drc/ntaganda/pages/alleged-crimes.aspx>.

173. See ICC, Media Advisory, *Al Hassan Case: Confirmation of Charges Hearing Postponed To 6 May 2018* (Jul. 20, 2018), <https://www.icc-cpi.int/Pages/item.aspx?name=MA230>.

174. *Id.*

175. Mansoureh Mills, *She Was a Teenage Victim of Domestic Violence and Rape. She Sought Help. This Week, Iran Executed Her*, TIME (Oct. 5, 2018), <http://time.com/5415628/zeinab-sekaanvand-iran-execution-violence/>.

176. *Id.*

177. See ISLAMIC PENAL CODE [CODE OF CRIMINAL LAWS] art. 147 (Iran).

178. See *Children's Rights: Iran*, LIBRARY OF CONG., available at <https://www.loc.gov/law/help/child-rights/iran.php> (last visited Apr. 16, 2019).