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Women's Interest Network

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This article reviews significant legal and political developments impacting women internationally in 2019. Highlighted areas of interest include legal empowerment, gender-based and sexual violence, sexual harassment and assault, human trafficking, peace and security measures for women, international criminal courts and tribunals, and women's rights cases.

I. Legal Empowerment

Laws empowering women improve the lives of individual women, while also providing them with opportunities to help their families and communities.¹ Women empowered in both private and public life participate more effectively in their communities and create more sustainable and equitable “global progress.”²

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1. See WORLD BANK GRP. [WBG], WOMEN, BUSINESS AND THE LAW: A DECADE OF REFORM 7 (2019), <https://openknowledge.worldbank.org/bitstream/handle/10986/31327/WBL2019.pdf?sequence=4&isAllowed=y>.

2. See U.N. Dept. of Econ. & Soc. Aff., Women's Empowerment 'Essential to Global Progress,' U.N. NEWS CTR. (Mar. 8, 2019), <https://www.un.org/development/desa/en/news/social/womens-empowerment-essential-to-progress.html>.

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Regarding women in the public sphere in 2019, national gender parity remained static and female representation at the highest political levels decreased.³ But there were signs of progress at the ministerial levels in specific countries.⁴ Similarly, issues that tended to affect female politicians personally, such as harassment and violence, received coordinated international attention.⁵ Regarding women in the private sphere, rights movements gained ground, but barriers to equality remained worldwide.⁶

A. WOMEN'S REPRESENTATION IN POLITICAL LEADERSHIP

Gender parity in national parliaments continued to hover around twenty-four percent.⁷ Additionally, the percentage of female elected heads of state decreased from 7.2 to 6.6, while the percentage of female heads of government decreased from 5.7 to 5.2.⁸

Nevertheless, women occupied over fifty percent of ministerial positions in nine countries, an increase from six countries in 2017.⁹ Spain led the world in gender parity, electing a parliament that is sixty-four percent female.¹⁰ Notably, Ethiopia's proportion of female ministers increased massively from ten percent to 47.6 percent.¹¹ Similarly, Pakistan progressed from having zero women ministers since 2012, to electing its highest number ever (twelve percent of the Parliament).¹²

Also, in response to the recent spike in political violence against women, the Armed Conflict Location and Event Data Project (Acled) began tracking

3. See Press Release, Inter-Parliamentary Union [IPU], *One In Five Ministers Is A Woman According To New IPU/UN Women Map* (Mar. 3, 2019), <https://www.ipu.org/news/press-releases/2019-03/one-in-five-ministers-woman-according-new-ipuun-women-map>.

4. *Id.*

5. See Rebecca Ratcliffe, *Political Violence Against Women Tracked For First Time As Attacks Soar*, *GUARDIAN* (Jun. 10, 2019), <https://www.theguardian.com/global-development/2019/jun/10/political-attacks-women-tracked-first-time-surge-violence>.

6. See Press Release, World Bank, *Despite Gains, Women Face Setbacks in Legal Rights Affecting Work*, Press Release No.: 2019/128/Dec (Feb. 27, 2019), <https://www.worldbank.org/en/news/press-release/2019/02/27/despite-gains-women-face-setbacks-in-legal-rights-affecting-work>; see also Press Release, U.N. Entity for Gender Equal. and the Empowerment of Women [UN Women], *UN Women Announces Global Intergenerational Campaign To Bring Women's Rights And Empowerment To The Forefront* (May 6, 2019), <https://www.unwomen.org/en/news/stories/2019/5/press-release-global-intergenerational-campaign-for-beijing25>.

7. See Press Release, IPU, *supra* note 3.

8. See *id.*

9. See *id.*

10. See Press Release, Inter-Parliamentary Union [IPU], *One In Five Ministers Is A Woman According To New IPU/UN Women Map* (Mar. 3, 2019), <https://www.ipu.org/news/press-releases/2019-03/one-in-five-ministers-woman-according-new-ipuun-women-map>.

11. See *id.*

12. See *id.*

incidents of violence against female politicians and activists for the first time in history.¹³

B. LEGAL EQUALITY IN CONSTITUTIONS AND LAWS

The U.N. Entity for Gender Equality and the Empowerment of Women (UN Women) announced its new multigenerational campaign, “Generation Equality: Realizing women’s rights for an equal future,” in advance of the twenty-fifth anniversary of the Beijing Declaration and Platform for Action in 2020 (Declaration and Platform).¹⁴ The Declaration and Platform set out to remove the systemic barriers to women’s equal participation in both public and private areas of life.¹⁵ The Declaration and Platform was adopted by 189 governments committed to actions in twelve critical areas, but nearly twenty-five years later, the promise of these commitments remains unfulfilled.¹⁶ Not a single country has achieved gender equality.¹⁷

UN Women, the African Union, the Commonwealth, the Inter-Parliamentary Union, Organisation Internationale de la Francophonie, and Secretaria General Ibero-Americana, in close collaboration with several other organizations, jointly issued “Equality in Law for Women and Girls by 2030: A multistakeholder strategy for accelerated action,” (Equality in Law for Women) to address persistent discrimination in law.¹⁸ The strategy “aims to fast track the repeal of discriminatory laws in six thematic areas in 100 countries” between 2019 and 2023.¹⁹

1. *Right to Economic and Social Equality*

On average, there was a 31.4 percent gender gap in economic participation and opportunity, which includes gaps in participation, pay, and advancement, globally.²⁰ Of 149 countries studied, 101 improved in gender parity.²¹ At the current pace of progress, closure of the gender gap will take fifty-four years in Western Europe, fifty-nine years in Latin America and the Caribbean, seventy-one years in South Asia, ninety-five years in Sub-Saharan Africa, 151 years in North America (the pace reflecting the lack of

13. See Rebecca Ratcliffe, *Political Violence Against Women Tracked For First Time As Attacks Soar*, GUARDIAN (Jun. 10, 2019), <https://www.theguardian.com/global-development/2019/jun/10/political-attacks-women-tracked-first-time-surge-violence>.

14. See Press Release, UN Women, *supra* note 6.

15. See *id.*

16. See *id.*

17. See *id.*

18. See Leadership and Governance Section, UN Women, *Equality in Law for Women and Girls by 2030: A Multistakeholder Strategy for Acceleration Action* 8-10 (Jan. 2019), <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2019/equality-in%20law-for-women-and-girls-en.pdf?la=en&vs=5600>.

19. See *id.* at 11.

20. See World Econ. F. [WEF], *The Global Gender Gap Report 2020*, at 5, 8, (Dec. 16, 2019), http://www3.weforum.org/docs/WEF_GGGR_2020.pdf.

21. See *id.*

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progress in the region during 2019), and 163 years in East Asia and the Pacific.²² Globally, the gender gap will close in an average of 99.5 years across 107 countries.²³ As for economic participation and opportunity, it will take 257 years to close that gap.²⁴

Unfortunately, 2019 saw an average increase in labor and financial disparities; only fifty-five percent of adult women are in the labor market as compared to seventy-eight percent of men, on average.²⁵ Also, in several countries, women faced significant disadvantages in accessing financial products, credit, and land.²⁶

At least fifteen million individuals are estimated to be stateless in the world.²⁷ The U.N. High Commissioner for Refugees (UNHCR), the U.N. Children's Fund (UNICEF) and the Global Campaign for Equal Nationality Rights called for a reduction in gender inequality in nationality laws, a root cause of childhood statelessness.²⁸ In over fifty countries, women were denied equal rights with respect to their own nationality.²⁹ Additionally, nationality laws in twenty-five countries did not allow women to confer their nationality to their children under the same conditions as men.³⁰ But in October, a High-Level Segment on Statelessness was held, in connection with UNHCR's annual Executive Committee meeting.³¹ This convention marked the halfway point of the ten-year-long #IBelong Campaign to End Statelessness by 2024.³² At the meeting, more than fifty-five states committed to take up the issue of statelessness in various ways.³³

22. *See id.* at 6.

23. *See id.*

24. *See id.*

25. *See id.*

26. *See id.*

27. *See* Inst. on Statelessness and Inclusion [ISI], *Statelessness in Numbers: 2019: An Overview and Analysis of Global Statistics*, at 1, (July 2019), https://files.institutesi.org/ISI_statistics_analysis_2019.pdf.

28. These laws “deny women the right to pass their nationality to their children on an equal basis with men.” *See* Press Release, U.N. High Commissioner for Refugees [UNHCR], Urgent Action Needed To Reform Gender Discriminatory Nationality Laws Causing Childhood Statelessness (Aug. 22, 2019), <https://www.unhcr.org/news/press/2019/8/5d5e63d9456/urgent-action-needed-reform-gender-discriminatory-nationality-laws-causing.html>.

29. *See* U.N. High Commissioner for Refugees [UNHCR], Background Note on Gender, Equality, Nationality Laws and Statelessness 2019, at 2 n.3, (Mar. 8, 2019), <https://www.refworld.org/pdfid/5c8120847.pdf>.

30. *See id.* at 2.

31. *See id.* at 6.

32. *See* Press Release, U.N. High Commissioner for Refugees [UNHCR], Watershed Moment As Countries Step Forward To Tackle Global Statelessness (Oct. 11, 2019), <https://www.unhcr.org/news/press/2019/10/5da04b1d4/watershed-moment-countries-step-forward-tackle-global-statelessness.html>.

33. *See id.*

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Also in October, Iran conditionally amended its nationality laws to provide children born to Iranian women and foreign fathers a path to citizenship.³⁴

2. *Marriage Rights*

This year was full of legal victories for same-sex couples. In conservative Northern Ireland, members of Parliament passed the Northern Ireland Executive Formation Act, formally legislating same-sex marriage in the region.³⁵

The Taiwanese Parliament voted to legalize same-sex marriage, becoming the first Asian nation to grant marriage rights to same-sex couples.³⁶ While thousands of Taiwanese same-sex couples married under this new legislation, marriage rights for transnational same-sex couples are dependent on the law of the foreign partner's country of origin and therefore banned if the other country's laws do not permit it.³⁷

In January, Austria became "the latest European country to extend marriage rights to same-sex couples."³⁸ Ecuador became the latest Latin American country allowing same-sex marriage in June.³⁹

Child marriage remains a persistent problem throughout the world; each year 12 million girls are married before age eighteen.⁴⁰ The Supreme Court of Tanzania upheld a 2016 ruling prohibiting child marriage.⁴¹ "Tanzania

34. See *Iran Women Married To Foreigners Can Pass Citizenship To Children*, AL JAZEERA (Oct. 2, 2019), <https://www.aljazeera.com/news/2019/10/iran-women-married-foreigners-pass-citizenship-children-191002145229455.html>.

35. See N. Ir. (Executive Formation etc) Act 2019, c. 22, § 8, (UK), <http://www.legislation.gov.uk/ukpga/2019/22/section/8/data.pdf>; see also Ceylan Yeginsu, *Northern Ireland Set to Legalize Abortion and Same-Sex Marriage*, NY TIMES (Oct. 29, 2019), <https://www.nytimes.com/2019/10/21/world/europe/northern-ireland-abortion-same-sex-marriage.html>.

36. See generally The Act for Implementation of J.Y. Interpretation No. 748, <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=B0000008>; see also Rick Glauert, *Taiwan's Same-Sex Marriage Law Yet to Fulfill Marriage Equality*, NEWS LENZ (Nov. 9, 2019), <https://international.thenewslens.com/feature/taiwan-pride-2019/126872>.

37. See Glauert, *supra* note 35.

38. See Michael K. Lavers, *Same-Sex Marriage Becomes Legal In Austria*, WASH. BLADE (Jan. 2, 2019), <https://www.washingtonblade.com/2019/01/02/same-sex-marriage-becomes-legal-in-austria/>.

39. See generally Corte Constitucional Del Ecuador [CC] [Constitutional Court of Ecuador] Jun. 12, 2019, CASO No. 11-18-CN (Ecuador), <https://portal.corteconstitucional.gob.ec/Seguimiento/11-18-CN-19.pdf>; see also Corte Constitucional Del Ecuador [CC] [Constitutional Court of Ecuador] Jun. 12, 2019, CASO No. 10-18-CN (Ecuador), <https://portal.corteconstitucional.gob.ec/Seguimiento/10-18-CN-19.pdf>; see also Michael K. Lavers, *Ecuador Becomes Latest Country To Allow Same-Sex Marriage*, WASH. BLADE (June 21, 2019), <https://www.washingtonblade.com/2019/07/21/ecuador-becomes-latest-country-to-allow-same-sex-marriage/>.

40. See U.N. Children's Fund [UNICEF], *Fast Facts: 10 Facts Illustrating Why We Must #EndChildMarriage* (Feb. 11, 2019), <https://www.unicef.org/eca/press-releases/fast-facts-10-facts-illustrating-why-we-must-endchildmarriage>.

41. See *Attorney General v. Rebeca Z. Gyumi*, Civ. App. No. 204 of 2017 at 49-51 (C.A. 2017) (Tanz.).

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has the eleventh highest absolute number of child brides in the world,” with over thirty percent of girls marrying before their eighteenth birthday.⁴²

Indonesia amended its Marriage Act in September, raising the minimum ages at which women and girls may marry, with parental consent, to nineteen—up from age sixteen—and, without consent, to twenty-one, which are now the same as the ages previously set for men and boys.⁴³

India’s Parliament passed a law criminalizing the practice of “instant divorce” through a declaration of “talaq.”⁴⁴ Previously, under Muslim personal laws, men could divorce women simply by declaring “talaq” three times in one sitting.⁴⁵ Under the new law, men who do so can receive jail time and women who have had talaq declared against them are entitled to seek a subsistence allowance from their husbands and to seek custody of their children.⁴⁶

3. *Right to Health*

After a challenge by a physician prosecuted for performing abortions, the South Korean Constitutional Court ruled that provisions criminalizing abortion are unconstitutional.⁴⁷ Under the old Criminal Act, article 269, a woman “procuring her own miscarriage” could receive up to a year in prison or a fine, and under article 270, any doctor or other caregiver who assisted her was subject to up to two years imprisonment.⁴⁸ The Court held that article 269 impeded a woman’s right to exercise self-determination and did not achieve its legislative purpose to protect the “life of a fetus.”⁴⁹

42. See *Tanzania: Landmark Ruling Against Child Marriage Upheld*, EQUALITY NOW (Oct. 23, 2019), https://www.equalitynow.org/tanzanian_attorney_general_appealing_2016_ruling_against_child_marriage.

43. See Press Release, U.N. Children’s Fund [UNICEF], *UNICEF Welcomes Recent Amendment Of Indonesia’s Marriage Act* (Sep. 18, 2019), <https://www.unicef.org/press-releases/unicef-welcomes-recent-amendment-indonesias-marriage-act>.

44. See *Triple Talaq, India Criminalises Muslim ‘Instant Divorce,’* BBC (July 30, 2019), <https://www.bbc.com/news/world-asia-india-49160818>; see also *The Muslim Women (Protection of Rights on Marriage) Act, No. 20 of 2019*, Gazette of India, pt. II sec. 1 ch. II art. 3 (Jul. 31, 2019).

45. See *Triple Talaq*, *supra* note 44.

46. See *Muslim Women Act*, *supra* note 44, art. 4, ch. III, art. 5 – 6.

47. See Supreme Court [S. Ct.], 2017Hun-Ba127, April 11, 2019 (S. Kor.), <http://english.court.go.kr/cckhome/eng/decisions/majordecisions/majorDetail.do?searchClassCode=ENEXECLS&searchClassSeq=616>.

48. See *id.*

49. See *id.*

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New South Wales, Australia passed the Reproductive Healthcare Reform Bill decriminalizing and legalizing abortion.⁵⁰ Now abortion is legal in all of Australia, with varying conditions.⁵¹

Kenya's High Court ruled that its abortion law must include the right to an abortion for rape survivors, under certain circumstances.⁵² The High Court reasoned that pregnancy by rape or defilement posed a danger to the mental and social well-being of the mother; reform was, therefore, constitutionally warranted.⁵³

The African Union launched a continental campaign to put an end to female genital mutilation; if nothing is done, fifty million girls under age fifteen are at risk of mutilation by the year 2030.⁵⁴ But a female doctor in Kenya continued petitioning the courts to rule the Prohibition of Female Genital Mutilation Act unconstitutional, arguing that women over age eighteen should have the right to be circumcised in the free exercise of their religious beliefs.⁵⁵

Many state legislators in the United States have attempted to restrict abortion rights.⁵⁶ The Alabama legislature enacted a statute that prohibits abortions except when a "serious health risk" endangers the mother,⁵⁷ practically amounting to a total ban.⁵⁸ A federal judge issued a preliminary injunction against the Alabama law,⁵⁹ preventing it and other similar state laws passed this year from going into effect.⁶⁰

On the other hand, Northern Ireland decriminalized abortion.⁶¹ Northern Irish women can now access abortion without risk of

50. See Reproductive Health Care Reform Bill 2019 (NSW) sch 3 item 12 (Austl.), <https://www.parliament.nsw.gov.au/bills/Pages/bill-details.aspx?pk/m.../01;0=3654>.

51. See Isabella Kwai, *Australia's Most Populous State Decriminalizes Abortion*, N.Y. TIMES (Sep. 26, 2019), <https://www.nytimes.com/2019/09/26/world/australia/new-south-wales-abortion.html>.

52. See Federation of Women Lawyers v. Attorney General (2019) 266 K.L.R. ¶ 371-72, 415(5) (Kenya), <http://kenyalaw.org/caselaw/cases/view/175490/>.

53. *Id.* ¶¶ 372, 398-99.

54. See Press Release, African Union Commission at the 32nd Ordinary Session of the African Union Summit of Heads of State and Government, *The African Union Launches a Continental Initiative to End Female Genital Mutilation and Save 50 Million Girls at Risk* (Feb. 11, 2019) (on file with author), <https://au.int/en/pressreleases/20190211/african-union-launches-continental-initiative-end-female-genital-mutilation>.

55. See generally Kamau v. Attorney General (2018) eKLR ¶ 7 (Kenya), <http://kenyalaw.org/caselaw/cases/view/154401>; see also Bukola Adebayo, *A Kenyan Doctor Is Seeking To Legalize Female Genital Mutilation*, CNN (Oct. 25, 2019), <https://www.cnn.com/2019/10/25/africa/kenya-doctor-fgm-petition-intl/index.html>.

56. See Caroline Kelly, *Federal Judge Blocks Alabama's Near-Total Abortion Ban*, CNN (Oct. 29, 2019), <https://www.cnn.com/2019/10/29/politics/alabama-abortion-ban-blocked/index.html>.

57. See *Robinson v. Marshall*, 415 F. Supp. 3d 1053, 1057 (M.D. Ala. 2019).

58. *Id.* at 1058-59.

59. *Id.* at 1059-1060.

60. See Kelly, *supra* note 56.

61. See N. Ir. Act, *supra* note 35, § 9.

prosecution.⁶² The legislation includes a roll out “to create a new framework to provide lawful access to abortion services in Northern Ireland by March 31, 2020.”⁶³

Although Rwanda had previously decriminalized abortion, the law was unevenly enforced.⁶⁴ Rwanda’s President pardoned 367 women and girls who had been jailed for having abortions,⁶⁵ and a ministerial order expanded the conditions for accessing abortion, such as allowing girls under eighteen to terminate a pregnancy before twenty-two weeks.⁶⁶

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

“Gender-based violence is ‘a structural phenomenon which shows no sign of diminishing, which has its roots in a deep and persistent disparity of power between men and women and in the patriarchal organisation of society.’”⁶⁷ The severity of this issue is crystalized by the following statistics: one in three women are affected by gender-based violence or violence against women and girls; worldwide, thirty-five percent of women have experienced physical or sexual intimate-partner violence or non-partner sexual violence.⁶⁸

A. SEXUAL HARASSMENT

The #MeToo Movement celebrated its second anniversary in 2019.⁶⁹ “The International Labour Organization (ILO) Violence and Harassment Convention sets out minimum obligations for how governments should

62. See Government Consultation, *A New Legal Framework For Abortion Services In Northern Ireland: Implementation Of The Legal Duty Under Section 9 Of The Northern Ireland (Executive Formation etc) Act 2019*, 13, HM Government (Nov. 4, 2019), https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/844394/Government_consultation_-_A_new_legal_framework_for_abortion_services_in_Northern_Ireland__November_2019_.pdf.

63. *Id.* at 2.

64. See *Historic Progress on Abortion Rights in Rwanda*, IPAS (May 6, 2019), <https://www.ipas.org/news/2019/May/historic-progress-on-abortion-rights-in-rwanda>.

65. *Id.*

66. See Ministerial Order N°002/MoH/2019 of 08/04/2019: Determining Conditions To Be Satisfied For A Medical Doctor To Perform An Abortion, Official Gazette no.14 of Aug. 4, 2019, (Rwanda), http://www.moh.gov.rw/fileadmin/Publications/Legal_Framework/Ministerial_order_Abortion_conditions-2-12.pdf.

67. See *Code Red: Italy Passes New Domestic Violence Law*, LOC. IT (Jul. 18, 2019), <https://www.thelocal.it/20190718/code-red-italy-passes-new-domestic-violence-law>.

68. See *Gender-Based Violence (Violence Against Women and Girls)*, WORLD BANK (Sep. 25, 2019), <http://www.worldbank.org/en/topic/socialdevelopment/brief/violence-against-women-and-girls>.

69. See *#MeToo Movement’s Second Anniversary, Activists from Around the Globe Reflect on Successes, Challenges*, HUM. RTS. WATCH (Oct. 14, 2019), <https://www.hrw.org/news/2019/10/14/metoo-movements-second-anniversary>.

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address harassment and violence at work,⁷⁰ which have been adopted and ratified by Argentina, Belgium, France, Iceland, Ireland, Namibia, Philippines, South Africa, Uganda, and Uruguay thus far.⁷¹ Other notable victories occurred in Australia,⁷² Argentina,⁷³ France,⁷⁴ and even Russia⁷⁵ and China⁷⁶ which were originally slow to join the movement.

In September, the U.S. House of Representatives passed the Forced Arbitration Injustice Repeal Act (FAIR Act), which is intended to amend Title 9 of the U.S. Code with respect to arbitration.⁷⁷ If enacted, the FAIR Act would ban all employers from instituting mandatory arbitration provisions.⁷⁸ As a result, the FAIR Act would prohibit the concealment of sexual harassment claims, and thus remove protection and confidentiality of sexual harassment perpetrators, allowing victims to pursue their claims in court; however, this bill has yet to be passed into law.⁷⁹

1. *Domestic Sexual Harassment Laws*

While sexual harassment awareness has increased and more women are coming forward with their claims, gaps in U.S. law remain.⁸⁰ Fifteen states (Arizona, California, Connecticut, Delaware, Illinois, Louisiana, Maryland, Nevada, New Jersey, New York, Oregon, Tennessee, Vermont, Virginia, and Washington) have passed new legislation protecting women from sexual

70. *See id.*

71. *See #MeToo Movement, supra* note 69.

72. *See #Me Too Movement Wins 2019 Sydney Peace Prize*, AUSTRALIAN HUM. RTS. COMM'N (May 1, 2019), <https://www.humanrights.gov.au/about/news/metoo-movement-wins-2019-sydney-peace-prize>.

73. Mercedes Balado Bevilacqua and Cecilia Acosta, *Argentine Case Law Compensates for Gaps in Sexual Harassment Legislation*, OGLETREE DEAKINS (May 14, 2019), <https://ogletree.com/international-employment-update/articles/june-2019/argentina/2019-05-14/argentine-case-law-compensates-for-gaps-in-sexual-harassment-legislation/>.

74. *See France To Tighten Online Bullying Laws After 'League Of LOL' Scandal*, LOC. FR. (Feb. 14, 2019), <https://www.thelocal.fr/20190214/france-to-tighten-online-bullying-laws-after-league-of-lol-scandal>.

75. Madeline Roach, *Russia's Version of #MeToo Has Struggled to Take Off — Until Now*, TIME (Aug. 2, 2019), <https://time.com/5636107/metoo-russia-womens-rights/>.

76. Lily Kuo, *'It Is Not Hopeless': China's #Metoo Movement Finally Sees Legal Victories*, GUARDIAN (Nov. 3, 2019), <https://www.theguardian.com/world/2019/nov/04/it-is-not-hopeless-chinas-metoo-movement-finally-sees-legal-victories>.

77. Forced Arbitration Injustice Repeal Act, H.R. 1423, 116th Cong. (1989); *see also* Alexia Fernández Campbell, *The House Just Passed A Bill That Would Give Millions Of Workers The Right To Sue Their Boss*, VOX (Sep. 20, 2019), <https://www.vox.com/identities/2019/9/20/20872195/forced-mandatory-arbitration-bill-fair-act>.

78. H.R. 1432.

79. *Id.*

80. Alex Press, *Women Are Filing More Harassment Claims In The #Metoo Era. They're Also Facing More Retaliation*, VOX (May 9, 2019), <https://www.vox.com/the-big-idea/2019/5/9/18541982/sexual-harassment-me-too-eeoc-complaints>.

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harassment.⁸¹ More than 300 state legislators representing forty states and the District of Columbia have declared their commitment to support survivors and work towards the goal of strengthening protections against sexual harassment in twenty states by 2020.⁸²

2. *Regional and International Sexual Harassment Laws*

Following the International Labour Conference (ILC) deliberations, the ILO has now established a new set of “global standards aimed at ending violence and harassment in the world of work.”⁸³ In June, the ILO’s ILC adopted the Centenary Declaration on the Future of Work, which evidences a clear commitment to a world of work free of violence and harassment.⁸⁴ The Centenary Conference, held the same day, brought this commitment to life with the adoption of Convention No. 190 and Recommendation No. 206.⁸⁵

With this commitment, the ILO now recognizes the right to a world of work free from violence and harassment.⁸⁶ This is the first international treaty to set forth a “clear and common framework to prevent and address violence and harassment.”⁸⁷ The framework consists of an articulation of core principles, followed by mechanisms on protection, prevention, enforcement, remedies, assistance, training, and awareness-raising, as well as methods of application.⁸⁸ It is “based on an inclusive, integrated, and gender-responsive approach.”⁸⁹

The accompanying Resolution invites member states to ratify the Convention, governments to implement the Convention, and the governing body of the ILO to request that the Director General develop a comprehensive strategy for the wide ratification of the Convention, and effective implementation of all of the instruments.⁹⁰ “Convention No. 190

81. LySaundra Campbell, *Fifteen States Have Passed New Laws Protecting Workers from Sexual Harassment in Wake of #MeToo, NWLC Report Reveals*, NAT’L WOMEN’S L. CTR. (Jul. 25, 2019), <https://nwlc.org/press-releases/fifteen-states-have-passed-new-laws-protecting-workers-from-sexual-harassment-in-wake-of-metoo-nwlc-report-reveals/>.

82. Andrea Johnson, *State Legislators Commit to MeToo Policy Advances in #20Statesby2020*, NAT’L WOMEN’S L. CTR. (Feb. 8, 2019), <https://nwlc.org/blog/state-legislators-commit-to-metoo-policy-advances-in-20statesby2020/>.

83. Int’l Lab. Org. [hereinafter ILO], *Eliminating Violence and Harassment in the World of Work* (2019), <https://www.ilo.org/global/topics/violence-harassment/lang—en/index.htm>.

84. ILO, *Eliminating Violence and Harassment in the World of Work*, at 1 (2019), https://www.ilo.org/ilc/ILCSessions/108/reports/reports-to-the-conference/WCMS_721160/lang—en/index.htm.

85. *Id.*

86. *Id.*

87. *Id.*

88. *Id.* at 6–21.

89. *Id.* at 1.

90. ILO, *Eliminating Violence and Harassment in the World of Work*, at 1 (2019), https://www.ilo.org/ilc/ILCSessions/108/reports/reports-to-the-conference/WCMS_721160/lang—en/index.htm.

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will enter into force [twelve] months after two member states have ratified it,” but it “will have an impact even before then . . . [as] all member states are required to bring it to the attention of their national competent authorities,” ensuring that these issues receive visibility at both national and international levels.⁹¹

B. ELIMINATION OF VIOLENCE AGAINST WOMEN

In November, the UK launched a seven-year, £67.5 million global aid initiative called “What Works to Prevent Violence: Impact at Scale” to help stop violence against women and girls across Africa, the Middle East, and Asia.⁹² This initiative will build on a pilot initiative that previously established small-scale projects in Africa and Asia aimed at researching the prevalence and drivers of violence against women, establishing programs such as Community-based Action Teams that have been trained to educate the community, and providing support to victims⁹³ along with peace and civic education programs aimed at promoting women’s rights.⁹⁴ This new initiative will take those efforts to shift harmful gender attitudes and combat gender-based violence to new locations, where it will build on and expand the small-scale projects, pilot new programs, and further its research, focusing on how violence can be confronted in times of conflict and during humanitarian crises.⁹⁵

1. Domestic Violence as a Criminal Offense

In July 2019, Liberia passed the Domestic Violence Act (DVA), intended to promote gender equality and protect women and children.⁹⁶ Specifically, the DVA recognizes domestic violence as a “serious crime,” which encompasses physical or mental abuse, sexual abuse, neglect, and exploitation against the individual and society.⁹⁷ Also, in July 2019, Italy passed the Code Red law which increases the maximum prison sentence for

91. See Shauna Olney, *ILO Convention on Violence and Harassment: Five Key Questions*, ILO NEWSROOM (Jun. 28, 2019), https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_711891/lang-en/index.htm.

92. See DFID Media Team, *UK Aid to Help Stop Violence Against a Million Women and Girls*, GOV.UK (Nov. 5, 2019), <https://dfidnews.blog.gov.uk/2019/11/05/uk-aid-to-help-stop-violence-against-a-million-women-and-girls/>.

93. *Id.*

94. *Tackling the Pervasive Social Issue of VAWG: Using Community-based Action Teams (COMBAT) to Prevent Violence against Women and Girls*, WHAT WORKS, <https://www.whatworks.co.za/global-programme-projects/gender-centre-ghana> (last visited Dec. 4, 2019).

95. Liz Ford, *British Government Takes Global Lead on Violence Against Women and Girls*, GUARDIAN (Nov. 2, 2019), <https://www.theguardian.com/global-development/2019/nov/02/british-government-takes-global-lead-on-violence-against-women-and-girls>.

96. Press Release, Liber. Exec. Mansion, President Weah Signs Domestic Violence Bill into Law (Aug. 14, 2019), https://www.emansion.gov.lr/2press.php?news_id=4977&related=7&pg=sp.

97. *Id.*

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an individual convicted of domestic abuse from six to seven years and criminalizes—for the first time in Italy—acid attacks and revenge porn.⁹⁸

In the United States, the Violence Against Women Act of 1994 (VAWA), reauthorized most recently in 2013, was “designed to improve criminal justice responses to domestic violence and increase the availability of services to those victims.”⁹⁹ The law expired in February.¹⁰⁰ In April 2019, the House of Representatives passed a bill to reauthorize VAWA,¹⁰¹ however, as of December 2019, the VAWA bill had not been taken up for a vote in the Senate.¹⁰²

Laws addressing domestic violence have passed in 144 countries, and laws addressing sexual harassment have passed in 154 countries.¹⁰³ Unfortunately, the fact that a law has been passed does not ensure compliance with international standards in support of victims of violence nor that laws are being enforced properly.¹⁰⁴

2. *Online Abuse and Violence*

Olimpia Coral Melo Cruz of Mexico, a victim of revenge porn as a teenager, successfully promoted several reforms in the Criminal Codes of the States of Mexico, including the sanction and prevention of digital violence. “In the past year, the ‘Olimpia Law,’ named after her, has been passed in [thirteen] out of Mexico’s [thirty-two] states, with prison sentences ranging from three to [twelve] years, depending on the state.”¹⁰⁵

But women in the public sphere continue to suffer from online abuse and violence. U.S. House of Representative, Katie Hill, recently resigned her seat after intimate photos of her circulated online without her consent and public criticism of her behavior ensued.¹⁰⁶ She called the photo release a

98. See THE LOCAL IT, *supra* note 67.

99. See Violence Against Women Act, Pub. L. No. 103-322, tit. IV, 108 Stat. 1902 (1994) (codified as amended in scattered sections of 8, 16, 18, 28, and 42 U.S.C.) (expired Feb. 15, 2019); see also *History of VAWA: History of the Violence Against Women Act*, LEGAL MOMENTUM, <https://www.legalmomentum.org/history-vawa>, (last visited, Nov. 29, 2019).

100. See Violence Against Women Act *supra* note 99; see also LISA N. SACCO, CONG. RESEARCH SERV., R45410, THE VIOLENCE AGAINST WOMEN ACT (VAWA): HISTORICAL OVERVIEW, FUNDING, AND REAUTHORIZATION (2019).

101. H. R. Res. 281, 116th Cong. (2019).

102. Violence Against Women Reauthorization Act of 2019, S. 2843, 116th Cong. (2019).

103. *Facts and Figures: Ending Violence Against Women*, U.N. WOMEN <http://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures> (last updated Nov. 2019).

104. *Id.*

105. See Anastasia Moloney, ‘Revenge porn’ Victim Fights Back with Mexican Law to Stem Digital Violence, REUTERS (Nov. 7, 2019), <https://www.reuters.com/article/us-mexico-internet-women-feature-trfn/revenge-porn-victim-fights-back-with-mexican-law-to-stem-digital-violence-idUSKBN1XI007>.

106. See Heather Barr, *Internet Bringing New Forms of Violence Against Women*, HUM. RTS. WATCH (Oct. 28, 2019), <https://www.hrw.org/news/2019/10/28/internet-bringing-new-forms-violence-against-women>.

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form of “abuse,” in a “misogynistic culture” that punishes women more severely than men.¹⁰⁷ Women in the U.K.’s Parliament declined to run for re-election this year due to continuous attacks they received, both physically and online.¹⁰⁸

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.¹⁰⁹ Thirty-two out of the thirty-five Member States to the Organization of American States (O.A.S.) have ratified the Belém do Pará Convention and three have neither signed nor ratified it.¹¹⁰ Under the Belém do Pará Convention, the Follow-up Mechanism to the Belém do Pará Convention (M.E.S.E.C.V.I.) monitors the implementation of the treaty by its parties.¹¹¹ M.E.S.E.C.V.I.’s Third Multilateral Evaluation Round is ongoing and scheduled to be completed in 2020.¹¹² In March, the Inter-American Model Law on the Prevention, Punishment and Eradication of the Gender-Related Killing of Women and Girls (Femicide/Feminicide) was officially launched in Washington, D.C.¹¹³ M.E.S.E.C.V.I.’s Committee of Experts approved the Model Law¹¹⁴ and its

107. *See id.*

108. *See* Megan Specia, *Threats and Abuse Prompt Female Lawmakers to Leave U.K. Parliament*, N.Y. TIMES (Nov. 12, 2019), <https://www.nytimes.com/2019/11/01/world/europe/women-parliament-abuse.html>.

109. *See* Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, June 9, 1994, 33 I.L.M. 1534 [hereinafter *Belém do Pará Convention*]; *see also* Org. of Am. States [OAS] and Council of Europe [COE], *Regional Tools to Fight Violence Against Women: The Belém do Pará and Istanbul Conventions*, (Feb. 2014).

110. *See* OAS, *Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women: Status of Signatures and Ratifications*, <http://www.oas.org/en/mesecvi/docs/Signatories-Table-EN.pdf> (last visited Nov. 28, 2019).

111. *See* OAS, *What is MESECVI?*, <http://www.oas.org/en/mesecvi/about.asp> (last visited Nov. 28, 2019).

112. *See* Org. of Am. States [OAS], *Third Hemispheric Report on the Belém do Pará Convention: Prevention of Violence Against Women in The Americas: Paths to Follow*, MESECVI/CEVI/doc. 242/17 (2017); *see also* OAS, *National Reports on the Implementation of the Belém do Pará Convention*, <http://www.oas.org/en/mesecvi/NationalReportsThirdRound.asp> (last visited Nov. 28, 2019); *see also* OAS, *Sistema de Indicadores: Tercera Ronda de Evaluación Multilateral*, (2018) <http://www.oas.org/es/mesecvi/docs/MESECVI-CE-ESP-IndicadoresTerceraRonda.pdf>.

113. *Model Law on Femicide Aims to Update Legislation in the Region*, PROGRAMA DE LAS NACIONES UNIDAS PARA EL DESARROLLO (Mar. 27, 2019) <http://americalatinagenera.org/newsite/index.php/es/informate/informate-noticias/noticia/4153-model-law-on-femicide-aims-to-update-legislation-in-the-region>.

114. *See* Org. of Am. States [OAS], *Inter-American Model Law on the Prevention, Punishment and Eradication of the Gender-Related Killing of Women and Girls (Femicide/Feminicide)*, MESECVI/CEVI/doc. 240/18 (2018).

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General Recommendation on Missing Women and Girls in the Hemisphere in December 2018.¹¹⁵

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.¹¹⁶ Forty-five out of the forty-seven Council of Europe Member States have signed the Istanbul Convention, thirty-four have ratified it, and one has neither signed nor ratified it.¹¹⁷ During 2019, Ireland was ratified and entered into force the Istanbul Convention.¹¹⁸ 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.¹¹⁹ During 2019, GREVIO received State reports from five countries, Government comments to its first evaluation report from two countries, and issued recommendations for another four.¹²⁰

In Africa, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) is the principal treaty for addressing women's rights.¹²¹ Forty-nine out of the fifty-five African Union Member States have signed the Maputo Protocol, forty-two have ratified it, and six have neither signed nor ratified it.¹²² During 2019, Ethiopia deposited the Protocol it ratified in 2018 and Sao Tome & Principe ratified and deposited it.¹²³ The African Union Member States continue to work on universal ratification and domestication of the Protocol by 2020,

115. See Org. of Am. States [OAS], *General Recommendation of the Committee of Experts of the MESECVI (No.2): Missing Women and Girls in the Hemisphere*, MESECVI/CEVI/doc. 250.18 (2018).

116. See Council of Europe, *Convention on Preventing and Combating Violence against Women and Domestic Violence* April 12, 2011 C.E.T.S. No. 210; see also *Regional Tools*, *supra* note 109.

117. See COE., *Chart of Signatories and Ratifications of Treaty 210*, https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures?p_auth=C4RjbE9C (last visited Nov.29, 2019).

118. See *id.*

119. See COE., *About GREVIO – Group of Experts on Action against Violence against Women and Domestic Violence*, <https://www.coe.int/en/web/istanbul-convention/grevio> (last visited Nov. 28, 2019).

120. See COE., *Country-monitoring work*, <https://www.coe.int/en/web/istanbul-convention/country-monitoring-work> (last visited Nov. 28, 2019).

121. See Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa Jul. 11, 2003, https://www.un.org/en/africa/osaa/pdf/au/protocol_rights_women_africa_2003.pdf.

122. See *List of Countries Which Have Signed, Ratified/Acceded to the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa*, AFRICAN UNION [A.U.] (Oct. 16, 2019), <https://au.int/sites/default/files/treaties/37077-sl-PROTOCOL%20TO%20THE%20AFRICAN%20CHARTER%20ON%20HUMAN%20AND%20PEOPLE%27S%20RIGHTS%20ON%20THE%20RIGHTS%20OF%20WOMEN%20IN%20AFRICA.pdf>.

123. See *id.*

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the objective adopted with the launch of the African Women's Decade in 2009.¹²⁴

In Southeast Asia, the debate continues 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 and the full implementation of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) across all ASEAN Member States.¹²⁵ In December 2018, ACWC published the 2016-2020 ASEAN Commission on the Promotion and Protection of the Rights of Women & Children Work Plan (Work Plan) adopted in 2017 and the ASEAN Regional Plan of Action on the Elimination of Violence Against Women.¹²⁶ In March, the ACWC met to "intensify" its review of the implementation of projects under the Work Plan and to strengthen alliances.¹²⁷

4. *United Nations*

"Governments of Norway, Iraq, Somalia, [and] the United Arab Emirates"¹²⁸ collaborated to fight against sexual and gender-based violence (SGBV). Henrietta Fore, UNICEF Chief, recognized that the task to provide a safe community for victims is "daunting,"¹²⁹ but one that can be achieved. These countries raised \$363 million to fund the U.N., the Red Cross, and other non-governmental organizations.¹³⁰ The U.N. recognized that SGBV remains a weapon of war in many countries throughout the world, and many women and girls "pay the consequences."¹³¹ Secretary-

124. See *The African Women's Decade*, A.U., <https://au.int/en/documents-43> (last visited Nov. 28, 2019).

125. See The Assoc. of Southeast Asian Nations [ASEAN], *The ASEAN Commission on the Promotion and Protection of the Rights of Women and Children ACWC Work Plan 2016-2020* (2018), available at <https://asean.org/storage/2019/01/37.-December-2018-The-ASEAN-Commission-on-the-Promotion-and-Protection-of-the-Rights-of-Women-and-Children-ACWC-Work-Plan-2016-2020.pdf>; ASEAN, *ASEAN Regional Plan of Action on the Elimination of Violence Against Women* (Feb. 2016), <https://asean.org/wp-content/uploads/2018/01/48.-December-2017-ASEAN-RPA-on-EVAW-2nd-Reprint.pdf>.

126. See *The ASEAN Commission on the Promotion and Protection of the Rights of Women and Children ACWC Work Plan 2016-2020*; *ASEAN Regional Plan of Action on the Elimination of Violence Against Women*, *supra* note 125.

127. See *The ASEAN Commission on the Promotion and Protection of the Rights of Women and Children ACWC Work Plan 2016-2020*; *ASEAN Regional Plan of Action on the Elimination of Violence Against Women*, *supra* note 125; see also *ASEAN Intensifies Efforts In Promoting and Protecting the Rights of Women and Children*, ASEAN, (Mar. 8, 2019) <https://asean.org/asean-intensifies-efforts-promoting-protecting-rights-women-children/>.

128. Giles Clarke, 'Huge' stakes, 'daunting' job to tackle gender-based violence, UNICEF chief tells ground-breaking conference, UN NEWS (May 24, 2019), <https://news.un.org/en/story/2019/05/1039121>.

129. *Id.*

130. See *id.*

131. Edith M. Lederer, *UN Chief is Blunt: Women Remain Excluded from Peace Tables*, AP NEWS (Oct. 29, 2019), <https://apnews.com/ff3c850998d64cffa342da2dc726e328>.

General Antonio Guterres, recognized that because women are excluded from many political conversations and are “excluded from many peace negotiations,”¹³² the problem continues to exist.

In November, the grantees of the UN Trust Fund came together in Sarajevo, Bosnia, and Herzegovina,¹³³ to jumpstart their Sixteen Days of Activism campaign, “Orange the World: Generation Equality Stands against Rape!”¹³⁴ Executive Director Phumzile Mlambo-Ngcuka delivered the opening remarks, expressed hope in “end[ing] all forms of sexual violence,”¹³⁵ and commended all the efforts thus far.

III. Human Trafficking

A. THE UNITED NATIONS

At the U.N. “World Day against Trafficking in Persons” on July 30, the U.N. Secretary-General stated that roughly seventy-two percent of human trafficking victims worldwide are women and girls.¹³⁶ According to Measurement, Action, Freedom (MAF) 2019, of the 183 countries assessed, 133 countries have not yet criminalized forced marriage.¹³⁷ Human traffickers have become more focused on groups in vulnerable situations, “such as migrant women, women with disabilities, and those from ethnic minorities.”¹³⁸ Many countries have trafficking laws in place, “[b]ut more needs to be done to bring transnational trafficking networks to justice and, most of all, to ensure that victims are identified and can access the protection and services they need.”¹³⁹

132. *Id.*

133. See U.N. Women, *UN Women Executive Director kicks off the UNiTE campaign to end gender-based violence during the UN Trust Fund to end Violence Against Women grantee Convention*, RELIEF WEB (Nov. 4, 2019), <https://reliefweb.int/report/world/un-women-executive-director-kicks-unite-campaign-end-gender-based-violence-during-un>.

134. *Id.*; see also *Generation Equality action pack; November 2019: Generation Equality Stands against Rape*, UN WOMEN <https://www.unwomen.org/en/news/in-focus/end-violence-against-women>.

135. *Id.*

136. *World Day against Trafficking in Persons Statements (2019)*, UN OFF. ON DRUGS AND CRIME [UNODC] (Jul. 30, 2019) <https://www.unodc.org/endht/en/statements.html>.

137. Minderoo Foundation (Walk Free), *Measurement Action Freedom: An Independent Assessment of Government Progress Towards Achieving UN Sustainable Development Goal 8.7*, (Jun. 2019) https://cdn.globallaveryindex.org/2019-content/uploads/2019/07/17123602/walk.free_MAF_190717_FNL_DIGITAL-P.pdf.

138. *Committee on the Elimination Of Discrimination Against Women Discusses Trafficking in Women and Girls in the Context of Global Migration*, U.N. Human Rights Office of the High Commissioner (Feb. 22, 2019), <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24199&LangID=E>.

139. *World Day against Trafficking in Persons Statements (2019)*, *supra* note 136.

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**B. THE ASEAN CONVENTION AGAINST TRAFFICKING IN PERSONS,
ESPECIALLY WOMEN AND CHILDREN**

In November 2019, the Thirteenth ASEAN Ministerial Meeting on Transnational Crime adopted the Joint Statement that noted, among other developments, “significant progress in addressing the need for a monitoring and reporting mechanism for the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP).”¹⁴⁰

**C. REGIONAL EFFORTS TO COMBAT HUMAN TRAFFICKING OF
WOMEN AND GIRLS**

As of November 2019, fifteen additional countries,¹⁴¹ including Sri Lanka, Madagascar, and Malawi,¹⁴² ratified the Protocol of 2014 to the Forced Labor Convention, 1930, as part of the ILO's global effort to reinforce an international legal framework for eliminating human trafficking,¹⁴³ including the trafficking and sexual exploitation of women and girls, one of the most common forms of human trafficking.¹⁴⁴

1. West Africa

In a landmark decision issued in early 2019, Niger's highest court outlawed the practice of keeping women as sex slaves, also known as the “fifth wife” or “*wabaya*.”¹⁴⁵ “*Wabaya*” is one of three types of slavery identified in Niger, and is a form of concubinage that involves the sale of young girls, typically below the age of fifteen, who are born into slavery and sold to wealthy individuals to serve as domestic and sexual servants to their masters.¹⁴⁶ The Niger court denounced the slavery practice in its ruling, stating “[t]his custom . . . is contrary to the laws of the republic and the international conventions regularly ratified by Niger.”¹⁴⁷

140. ASEAN, *Joint Statement: Thirteenth ASEAN Ministerial Meeting on Transnational Crime (13th AMMTC)*, (Nov. 27 2019), <https://asean.org/storage/2019/11/Adopted-Joint-Statement-of-the-13th-AMMTC-27-November-2019.pdf>.

141. See Int'l Lab. Org. [ILO], *Ratifications of P029 – Protocol of 2014 to the Forced Labour Convention, 1930*, https://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:3174672.

142. *Id.*

143. *Malawi Renews Commitment Toward International Labour Standards*, ILO (Nov. 12, 2019), https://www.ilo.org/global/standards/WCMS_728102/lang-en/index.htm.

144. See, e.g., *World Day against Trafficking in Persons Statements (2019)*, *supra* note 136.

145. Nellie Peyton, *No More 'Fifth Wife' Sex Slaves and Maids, Niger's Top Court Rules*, REUTERS (Mar. 20, 2019), <https://www.reuters.com/article/us-niger-slavery-court/no-more-fifth-wife-sex-slaves-and-maids-nigers-top-court-rules-idUSKCN1R11TE>.

146. Kylie Kiunguyu, *Niger's Practice of Selling Young Girls as an Unofficial "Fifth Wife" has been Outlawed*, THIS IS AFR. (Apr. 2, 2019), <https://thisisafrika.me/arts-and-culture/nigers-practice-of-selling-young-girls-as-an-unofficial-fifth-wife-has-been-outlawed/>.

147. *Id.*

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2. *The United States*

The United States worked to combat trafficking by prohibiting the charging of recruitment fees for access to employment, which makes workers vulnerable to exploitation.¹⁴⁸ In December 2018, the U.S. Department of Defense, General Services Administration, and National Aeronautics and Space Administration amended the Federal Acquisition Regulation (FAR), to provide an extensive definition for “recruitment fees.”¹⁴⁹ The FAR prohibits activities such as the use of misleading or fraudulent recruitment practices, providing misleading information about work conditions, confiscating employees’ identity papers, and requiring employees to pay recruitment fees. This new definition clarifies that the prohibition will encompass many types of fees, regardless of the time, manner, or location of imposition or collection of the fee.¹⁵⁰

3. *Australia*

To eradicate modern slavery and hold businesses more accountable in the oversight of their employment conditions and practices, Australia enacted the Modern Slavery Act 2018, which became law on January 1, 2019.¹⁵¹ The Act establishes a mandatory reporting requirement for entities operating in Australia with more than AUD \$100 million annual revenue.¹⁵² The Act increases transparency, requiring thousands of businesses and other entities to publish annual statements on actions taken to assess and address modern slavery in their operations and supply chains in a government-administered public register.¹⁵³

IV. Women, Peace, and Security

Urging the promotion of “full, equal and meaningful participation of women in all stages of peace processes,” the U.N. Security Council unanimously adopted U.N. Resolution 2493.¹⁵⁴ This resolution impresses the importance of creating safe and enabling environments to protect women leaders, peace-builders, political actors, and those who protect and

148. See Kristen E. Ittig, Samuel Witten, and Leslie C. Bailey, *FAR Definition of “Recruitment Fees”: No Means No*, ARNOLD & PORTER (Dec. 21, 2018), <https://www.arnoldporter.com/en/perspectives/publications/2018/12/far-definition-of-recruitment-fees-no-means-no>.

149. See *id.*; see also Federal Acquisition Regulation [FAR] 48 C.F.R. § 22.1702 (2019).

150. 48 C.F.R. § 22.1702.

151. See Abigail Mcregor, *Modern Slavery Act: What businesses in Australia need to know*, NORTON ROSE FULBRIGHT (Jan. 2020), <https://www.nortonrosefulbright.com/en/knowledge/publications/06a565ee/modern-slavery-act-what-businesses-in-australia-need-to-know>.

152. *Id.*

153. See Ben Debney, *Reflections on the Australian Modern Slavery Act and Beyond*, BUS. & HUM. RTS. RESOURCE CTR., <https://www.business-humanrights.org/en/about-us/blog/reflections-on-the-australian-modern-slavery-act-and-beyond> (last visited Nov. 2019).

154. S.C. Res. 2493, ¶¶ 2, 3, 5 (Oct. 29, 2019).

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promote human rights from undue interference by means of threats, harassment, violence, and hate speech.¹⁵⁵

As a requirement of the domestic “Women, Peace and Security Act of 2017,” the United States Strategy on Women, Peace and Security was published, recognizing the barriers to women’s meaningful participation and critical underrepresentation of women in “conflict prevention, conflict-resolution, and post-conflict peace building efforts.”¹⁵⁶ Identified objectives of the strategy include increased participation of women, the protection of women through private assistance programs and ensuring equal access to government, and improved institutionalization.¹⁵⁷ But noting that many parliaments remain unaware of or uninvolved in the women, peace, and security agenda, the U.N. Development Programme published a comprehensive handbook to provide guidance.¹⁵⁸ This handbook proposes implementing national strategies and identifying law reform priorities and recommends effective budgeting to ensure adequate resources.¹⁵⁹

Finally, fourteen new countries were added to the Women, Peace, and Security Index, which provides “important insights into patterns and progress on women’s well-being and empowerment around the world,” specifically in the context of inclusion, justice, and security.¹⁶⁰ This expanded the coverage of the index to include more than ninety-eight percent of the world’s population.¹⁶¹ The index report finds that while “[f]ew countries perform uniformly well across all dimensions of women’s well-being,” “trends in women’s empowerment are heading in the right direction globally,” “with financial inclusion, education, legal reforms, and parliamentary representation [being] the biggest drivers of upward mobility.”¹⁶²

V. International Criminal Courts and Tribunals and Women’s Rights Cases

In 2019, there were significant developments before international criminal courts and tribunals and attention paid to women’s rights cases worldwide,

155. *See id.* ¶ 6.

156. *United States Strategy on Women, Peace, and Security*, WHITEHOUSE.GOV 6 (Jun. 2019), https://www.whitehouse.gov/wp-content/uploads/2019/06/WPS_Strategy_10_October2019.pdf.

157. *Id.* at 5.

158. *See* U.N. Development Programme [UNDP], *Parliaments as Partners Supporting the Women Peace and Security Agenda: A Global Handbook* (Nov. 6, 2019), https://www.undp.org/content/dam/undp/library/peace/conflict-prevention-peacebuilding/Parliament_as_partners_supporting_the_Women_Peace_and_Security_Agenda_-_A_Global_Handbook.pdf.

159. *Id.*

160. GEO. INST. FOR WOMEN, PEACE AND SECURITY [GIWPS], *WOMEN, PEACE, AND SECURITY INDEX 2019/20 vi* (2019), <https://giwps.georgetown.edu/wp-content/uploads/2019/12/WPS-Index-2019-20-Report.pdf>.

161. *Id.* at 13.

162. *Id.* at 1, 3.

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demonstrating a growing commitment to recognizing the importance of justice for women who suffer gender-based crimes.

A. INTERNATIONAL CRIMINAL COURT

With the Rome Statute of the International Criminal Court (ICC) leading the way on the enumeration of sexual- and gender-based war crimes and crimes against humanity, and the Office of the Prosecutor's (OTP) 2014 Policy Paper highlighting the need for effective investigations and prosecutions of these crimes, several situations and cases before the Court advanced these crimes in practice.¹⁶³

In the early stages of proceedings, developments underscored a focus on justice for gender-based crimes. The OTP's request for authorization to open an investigation regarding the Situation in Myanmar and Bangladesh and the crimes against the Rohingya Muslim population was granted in November 2019.¹⁶⁴ The Chamber found a reasonable basis to believe that widespread and/or systematic acts of rape and sexual violence, among other acts, were committed as part of a policy to attack the Rohingya women and girls.¹⁶⁵ In September 2019, the Pre-Trial Chamber held confirmation of charges proceedings in the case against Alfred Yekatom and Patrice-Edouard Ngaïssona, for which the charges against Ngaïssona included the war crimes and crimes against humanity of rape and attempted rape.¹⁶⁶ Likewise, the charges against Al Hassan Ag Abdoul Aziz for war crimes and crimes against humanity in Mali, including rape and sexual slavery, were confirmed on September 30, 2019.¹⁶⁷

At the trial phase in July 2019, Bosco Ntaganda of the Democratic Republic of the Congo was found guilty of eighteen counts of war crimes and crimes against humanity, including sexual slavery and rape, whereby the Chamber found that, in regard to the credibility of evidence, delays in reporting these crimes were attributable to stigmatization, fear, and shame, and therefore "understandable consequence of the victims' alleged experience."¹⁶⁸ Dominic Ongwen of northern Uganda is subject to similar

163. See Int'l Crim. Ct. [ICC], *Policy Paper on Sexual and Gender-Based Crimes* (Jun. 2014), <https://www.icc-cpi.int/iccdocs/otp/OTP-Policy-Paper-on-Sexual-and-Gender-Based-Crimes—June-2014.pdf>.

164. ICC, *Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation in the People's Republic of Bangladesh/Republic of the Union of Myanmar*, at ¶ 92, ICC-01/19-27 (Nov. 14, 2019), https://www.icc-cpi.int/CourtRecords/CR2019_06955.PDF.

165. *Id.*

166. See ICC Press Release, *Opening of the confirmation of charges hearing in Yekatom and Ngaïssona case: Audio-visual materials and photographs* (Sep. 19, 2019), <https://www.icc-cpi.int/Pages/item.aspx?name=pr1480>.

167. See ICC Press Release, *Al Hassan case: ICC Pre-Trial Chamber I confirms charges of war crimes and crimes against humanity and commits suspect to trial* (Sep. 30, 2019), <https://www.icc-cpi.int/Pages/item.aspx?name=pr1483>.

168. Prosecutor v. Ntaganda, Case No. ICC-01/04-02/06-2359, Judgment, ¶ 88 (Jul. 8, 2019), https://www.icc-cpi.int/CourtRecords/CR2019_03568.PDF.

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charges in his trial; closing briefs were due on February 26, 2020, and closing statements were scheduled for March 10, 2020.¹⁶⁹ In the trial against Laurent Gbagbo and Charles Blé Goudé concerning post-election violence in Cote d'Ivoire, and including the charge of the crime against humanity of rape, the Trial Chamber granted the applications of the defense teams “no case to answer” in January 2019, effectively acquitting both of all charges.¹⁷⁰

In September 2019, Bosco Ntaganda sought to appeal his conviction for crimes committed in the DRC and argued the standard of proof was misapplied and the burden of proof reversed when finding Ntaganda could have foreseen the commission of rape and sexual slavery as a result of the common plan and the use of child soldiers.¹⁷¹

B. EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA

In Case 004 against Yim Tith, the International Co-Investigating Judge's (CIJ) ruled that while Tith's case was admissible before the Extraordinary Chambers in the Courts of Cambodia (ECCC) (a decision contradicted by the National CIJ finding of inadmissibility), 901 civil parties were inadmissible, including victims of the crimes against humanity of forced marriage.¹⁷² The victims, acting as Civil Parties, filed an appeal which emphasized the important role of Civil Parties in pursuing national reconciliation for consideration of admissibility.¹⁷³

On August 13, 2019, the Supreme Court Chamber of the ECCC took the decision to terminate all proceedings against Nuon Chea after his death on August 4, 2019.¹⁷⁴ This included all proceedings in Case 002/02 which concerned forced marriage and rape throughout Cambodia for which he was

169. See Prosecutor v. Ongwen, Case No. ICC-02/04-01/15, Modification of Deadline Regarding Closing Briefs and Setting of Dates for Closing Statements (Oct. 23, 2019), https://www.icc-cpi.int/CourtRecords/CR2019_06249.PDF.

170. See Prosecutor v. Gbagbo and Ble Goude, Case No. ICC-02/11-01/15-1263, Reasons for oral decision of 15 January 2019 on the Requête de la Défense de Laurent Gbagbo afin qu'un jugement d'acquiescement portant sur toutes les charges soit prononcé en faveur de Laurent Gbagbo et que sa mise en liberté immédiate soit ordonnée (Jul. 16, 2019), <https://www.icc-cpi.int/Pages/record.aspx?docNo=ICC-02/11-01/15-1263>.

171. Prosecutor v. Ntaganda, ICC-01/04-02/06-2396, Mr. Ntaganda's Notice of Appeal against the Judgment pursuant to Article 74 of the Statute, Ground 7 (Sep. 9, 2019) https://www.icc-cpi.int/CourtRecords/CR2019_05528.PDF.

172. Prosecutor v. Tith, Case No. 004/07-09-2009-ECCC/OCIJ (PTC61), Appeal Against Order On The Admissibility Of Civil Party Applicants ¶ 2 (Sep. 13, 2019) https://www.eccc.gov.kh/sites/default/files/documents/court/2019/09/13/20190913_004_07_09_2009_ECCC_OCIJ_PTC61_Appeal_Against_Order_On_The_Admissibility_Of_Civil_Party_Applicants_¶_2.pdf.

173. *Id.* at ¶¶ 8–10.

174. See Prosecutor v. Chea, Case No. 002/19-09-2007-ECCC/SC, Decision To Terminate Proceedings Against NUON Chea (Aug. 4, 2019), https://www.eccc.gov.kh/sites/default/files/documents/court/2019/08/04/20190804_002_19_09_2007_ECCC_SC_Decision_To_Terminate_Proceedings_Against_Nuon_Chea.pdf; fbclid=IwAR2ZOOhNTd7hbqg6-3xt5Ky-ZIKRwk5OeOwRAV-WMa1cuVd3yMDbNUPw_2A.

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convicted in November 2018, and for which he filed notice of appeal in July 2019.¹⁷⁵

C. U.N. INTERNATIONAL RESIDUAL MECHANISM FOR CRIMINAL TRIBUNALS

Proceedings continued in the appeal by Ratko Mladic of his convictions of the crimes against humanity of deportation by forcible removal of women from territories in Bosnia and Herzegovina, and of rape and sexual violence causing women and others to flee in fear.¹⁷⁶

In September, the Appeals Chamber of the Mechanism rejected a review application made by Augustin Ngirabatware of Rwanda, based on the recanting of witness testimony against him which had led to his conviction in 2012 for counts including the crime against humanity of rape under the extended form of joint criminal enterprise (JCE), for which his conviction had been overturned in 2014 for failure to prove his contribution to the JCE of exterminating the Tutsi population.¹⁷⁷

D. THE CRIMINAL COURT, RIYADH

In March 2019, ten women's rights activists—including Loujain al-Hathloul, a prominent figure in the campaign to win Saudi women the right to drive—were detained, charged, and stood trial in Saudi Arabia for violating its cyber-crimes law.¹⁷⁸ In June 2019, Samar Badawi, a recipient of the 2012 International Women of Courage Award, and Nassima Al-Sadah were also charged under the cyber-crimes law and “[n]o international observers, media or diplomats were allowed in court.”¹⁷⁹ Saudi rights group ALQST said Badawi and other women activists had been subjected to “severe and brutal torture and sexual harassment” while being held.¹⁸⁰

E. THE SUPREME COURT OF INDIA

In November, the Supreme Court of India decided to refer the landmark Sabarimala case to a larger bench of seven judges following a three-to-two

175. *Id.* at ¶¶ 2–3.

176. See *Prosecutor v. Mladic*, Case No. MICT-13-56-A, Order Scheduling a Status Conference (Oct. 17, 2019), <https://jrad.irmct.org/view.htm?r=246140&s=>.

177. *Prosecutor v. Ngirabatware*, Case No. MICT-12-29-R, Review Judgment ¶¶ 4, 65 (Sep. 27, 2019), <https://www.irmct.org/sites/default/files/attachments/articles/27092019-Review-Judgement-Ngirabatware.pdf>.

178. See *Saudi Arabia puts women's rights activists on trial*, BBC, (Mar. 13, 2019), <https://www.bbc.com/news/world-middle-east-47553416>.

179. *Saudi Arabia: Take action for Saudi women's rights defenders who remain in prison and on trial*, GULF CTR. FOR HUM. RTS. (Jul. 18, 2019), <https://www.gc4hr.org/news/view/2160>.

180. Kereem Chehayeb, *Saudi women's rights activist Samar Badawi appears in court*, AL JAZEERA (June 27, 2019), <https://www.aljazeera.com/news/2019/06/saudi-women-rights-activist-samar-badawi-appears-court-190627074012916.html>.

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verdict of the appeal.¹⁸¹ But the Court did not stay its September 2018 judgment, which ruled that all pilgrims, regardless of gender, including women in the menstruating age group, should be allowed entrance to Sabarimala, a Hindu temple.¹⁸² The 2018 verdict led to violent protests and religious outrage.¹⁸³ This decision came on the heels of a New Year's Day demonstration in Kerala in which millions of women formed an 385-mile-long human "women's wall" in support of gender equality.¹⁸⁴ In the dissent to the referral judgment, Justices Nariman and Chandrachud stated that the rule of law and the Constitution place a "non-negotiable obligation" on authorities to uphold the previous judgment to protect women's constitutional rights regardless of the ongoing protests.¹⁸⁵

181. *Rajeevaru v. Indian Young Lawyers Assoc.* (2019) Unreported SCR 9 (India), available at https://main.sci.gov.in/supremecourt/2018/38452/38452_2018_1_1501_18283_Judgement_14-Nov-2019.pdf.

182. See *Indian supreme court upholds women's right to enter Kerala temple*, GUARDIAN (Sep. 28, 2018), <https://www.theguardian.com/world/2018/sep/28/indian-supreme-court-upholds-womens-right-to-enter-kerala-temple-ban-sabarimala-illegal>.

183. See Niha Masih, *In India, two women defy protests — and centuries of tradition — by entering a temple*, WASH. POST (Jan. 3, 2019), https://www.washingtonpost.com/world/asia_pacific/protesters-kept-women-out-of-a-prominent-indian-temple-for-months—until-today/2019/01/02/f01304e0-0e64-11e9-831f-3aa2c2be4cbd_story.html.

184. See *id.*; see also Kamala Thiagarajan, *Millions of Women In India Join Hands To Form A 385-Mile Wall Of Protest*, NPR (Jan. 4, 2019), <https://www.npr.org/sections/goatsandsoda/2019/01/04/681988452/millions-of-women-in-india-join-hands-to-form-a-385-mile-wall-of-protest>.

185. *Rajeevaru*, Unreported SCR, at 66.

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