

## **Women's Interest Network**

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Large protest demonstrations and activist campaigns in 2017 prompted gains for women's legal rights, access to justice, and political power. A major movement challenging the sexual harassment and assault of women began in the United States and quickly went global. Yet, existing threats with gender dimensions persisted, and new ones emerged, including increased human trafficking, sex trafficking, and serious crimes against women and girls, particularly in conflict and post-conflict areas.

This chapter focuses on major developments related to women's legal and political empowerment, gender-based and sexual harassment and violence, human trafficking, the role of women in peace and security, ending impunity for serious crimes against women and girls, and international courts and tribunals.

### **I. Legal Empowerment**

The year marched in with women literally taking to the streets in public demonstrations worldwide demanding gender equality, respect for their rights, full participation in society, and an end to violence against women and girls. The Women's March on Washington, aimed as a political protest against the anticipated anti-women policy agenda of the new U.S. President and in support of women's rights generally, went global with demonstrations on all seven continents and on social media.<sup>1</sup> These demonstrations coincided with notable milestones for women's rights, such as the 100th

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1. See, e.g., Colin Dwyer et al., *Women's Marches Go Global: Postcards from Protests Around the World*, NPR (Jan. 21, 2017), <https://www.npr.org/sections/thetwo-way/2017/01/21/510940708/>.

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anniversary of women suffragists marching in countries around the world for the legal right to vote and serve in political office.<sup>2</sup> Within the United States, the year marked the 100th anniversary of the first elected women in the U.S. Congress,<sup>3</sup> the 25th anniversary of the “Year of the Woman,”<sup>4</sup> and the 20th anniversary of the Million Woman March.<sup>5</sup> Similarly, advocacy in countries worldwide in 2017 brought constitutional, legislative, and political changes, advancing legal rights for women and their economic, social, and political inclusion. Further, international organizations, governments, and the private sector held thematic conferences on how to advance international and national efforts to protect women’s rights.<sup>6</sup> Governments also committed to gender action plans,<sup>7</sup> women’s inclusion in policymaking,<sup>8</sup> and new tracking of indicators and results so that gaps can be addressed.<sup>9</sup>

**A. WOMEN’S REPRESENTATION IN POLITICAL AND LEGAL LEADERSHIP**

Progress in closing the political gender gap slowed but still brought some gains in women’s representation in political decision-making.<sup>10</sup> Several countries saw milestones of women serving in more senior government and legislative positions.<sup>11</sup> Nine of sixteen women serving as head of state or government in 2017 were their country’s first woman to hold that office.<sup>12</sup>

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2. See, e.g., Nat’l Park Service, *Women’s Suffrage and WWI*, <https://www.nps.gov/articles/womens-suffrage-wwi.htm> (last visited Nov. 30, 2017) (discussing women’s suffrage protests in 1917 in the United States and other countries).

3. See, e.g., U.S. House of Reps., *Jeannette Rankin’s Historic Election: A Century of Women in Congress*, <http://history.house.gov/Exhibitions-and-Publications/WIC/Century-of-Women-Jeannette-Rankin/> (last visited Nov. 30, 2017).

4. See, e.g., Alix Strauss, *Key Moments Since 1992, ‘The Year of the Woman,’* N.Y. TIMES (Apr. 2, 2017), <https://www.nytimes.com/interactive/2017/04/02/us/02timeline-listy.html>.

5. See, e.g., Bobbi Booker, *Million Woman March: 1997 Philly Event Equally Significant*, PHILA. TRIB. (Oct. 2, 2017), [http://www.phillytrib.com/news/million-woman-march-philly-event-equally-significant/article\\_50ac7b03-3586-559b-9fcd-4f25ff008381.html](http://www.phillytrib.com/news/million-woman-march-philly-event-equally-significant/article_50ac7b03-3586-559b-9fcd-4f25ff008381.html).

6. See, e.g., *Law, Justice and Development Week 2017: Gender, Law and Development*, <http://www.worldbank.org/en/events/2017/03/28/law-justice-and-development-week-2017> (last visited Nov. 30, 2017).

7. See, e.g., ORG. FOR SEC. & COOPERATION IN EUR. & INCLUSIVE SEC., *DESIGNING INCLUSIVE STRATEGIES FOR SUSTAINABLE SECURITY: RESULTS-ORIENTED NATIONAL ACTION PLANS ON WOMEN, PEACE, AND SECURITY* (2017).

8. See, e.g., U.N. Framework Convention on Climate Change, Subsidiary Body for Implementation, 47th Sess., Nov. 6-15, 2017, Bonn, *Draft Conclusions by the Chair on Gender and Climate Change*, annex, U.N. Doc. FCCC/SBI/2017/L.29 (Nov. 13, 2017).

9. See, e.g., *Evidence and Data for Gender Equality (EDGE) Project*, U.N., <https://unstats.un.org/edge> (last visited Nov. 30, 2017).

10. See WORLD ECON. FORUM, *THE GLOBAL GENDER GAP REPORT 2017*, 25 (2017).

11. See *Women in Politics 2017 Map*, INTER-PARLIAMENTARY UNION & U.N. WOMEN, <http://www.unwomen.org/en/digital-library/publications/2017/4/women-in-politics-2017-map> (last visited Nov. 30, 2017).

12. See Abigail Geiger & Lauren Kent, *Number of Women Leaders Around the World has Grown, But They’re Still a Small Group*, PEW RESEARCH CENTER (Mar. 8, 2017), <http://>

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The United Kingdom marked its first-ever moment of having women serving as head of state, head of government, and head of the highest court.<sup>13</sup> The United States saw its first-ever woman presidential candidate for a major political party in 2016, yet remained among the majority of countries where a woman has never served as head of state.<sup>14</sup> In national legislatures worldwide, women held an average of 23 percent of the seats, similar to last year; however, women held more leadership positions.<sup>15</sup> Six countries had gender parity in ministerial positions: Bulgaria, Canada, France, Nicaragua, Slovenia, and Sweden.<sup>16</sup>

In a disturbing trend, human rights violations against women parliamentarians increased in 2017.<sup>17</sup> Roughly 100 women parliamentarians in forty-one countries were arbitrarily detained, attacked, tried without due process, arbitrarily disbarred, and subjected to other forms of abuses due to their political participation and views.<sup>18</sup>

In the legal profession, despite gains in the number of women in the judiciary and the legal field worldwide, women remained underrepresented in senior and top-ranking positions as political appointees to legal positions, judges, law firm partners, senior executives, and corporate board members.<sup>19</sup> The Equal Representation in Arbitration Pledge, introduced in 2016, led to a considerable increase in the number of institutional appointments of

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[www.pewresearch.org/fact-tank/2017/03/08/women-leaders-around-the-world/](http://www.pewresearch.org/fact-tank/2017/03/08/women-leaders-around-the-world/) (Chile, Estonia, Germany, Liberia, Lithuania, Marshall Islands, Mauritius, and Nepal); *Biography of the President*, ISTANA, <http://www.istana.gov.sg/the-president/biography> (last visited Nov. 30, 2017) (Singapore President Halima Yacob sworn in Sept. 14, 2017).

13. See *Women in Politics 2017 Map*, *supra* note 11; John Hyde, *Lady Hale To Be First Female Supreme Court President*, LAW SOC'Y GAZETTE (July 21, 2017), <https://www.lawgazette.co.uk/law/lady-hale-to-be-first-female-supreme-court-president/5062151.article>.

14. See, e.g., Peter Nicholas & Bryon Tau, *Hillary Clinton Officially Becomes First Woman to Win Major Party Nomination*, WALL ST. J (July 27, 2016), <https://www.wsj.com/articles/hillary-clinton-officially-becomes-first-female-to-win-major-party-nomination-1469572814>.

15. See, e.g., *Women in National Parliaments*, INTER-PARLIAMENTARY UNION, <http://archive.ipu.org/wmn-e/classif.htm> (last updated Oct. 1, 2017); *Women in Politics 2017 Map*, *supra* note 11.

16. See *Women in Politics 2017 Map*, *supra* note 11.

17. See Press Release, Inter-Parliamentary Union, IPU Data Confirms Link Between Democracies in Crisis and Surge in Human Rights Abuses Against MPs (Dec. 8, 2017), <https://www.ipu.org/news/press-releases/2017-12/ipu-data-confirms-link-between-democracies-in-crisis-and-surge-in-human-rights-abuses-against-mps>.

18. See *id.*

19. See, e.g., *Women in the Judiciary: What Solutions to Advance Gender-Responsive and Gender-Diverse Justice Systems?*, OECD INSIGHTS (Mar. 10, 2017), <http://oecdinsights.org/2017/03/10/gender-responsive-and-diverse-justice-systems/>; accord Eur. Parl. Comm. on Legal & Parliamentary Affairs, *Mapping the Representation of Women and Men in Legal Professions Across the EU* 12–13 (Aug. 2017); cf. *Trump Announces Sixth Wave of United States Attorney Nominations, Faces Questions About Lack of Women Nominees*, NAT'L L. REV. (Sept. 14, 2017), <https://www.natlawreview.com/article/trump-announces-sixth-wave-united-states-attorney-nominations-faces-questions-about>.

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women arbitrators.<sup>20</sup> The ABA Section of International Law signed the pledge in 2017.

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

With roughly ninety percent of countries having laws that discriminate against women,<sup>21</sup> the United Nations (UN) launched an initiative to help governments repeal discriminatory constitutional provisions and laws, enact laws upholding gender equality and international human rights, and ensure effective implementation and enforcement of laws affecting women.<sup>22</sup> The “Roadmap for Substantive Equality: 2030” initiative aligns with the gender-related goals and targets of the international development agenda, known as the UN Sustainable Development Goals (SDGs).<sup>23</sup> The integration of women’s rights into the consensus framework of the SDGs is endorsed by all UN Members States and is applicable to all countries.<sup>24</sup>

*1. Right to Equality in Economic and Social Life*

In a global first, Iceland adopted legislation requiring public and private entities with more than twenty-five employees to certify they provide equal pay regardless of gender, gender identity, sexual orientation, age, disability, religion, race, and national origin.<sup>25</sup> In a global last, Saudi Arabia ended the world’s only ban on women driving and will begin issuing driver’s licenses to women in 2018.<sup>26</sup>

Gender-segregated swimming pool hours remained an area of legal gender differences across countries.<sup>27</sup>

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20. See Victoria Pernt, *Women in Arbitration Are on the Rise*, KLUWER ARBITRATION BLOG, (June 4, 2017), <http://arbitrationblog.kluwerarbitration.com/2017/06/04/women-arbitration-rise/>; see also EQUAL REPRESENTATION IN ARBITRATION PLEDGE, <http://www.arbitrationpledge.com> (last visited Nov. 30, 2017).

21. See World Bank Group [WBG], *Women, Business, and the Law 2016*, 2 (2016), <https://openknowledge.worldbank.org/bitstream/handle/10986/22546/9781464806773.pdf?sequence=3&isAllowed=Y>.

22. See Press Release, U.N. Women, UN Women Launches Initiative for Reforming Gender-Discriminatory Laws (Feb. 14, 2017), <http://www.unwomen.org/en/news/stories/2017/2/press-release-un-women-launches-initiative-for-reforming-gender-discriminatory-laws>.

23. See *id.*

24. See *Sustainable Development Goals*, U.N., <https://sustainabledevelopment.un.org/> (last visited Nov. 30, 2017).

25. See *Act on Equal Status and Equal Rights of Women and Men (Act No. 56/2017) (IS) (passed June 1, 2017, effective Jan. 1, 2018)*. The equal pay certification was amending legislation.

26. See Royal Decree to Adopt Provisions of Traffic Law, Executive Regulations, Including Issuance of Driving Licenses for Males, Females, Alike, No. M/85, dated 26/10/1429 Hijri Calendar (Sept. 26, 2017) (to be implemented by June 24, 2018).

27. Compare *Osmanoglu & Kocabas v. Switzerland*, No. 29086/12, Eur. Ct. H.R. (Jan. 10, 2017) (in French) (upholding mandatory co-ed swimming lessons for girls whose parents objected for religious reasons pursuant to the aim of preventing social exclusion of girls), with *Malmo, Swedish Ombudsman Case No. GRA 2016-09*, 8 (Dec. 14, 2016) (in Swedish) (allowing exceptions of gender-segregated hours for sports facilities for religious and cultural

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Women's attire, particularly burqas and hijabs, remained controversial. The European Court of Human Rights ruled that Belgium's ban on full-face veils, such as the niqab, in public did not violate the European Convention on Human Rights.<sup>28</sup>

## 2. *Marriage Rights*

Inequalities persisted despite gains related to inter-religious marriages, same-sex marriages, and bans on child marriages.

Tunisia amended its law to remove the prohibition on inter-religious marriages for women and ensure the law complies with constitutional provisions guaranteeing equal opportunities for women and men.<sup>29</sup> Tunisia,<sup>30</sup> Jordan,<sup>31</sup> and Lebanon<sup>32</sup> were among the countries to repeal the "marry-your-rapist" provisions in their criminal codes that barred criminal prosecution of rapists if they married their victims.

Same-sex marriage became legal in Australia,<sup>33</sup> Finland,<sup>34</sup> Germany,<sup>35</sup> and Malta.<sup>36</sup> Six months after Bermuda's Supreme Court upheld same-sex marriage,<sup>37</sup> the Parliament voted to replace it with a law to recognize same-

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reasons), and Stockholm, Swedish Ombudsman Case No. GRA 2016-08 (Dec. 14, 2016) (in Swedish).

28. See *Affair Belcacemi et Ossar v. Belgique*, Eur. Ct. H.R., No. 3379813 (July 11, 2017) (in French). See generally Liam Stack, *Burqa Bans: Which Countries Outlaw Face Coverings*, N.Y. TIMES (Oct. 19, 2017), <https://www.nytimes.com/2017/10/19/world/europe/quebec-burqa-ban-europe.html>.

29. See *Tunisian Women Free to Marry Non-Muslims*, BBC (Sept. 15, 2017), <http://www.bbc.com/news/world-africa-41278610>; *Tunisian President Calls For Full Gender Equality*, MIDDLE EAST MONITOR (Aug. 14, 2017), <https://www.middleeastmonitor.com/20170814-tunisian-president-calls-for-full-gender-equality/>.

30. See *Tunisia Passes Historic Law to End Violence Against Women and Girls*, U.N. WOMEN (Aug. 10, 2017), <http://www.unwomen.org/en/news/stories/2017/8/news-tunisia-law-on-ending-violence-against-women>.

31. See *Jordanian Parliament Abolishes Law that Allowed Rapists to Avoid Prosecution by Marrying Their Victims*, U.N. WOMEN (Aug. 4, 2017), <http://www.unwomen.org/en/news/stories/2017/8/news-jordanian-parliament-abolishes-law-that-allowed-rapists-to-avoid-prosecution>.

32. See *Historic Day for Women in Lebanon as Parliament Repeals Rape Law*, U.N. WOMEN (Aug. 18, 2017), <http://www.unwomen.org/en/news/stories/2017/8/news-lebanon-parliament-repeals-rape-law>.

33. See *Marriage Amendment (Definition and Religious Freedoms) Bill 2017* (Austl.) (adopted Dec. 8, 2017).

34. See William Theisen, *Finland Parliament Votes to Confirm Same-Sex Marriage Law*, JURIST (Feb. 17, 2017, 12:22 PM ET), <http://www.jurist.org/paperchase/2017/02/finland-parliament-votes-to-confirm-same-sex-marriage.php>.

35. See *Gesetz zur Einführung des Rechts auf Eheschließung für Personen gleichen Geschlechts* [Law Allowing the Right of Persons of the Same Sex to Marry], June 30, 2017, BGBl. I at 2787.

36. See Act No. XXIII of 2017 Marriage Act and other Laws (Amendment) of 2017, Aug. 1, 2017, THE MALTA GOVERNMENT GAZETTE, Gov't Notice No. 831, 19,840.

37. See *Godwin et al. v. Registrar General* [2017] SC (Bda) 36 Civ (5 May 2017).

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sex relationships as domestic partnerships.<sup>38</sup> Judicial rulings in Austria<sup>39</sup> and Taiwan<sup>40</sup> struck down marriage laws as violating constitutional provisions against discrimination and ordered equal marriage rights for same-sex couples. In Chile, where same-sex civil unions have been recognized since 2015, the President submitted to Congress a bill to allow the full legalization of same-sex marriage.<sup>41</sup>

Countries in Africa and Central America made advances this year in ending child marriage by removing discriminatory legal provisions, raising the legal marriage age, and revoking exceptions that allowed for child marriage. Among the last countries in Africa to ban child marriage, Malawi amended its constitution to raise the minimum marriage age to eighteen years.<sup>42</sup> Central America, Honduras,<sup>43</sup> Guatemala,<sup>44</sup> and El Salvador<sup>45</sup> enacted legislative reforms to ban child marriages, consistent with international law.<sup>46</sup>

The UN Assistance Mission for Iraq and the UN Secretary-General's Special Representative urged Iraqi lawmakers to reject draft amendments to family and marriage laws and to conduct inclusive consultations to ensure

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38. See Domestic Partnership Act 2017, 2017–2018 Leg. Sess. (2017) (BM) (approved by Parliament on December 13, 2017, and requiring the Governor's approval to become law); see also *Senate Approves Domestic Partnership Bill*, BERNEWS (Dec. 13, 2017), <http://bernews.com/2017/12/senate-approves-domestic-partnership-bill/>.

39. See Press Release, Verfassungsgerichtshof [Constitutional Court], Distinction Between Marriage and Registered Partnership Violates Ban on Discrimination, Dec. 5, 2017 (allowing same-sex marriage by December 31, 2018 unless the legislature allows it earlier), [https://www.vfgh.gv.at/medien/Ehe\\_fuer\\_gleichgeschlechtliche\\_Paare.en.php](https://www.vfgh.gv.at/medien/Ehe_fuer_gleichgeschlechtliche_Paare.en.php) (in English).

40. See *Taiwan Rules in Favor of Same-Sex Marriage*, XINHUA NEWS (May 25, 2017), [http://news.xinhuanet.com/english/2017-05/25/c\\_136312148.htm](http://news.xinhuanet.com/english/2017-05/25/c_136312148.htm) (describing how Taiwan's judicial body struck down a law defining marriage as "between a man and a woman" as unconstitutional and ordered the legislature to allow same-sex marriage within two years).

41. See Chile: President Bachelet Moves Same-Sex Marriage Bill to Congress, SANTIAGO TIMES (Aug. 28, 2017), <http://santiagotimes.cl/2017/08/28/chile-president-bachelet-moves-same-sex-marriage-bill-to-congress/>.

42. See *Malawi Parliament Adopts Amendment to End Child Marriage*, U.N. WOMEN (Feb. 22, 2017), <http://www.unwomen.org/en/news/stories/2017/2/news-malawi-parliament-adopts-amendment-to-end-child-marriage> (change effective Apr. 7, 2017).

43. See Anastasia Moloney, *Honduras Bans Child Marriage, No Exceptions*, THOMSON REUTERS FOUND. (July 13, 2017), <http://news.trust.org/item/20170713055359-2q4lo/>.

44. See Decreto No. 13-2017, de Agosto de 2017, Diario de Centro America / El Guatemalteco, Gaceta Oficial [G.O.] de 13.9.2017 (repealing the exceptions for marriage under 18 years of age and revising Article 83 to specify the minimum age of 18 years).

45. See Decreto No. 754, 17 de Agosto de 2017, DIARIO OFICIAL [D.O.] No. 164 Tomo 416, de 5.9.2017, p. 8, 9 (repealing the exception for marriage under 18 years of age under paragraph 2 of Article 14 of the Family Code).

46. See Central America and the Caribbean Make Historic Strides to End Child Marriage, U.N. WOMEN (Sept. 15, 2017), <http://www.unwomen.org/en/news/stories/2017/9/news-central-america-and-the-caribbean-make-historic-strides-to-end-child-marriage>.

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constitutional and legislative changes are consistent with human rights and international law.<sup>47</sup>

The United States lacked minimum age standards for marriage in the majority of states; it was among the minority of countries that have not ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) or the United Nations Convention on the Rights of the Child (UNCRC), which define a child as below the age of eighteen years.<sup>48</sup>

### 3. *Right to Health*

The United Nations Minamata Convention on Mercury (Mercury Treaty) entered into force on August 16, 2017.<sup>49</sup> The treaty requires governments to protect people and environments from the toxic impacts of mercury and imposes special requirements for the protection of vulnerable populations, including women of child-bearing age, pregnant women, infants, and children.<sup>50</sup> Mercury toxicity can cause birth defects, long-term disabilities, and other serious health hazards.<sup>51</sup>

Overall, women continued to face entrenched controversies related to their health, sexual rights, and reproductive rights. In Australia, one state rejected a bill to decriminalize abortion,<sup>52</sup> while another state decriminalized abortion in cases of rape and when the woman's health is endangered.<sup>53</sup> Chile's Constitutional Court upheld a law easing the total ban on abortions.<sup>54</sup> In Brazil, where abortion is legal to protect the life of the woman and in cases of rape, the government enacted three laws related to women's reproductive health and childbirth, including a prohibition on handcuffing pregnant prisoners,<sup>55</sup> a right to medical consultations about

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47. See Press Release, U.N. Assistance Mission to Iraq [UNAMI], UNAMI Urges Wider Consultation on Draft Law Amending Personal Status Law to Ensure Respect and Protection of Women's Rights (Nov. 9, 2017); cf. FED. GOV'T OF IRAQ & KURDISTAN REG. GOV'T, IRAQ: NATIONAL ACTION PLAN FOR IMPLEMENTATION OF THE UNITED NATIONS SECURITY COUNCIL RESOLUTION 1325 WOMEN, PEACE, AND SECURITY: 2014-2018 (2014) (approved by Cabinet Decision No. 164, No. 201).

48. See TAHIRIH JUSTICE CTR., FALLING THROUGH THE CRACKS: HOW LAWS ALLOW CHILD MARRIAGE TO HAPPEN IN TODAY'S AMERICA (Aug. 2017).

49. See United Nations Minamata Convention on Mercury, Jan. 19, 2013, U.N.T.S. Reg. No. 54669 (entry into force Aug. 16, 2017).

50. See *id.*

51. See *id.*

52. See, e.g., Stefanie Menezes & Sarah McPhee, NSW Abortion Law Reform Push Defeated, W. AUSTL. (May 11, 2017 3:59AM) <https://thewest.com.au/politics/nsw-abortion-law-reform-push-defeated-ng-s-1722644>; cf. Tom Gotis & Laura Ismay, Briefing Paper on Abortion Law: A National Perspective (N.S.W. Parliamentary Res. Serv., Briefing Paper No. 2, 2017).

53. See Termination of Pregnancy Law Reform Bill 2017 (N. Terr.) (adopted Mar. 21, 2017, effective July 1, 2017).

54. See Tribunal Constitucional [T.C.] [Constitutional Court], 28 Agosto 2017, Rol de la causa: 3729-17 (Chile) (corresponding to Bulletin No. 9895-11).

55. See Lei No. 13.434, de 12 abril de 2017, Diário Oficial da União [D.O.U.] de 13.4.2017.

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breastfeeding,<sup>56</sup> and the establishment of national breastfeeding month.<sup>57</sup> In Egypt, at the end of 2017, legislators considered a draft law clarifying the legal right to an abortion to protect the life of the woman and in cases of rape.<sup>58</sup> El Salvador<sup>59</sup> and the Dominican Republic<sup>60</sup> were among the countries with total bans on abortion.

The prevalence of female genital mutilation/cutting reportedly declined in some countries, partially attributable to growing awareness, increased domestic laws banning the practice, and prosecutions.<sup>61</sup>

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

Increased activism and high-profile examples of sexual harassment, violence, and assault against women shattered barriers to addressing longstanding violations of women's rights, beginning with widespread awareness of the problem and a strong response. The unprecedented global outcry from millions of women in 2017 served as a call to action to uphold and respect women's rights, deter would-be perpetrators, and promote effective enforcement and remedies for sexual harassment, violence, and assault.

### A. SEXUAL HARASSMENT

An online #MeToo campaign, prompted by celebrity accusers against a Hollywood producer, demonstrated the magnitude of sexual harassment of women, and men, around the world.<sup>62</sup> Millions of women chimed in with "me too" tales of being confronted with quid pro quo sexual demands and hostile workplaces due to sexual harassment.<sup>63</sup> The growing number of

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56. See Lei No. 13.435, de 12 abril de 2017, Diário Oficial da União [D.O.U.] de 13.4.2017.

57. See Lei No. 13.436, de 12 abril de 2017, Diário Oficial da União [D.O.U.] de 13.4.2017.

58. See 1st Egyptian Medical Liability Draft Law To Regulate Abortion, EGYPT TODAY (Dec. 3, 2017), <https://www.egypttoday.com/Article/2/35227/1st-Egyptian-Medical-Liability-draft-law-to-regulate-abortion>.

59. See Press Release, U.N., Wrapping Up Visit, UN Rights Chief Urges El Salvador To Address Femicide and Abortion Ban (Nov. 17, 2017), <http://www.un.org/apps/news/story.asp?NewsID=58118>.

60. See Anastasia Moloney, Dominican Vote Opens Door To Possible Easing of Total Abortion Ban, REUTERS (July 13, 2017, 2:40 PM), <https://www.reuters.com/article/us-dominican-abortion-women-idUSKBN19Y2I5>.

61. See ELIZABETH LEAHY MADSEN & KRISTIN BIETSCH, USAID, FEMALE GENITAL MUTILATION/CUTTING: DATA AND TRENDS: UPDATE 2017 (2017) (discussing decreased prevalence and providing chart of countries with national or subnational laws that prohibit female genital mutilation/cutting); See also, e.g., Abigail Hauslohner, *First Federal Case under Female Genital Mutilation Ban Spurs Efforts for Harsher Penalties*, WASH. POST (May 29, 2017), [https://www.washingtonpost.com/national/first-federal-case-under-female-genital-mutilation-ban-spurs-efforts-to-stiffen-penalties/2017/05/25/5b29d0de-39a9-11e7-a058-dbb23c75d82\\_story.html](https://www.washingtonpost.com/national/first-federal-case-under-female-genital-mutilation-ban-spurs-efforts-to-stiffen-penalties/2017/05/25/5b29d0de-39a9-11e7-a058-dbb23c75d82_story.html).

62. See, e.g., Stephanie Zacharek et al., *Time Person of the Year 2017: The Silence Breakers: The Voices that Launched a Movement*, TIME, Dec. 18, 2017, at cover.

63. *Id.*



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allegations of sexual harassment threatened significant reputational, economic, social, and legal repercussions for individuals, businesses, governments, and institutions. Facing allegations ranging from extreme manifestations to more subtle forms of sexual harassment, prominent men in Hollywood, on Wall Street, in the U.S. Congress, and elsewhere issued public apologies, resigned, or were forced out.<sup>64</sup>

Although the high-profile cases in the media reflected only a small number of cases, they mirrored the prevalence of these threats in women's lives worldwide. The increased number of high-profile cases could result in legislative steps in many countries in the coming year and in potentially significant growth in sexual harassment litigation.

1. *Domestic Sexual Harassment Laws*

At least 125 countries have sexual harassment laws,<sup>65</sup> and 116 of the 122 countries with workplace sexual harassment laws provide equal protections to men and woman.<sup>66</sup> Developments in 2017 highlighted how the legal definition of harassment can be vague<sup>67</sup> and how due process safeguards are needed for both the victim and the accused.<sup>68</sup>

Responding to several serious sexual harassment allegations against its members, the European Parliament held an open debate and resolved to thoroughly examine allegations against officials and staff, enhance whistleblowing safeguards, and adopt best practices for training, data collection,

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64. See, e.g., Sarah Almukhtar et al., *After Weinstein: 40 Men Accused of Sexual Misconduct and Their Fall From Power*, N.Y. TIMES (Nov. 10, 2017) (updated with fifteen additional men on Dec. 8, 2017), <https://www.nytimes.com/interactive/2017/11/10/us/men-accused-sexual-misconduct-weinstein.html>.

65. See generally *Global Database on Violence Against Women*, U.N. WOMEN, <http://evaw-global-database.unwomen.org/> (last visited Nov. 30, 2017) (search by laws); see also U.N. Statistics Div., *The World's Women 2015*, 139 (2015), <https://unstats.un.org/unsd/gender/chapter6/chapter6.html>.

66. See UCLA WORLD POLICY ANALYSIS CTR., *PREVENTING GENDER-BASED WORKPLACE DISCRIMINATION AND SEXUAL HARASSMENT: NEW DATA ON 193 COUNTRIES*, 3 (2017).

67. See, e.g., AFRICAN CTR. FOR JUSTICE & PEACE STUDIES, *SUDAN'S NEW LAW ON RAPE AND SEXUAL HARASSMENT: ONE STEP FORWARD, TWO STEPS BACK* (2016) (describing the potential for victims to be prosecuted for "gross indecency" under the crime of sexual harassment adopted in 2015 because of the lack of clarity in the meaning and scope of the language).

68. See, e.g., ABA CRIMINAL JUSTICE SECTION, TASK FORCE ON COLL. DUE PROCESS RIGHTS & VICTIM PROT., *RECOMMENDATIONS FOR COLLEGES AND UNIVERSITIES IN RESOLVING ALLEGATIONS OF CAMPUS SEXUAL MISCONDUCT* 4, 5 (2017); Angela Cummings et al., *Sexual Harassment in the Workplace: A Global Concern with Local Solutions*, LEXOLOGY (Jan. 12, 2017), <https://www.lexology.com/library/detail.aspx?g=1ad571f4-4a49-4120-a6b5-ae66e95d49d2> (discussing workplace sexual harassment laws, standards, and consequences of false claims in several countries).

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and reporting.<sup>69</sup> The European Parliament called on Member States' parliaments to do the same.<sup>70</sup>

2. *Regional and International Sexual Harassment Laws*

The International Labour Office (ILO), a specialized UN agency, released a report analyzing laws on sexual harassment and violence in the workplace in eighty countries.<sup>71</sup> That report and ongoing consultations will inform the ILO's discussions in 2018 concerning a potential ILO Convention and new international standards on harassment, violence, and assaults against women and men in public and private workplaces.<sup>72</sup>

B. ELIMINATION OF VIOLENCE AGAINST WOMEN

The United Nations CEDAW Committee, which monitors compliance with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), declared the prohibition of violence against women a norm of customary international law.<sup>73</sup> The CEDAW Committee also expressed concern with the continued pervasiveness of gender-based violence in all countries, the new forms of violence enabled by technology, the culture of impunity, and harmful practices and crimes against women human rights defenders.<sup>74</sup> In updated guidance responsive to evolving understandings of the causes and impacts of the violence, the CEDAW Committee now recommends "gender-based violence against women" as the more precise term to use in legal and policy contexts.<sup>75</sup>

1. *Domestic Violence as a Criminal Offense*

The CEDAW Committee called upon all countries to accelerate their efforts to implement fully their obligations under international law, to end impunity, and to repeal all laws and policies that "allow, tolerate, or condone" violence.<sup>76</sup> Although more than 140 countries have laws on

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69. See Press Release, Eur. Parl., Sexual Harassment: MEPs Debate Situation in the EU in Plenary (Oct. 25, 2017, 14:13), <http://www.europarl.europa.eu/news/en/headlines/society/20171023STO86603/>; Eur. Parl. Res. 2017/2897 (Oct. 26, 2017).

70. See Eur. Parl. Res. 2017/2897, ¶¶ 22-25.

71. See Int'l Labour Office [ILO], *Ending Violence and Harassment Against Women and Men in the World of Work*, ILC.107/V/1 (2017), [http://www.ilo.org/wcmsp5/groups/public/—ed\\_norm/—relconf/documents/meetingdocument/wcms\\_553577.pdf](http://www.ilo.org/wcmsp5/groups/public/—ed_norm/—relconf/documents/meetingdocument/wcms_553577.pdf).

72. See *id.*, at 95-104.

73. See U.N. Office of the High Comm'r on Human Rights [OHCHR], Comm. on the Elimination of Discrimination Against Women [CEDAW], General Recommendation No. 35 on Gender-Based Violence Against Women, Updating General Recommendation No. 19, U.N. Doc. CEDAW/C/GC/35, ¶ 2 (July 14, 2017).

74. See *id.* ¶ 6.

75. See *id.* ¶ 9.

76. See *id.* ¶ 31.

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violence against women,<sup>77</sup> the laws vary in the extent to which they respect and protect women's rights. Mongolia amended its law to make domestic violence a criminal offense.<sup>78</sup> Brazil passed a law providing women in domestic and family violence situations protections from direct contact with suspected abusers and the right to assistance by specialized police personnel.<sup>79</sup> But, so-called "honor killings" continued despite an increase in laws and prosecutions.<sup>80</sup>

## 2. *Online Abuse and Violence*

Growing and emergent forms of online harassment, stalking, threats, and extortion posed challenges to existing legal definitions and frameworks.<sup>81</sup> A research study by the European Institute for Gender Equality, a European Union (EU) agency, recommended legislative reforms to address gaps in the legal frameworks, law enforcement responses, and prosecutions involving new forms of cyber violence, particularly against women and girls.<sup>82</sup> In the United States, five states enacted laws in 2017 to make coercion of sexual acts through threats against the property or reputation of victim, known as "sextortion," a crime.<sup>83</sup> Preliminary findings of a research study on sextortion laws in Europe recommended that sextortion should be incorporated into criminal laws as a specific crime.<sup>84</sup>

A report by the UN Secretary-General focused on combatting increased gender-based harassment and violence against women journalists, including

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77. See *Women, Business, and the Law 2016, Protecting Women Data*, WORLD BANK, <http://wbl.worldbank.org/data/exploretopics/protecting-women-from-violence> (last visited Nov. 30, 2017); *Global Database on Violence Against Women*, U.N. WOMEN, <http://evaw-global-database.unwomen.org/> (last visited Nov. 30, 2017) (covering laws, regional initiatives, statistical data, and programs).

78. See *Law to Combat Domestic Violence* (Dec. 22, 2016), available at <http://legalinfo.mn/law/details/12393> (Mongolian) (effective Feb. 1, 2017).

79. See Lei No. 13.505, de 8 de Novembro de 2017, Diário Oficial da União [D.O.U.] de 9.11.2017 (amending Law No. 11,340).

80. See, e.g., *Men Still Killing Women for 'Honour,' Despite New Law*, PAK. TODAY (Oct. 31, 2017), <https://www.pakistantoday.com.pk/2017/10/31/men-still-killing-women-for-honour-despite-new-law/>; cf. Press Release, U.N., Gender-Based Killings, Domestic Violence Forms of 'Arbitrary Execution, UN Rights Expert (June 7, 2017), <http://www.un.org/apps/news/story.asp?NewsID=56923>.

81. Cf. EUR. INST. FOR GEND. EQUAL., *CYBER VIOLENCE AGAINST WOMEN AND GIRLS* (2017).

82. See *id.*

83. See, e.g., *Cheryl Miller, Orrick Team Builds on Success Fighting of 'Sextortion,'* LAW.COM, (Oct. 6, 2017), <https://www.law.com/sites/therecorder/2017/10/06/orrick-teams-builds-on-success-fighting-rise-of-sextortion/>.

84. See Patricia Lopez Aufranc, *Sextortion: Efforts to Raise Awareness about the Crime Continue*, MARVAL O'FARRELL & MAIRAL (June 30, 2017) <http://www.marval.com/publicacion/sextortion-continuan-los-esfuerzos-para-concientizar-sobre-el-flagelo-13006/> (discussing the preliminary conclusions of the Second Volume of "Naming, Shaming, and Ending Extortion" to be published by the UIA Institute for the Rule of Law).

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the growth in online abuse and threats of violence.<sup>85</sup> The report noted that women who cover topics such as “politics, law, economics, sports, women’s rights, gender, and feminism” are more likely to become targets of online violence and that online abuse targeting women journalists is generally more severe than that targeting their male colleagues.<sup>86</sup>

The UN Special Rapporteur on violence against women received public input on legal trends in addressing online violence and will submit a report to the Human Rights Council in 2018.<sup>87</sup>

### 3. *Regional Instruments and Guidelines*

With Latin America having among the highest rates of femicide, or female-related killings, UN Women and the Office of the High Commissioner for Human Rights continued to help countries implement the Latin American Model Protocol for investigations and prosecutions of gender-related killings of women.<sup>88</sup> Since 1992, the CEDAW Committee has clarified that Article 1 of CEDAW includes gender-based violence that is “violence which is directed against a woman because she is a woman or that affects women disproportionately.”<sup>89</sup>

In Europe, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Treaty) is the region’s first instrument for implementing comprehensive and coordinated laws and policies to prevent gender-based violence, protect victims, and prosecute perpetrators.<sup>90</sup> The Istanbul Treaty requires data collection on gender-related crimes and recognizes gender-based violence as a form of persecution when establishing refugee status. The EU and all Member States have signed the treaty, and seventeen Member States and an additional ten states have ratified it, including five ratifications in 2017.<sup>91</sup> In November, the European Parliament Policy Department on Citizens’ Rights

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85. See U.N. Secretary-General, *Safety of Journalists and the Issue of Impunity: Rep. of the Secretary-General*, U.N. Doc. A/72/90 (Aug. 4, 2017); cf. The Editorial Board Opinion, *With a Journalist’s Murder in Malta, a Global Threat Grows*, N.Y. TIMES (Oct. 17, 2017), <https://www.nytimes.com/2017/10/17/opinion/journalist-murder-malta-daphne-galizia.html>.

86. *Id.* at ¶ 10.

87. See U.N. Special Rapporteur on Violence Against Women, *Its Causes and Consequences*, OHCHR, <http://www.ohchr.org/EN/Issues/Women/SRWomen/> (last visited Nov. 30, 2017).

88. See *Take Five: Fighting Femicide in Latin America*, U.N. WOMEN (Feb. 15, 2017), <http://www.unwomen.org/en/news/stories/2017/2/take-five-adriana-quinones-femicide-in-latin-america>.

89. General Recommendation No. 35, *supra* note 73, ¶ 1.

90. See Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, May 5, 2011, C.E.T.S. 210 (entry into force Aug. 1, 2014) [hereinafter Istanbul Treaty].

91. See Chart of Signatures and Ratifications of Treaty 210, COUNCIL OF EUR., <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures> (last visited Nov. 30, 2017).

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and Constitutional Affairs published a study on EU accession to the Convention.<sup>92</sup>

In Africa, the Economic Community of West African States Court of Justice rendered its first-ever decision finding a violation of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women (Maputo Protocol).<sup>93</sup> The court found gender-based violence against women by government security forces, a failure to investigate and prosecute, and multiple violations of women's human rights under international law.<sup>94</sup>

The African Commission on Human and Peoples' Rights, which celebrated its 30th anniversary in 2017, adopted *Guidelines for Combating Sexual Violence and Its Consequences in Africa*.<sup>95</sup> The guidelines draw from regional and international instruments and include explanatory notes. Similar to the updated guidance from the CEDAW Committee, the guidelines use the term "gender-based violence against women."<sup>96</sup>

#### 4. *United Nations*

The United Nations extended its zero-tolerance policy for sexual exploitation and abuse to all personnel within the UN system.<sup>97</sup> The commitment builds on ongoing efforts to address and combat sexual exploitation and abuse in UN peacekeeping.<sup>98</sup> At a high-level meeting of the UN General Assembly in September, the majority of troop-contributing countries pledged their participation in a Voluntary Compact to protect against sexual exploitation and abuse perpetrated by their personnel in UN peace operations.<sup>99</sup>

The United Nations partnered with the EU on a new multi-year "Spotlight Initiative" to eliminate violence against women and girls.<sup>100</sup> The initiative aims to help countries achieve the gender-based goals of the 2030 Agenda for Sustainable Development, including SDG Goal 5. Similarly, the global campaign of activism against sexual harassment and gender-based

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92. See Eur. Parl. Comm. on Women's Rights & Gen. Equal., *Violence Against Women and the EU Accession to the Istanbul Convention* (2017), [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596815/IPOL\\_STU\(2017\)596815\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/596815/IPOL_STU(2017)596815_EN.pdf).

93. See *Njemanze v. Nigeria*, Suit No. ECW/CCJ/APP/17/4, p. 41–42, Judgment, Community Court of Justice of the Economic Community of West African States [ECOWAS] (Oct. 12, 2017), [http://www.courtecowas.org/site2012/pdf\\_files/decisions/judgements/2017/ECW\\_CCJ\\_JUD\\_08\\_17.pdf](http://www.courtecowas.org/site2012/pdf_files/decisions/judgements/2017/ECW_CCJ_JUD_08_17.pdf).

94. See *id.*

95. See African Comm'n on Human & People's Rights, *Guidelines on Combating Sexual Violence and Its Consequences in Africa* (May 22, 2017).

96. *Id.*, at 16.

97. See G.A. Res. 71/278 (Mar. 10, 2017); *cf.* S.C. Res. 71/297 (June 30, 2017).

98. See S.C. Res. 2378, ¶ 7, 19 (Sept. 20, 2017); *cf.* S.C. Res. 2272 (Mar. 11, 2016).

99. See *World Leaders Pledge to Eliminate Sexual Exploitation and Abuse; UN Chief Outlines Course of Action*, UN NEWS (Sept. 18, 2017), <https://news.un.org/en/story/2017/09/565172-world-leaders-pledge-eliminate-sexual-exploitation-and-abuse-un-chief-outlines>.

100. See *Spotlight Initiative*, U.N. & EU, <http://www.un.org/en/spotlight-initiative/> (last visited Nov. 30, 2017).

violence, extending from November 25, the International Day for the Elimination of Violence Against Women until Human Rights Day on December 10, reinforced the international community's commitment to the 2030 Agenda.<sup>101</sup>

### III. Human Trafficking

Women and children remained disproportionately the victims of human trafficking.<sup>102</sup> Women and children were estimated to be roughly eighty percent of all trafficking victims.<sup>103</sup> Court cases and research data showed how women were not only often the victims of human trafficking but also often the traffickers of other women and girls.<sup>104</sup> According to the U.S. State Department, an “alarming” new trend was the proliferation of online targeting, coercion, and exploitation of child sex-trafficking victims.<sup>105</sup>

#### A. ASEAN CONVENTION AGAINST TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN

The ASEAN Convention Against Trafficking in Persons, Especially Women and Children, entered into force on March 8, 2017.<sup>106</sup> The Convention and its related Plan of Action establish a regional approach to address human trafficking, including sex, labor, and organ trafficking.<sup>107</sup> The Convention calls upon countries to adopt laws to criminalize human trafficking, provide mutual legal assistance in criminal investigations and prosecutions, work closely on combatting related transnational corruption and money-laundering crimes, and cooperate on information sharing. The regional approach and coordinated national action plans seek to achieve greater awareness, accountability, and deterrent effects.

USAID published a Code of Conduct for foreign nongovernmental organizations engaging in anti-trafficking work in Southeast Asia.<sup>108</sup>

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101. See 16 Days of Activism, U.N. WOMEN, <http://www.unwomen.org/en/what-we-do/ending-violence-against-women/take-action/16-days-of-activism> (last visited Nov. 30, 2017).

102. See U.N. OFFICE ON DRUGS & CRIME [UNODC], GLOBAL REPORT ON TRAFFICKING IN PERSONS 2016, 6, U.N. Sales No. E.16.IV.6 (2016).

103. See *id.*, at 1, 7.

104. See *id.*, at 7.

105. U.S. State Dep't, Trafficking in Persons Report 2017, 32 (2017).

106. See ASEAN Convention Against Trafficking in Persons, Especially Women and Children, Nov. 21, 2015 (entry into force Mar. 8, 2017).

107. See *id.*; ASEAN, Plan of Action Against Trafficking in Persons, Especially Women and Children (2015); cf. ILO, Walk Free Found., & Int'l Org. for Migration, 2017 Global Estimates of Modern Slavery (2017).

108. See RALPH SIMPSON ET AL., USAID & WINROCK INT'L, CODE OF CONDUCT FOR FOREIGN NGOS: INVESTIGATING HUMAN TRAFFICKING AND CHILD SEXUAL EXPLOITATION AND PARTICIPATING IN RESCUE OF VICTIMS (2017).

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**B. GLOBAL PLAN OF ACTION TO COMBAT TRAFFICKING IN PERSONS**

The UN General Assembly adopted a Political Declaration on the implementation of the UN Global Plan of Action to Combat Trafficking in Persons.<sup>109</sup> It expressed concern with the increasing trafficking in women and children by armed groups, terrorists, and organized criminal networks and stressed the importance of universal ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children to the United Nations Convention against Transnational Organized Crime.<sup>110</sup>

The UN Security Council unanimously adopted a resolution expressing grave concern with the human trafficking of women and girls, particularly in areas of armed conflict, and calling for greater cooperation to combat human trafficking.<sup>111</sup>

The UN Human Rights Council's Special Rapporteur on trafficking in persons, especially women and children, called for the strengthening of voluntary standards for businesses to prevent and combat human trafficking in their operations and supply chains.<sup>112</sup> The Special Rapporteur released a report including recommendations for countries, donors, companies, and civil society relevant to multi-stakeholder initiatives, voluntary standards, monitoring schemes, remediation, international agreements, and domestic laws and regulations.<sup>113</sup>

The United Nations Office on Drugs and Crime (UNODC) continued to address human trafficking through its multi-year initiative, the Global Action to Prevent and Address Trafficking in Persons and the Smuggling of Migrants, also known as GLO.ACT. In support of the initiative, UNODC in 2017 helped countries implement relevant international agreements in their domestic laws, effective case management systems, and data collection systems.<sup>114</sup> UNODC also held technical meetings with experts to help inform a forthcoming curriculum for prosecutors and judges.<sup>115</sup>

UNODC also launched online tools to search legislation and case law related to human smuggling and the implementation of the UN Convention against Transnational Organized Crime.<sup>116</sup>

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109. See G.A. Res. 72/1 (Sept. 27, 2017); cf. G.A. Res. 71/287 (May 4, 2017); G.A. Res. 71/322 (Sept. 8, 2017) (to prevent trafficking in human organs).

110. See G.A. Res. 72/1 (Sept. 27, 2017).

111. See S.C. Res. 2388 (Nov. 21, 2017); S.C. Res. 2331 (Dec. 20, 2016).

112. See Special Rapporteur on Trafficking in Persons, Especially Women and Children, Rep. on Agenda Item 3, Human Rights Council, 35th Sess., U.N. Doc. A/HRC/35/37 (Mar. 28, 2017).

113. See *id.*, ¶¶ 63-115.

114. *Country Snapshots*, GLO.ACT NEWSLETTER (UNODC, Oct. 2017), 5, 6.

115. See *id.*, at 6.

116. See Smuggling of Migrants Knowledge Portal, UNODC, <https://www.unodc.org/cld/en/v3/som/> (last visited Nov. 30, 2017).

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

The UN and UN Member States continued to address the thematic issues of women and peace and security, the protection of women and children in armed conflict and humanitarian situations, gender-responsive security-sector reforms, and the need to end impunity for international crimes and serious human rights violations.<sup>117</sup>

The strategic use of sexual violence as a tactic of war and terrorism continued to be widespread in conflict and post-conflict areas.<sup>118</sup> Mass rapes, sex trafficking, sexual slavery, and the use of women and children as human shields and suicide bombers were growing concerns.<sup>119</sup> The UN Secretary-General urged countries to strengthen legislative and institutional frameworks for addressing conflict-related sexual violence, prosecute sexual offenses, consider conflict-related sexual violence as a form of persecution for asylum or refugee status, and clarify the legal status of undocumented refugee children to avoid possible statelessness.<sup>120</sup> In a report on children in armed conflict, the UN Secretary-General encouraged sub-regional organizations to integrate and strengthen protections for women and children.<sup>121</sup>

Recognizing the vital role of women's participation in the prevention, resolution, and promotion of peacebuilding, the UN Security Council unanimously adopted Resolution 2382, which calls for gender-responsive police reform, promotion of women's rights, and enhanced coordination between police peacekeeping and advisers on women and children issues.<sup>122</sup> The UN and a majority of peacekeeping troop-contributing countries committed themselves to strengthening commitments to combat sexual exploitation and abuse in UN peacekeeping and policing.<sup>123</sup> Countries continued to pursue national actions plan to implement UN Security Council Resolution 1325 and its related resolutions, to advance gender equality, women's rights, and women's participation throughout peace and security efforts.<sup>124</sup>

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117. See U.N. Secretary-General, Women and Peace and Security, Rep. of the Secretary-General, U.N. Doc. S/2017/861 (Oct. 16, 2017).

118. See U.N. Secretary-General, Conflict-Related Sexual Violence, Rep. of the Secretary-General, U.N. Doc. S/2017/249 (Apr. 15, 2017).

119. See *id.*, at 44.

120. See *id.*, at 45.

121. See U.N. Secretary-General, Children and Armed Conflict, Rep. of the Secretary-General, ¶ 121, U.N. Doc. A/72/361 (Aug. 24, 2017).

122. See S.C. Res. 2382 (Nov. 6, 2017).

123. See S.C. Res. 2378, ¶ 7, 19 (Sept. 20, 2017); *cf.* S.C. Res. 2272 (Mar. 11, 2016); World Leaders Pledge to Eliminate Sexual Exploitation and Abuse, *supra* note 96.

124. See, e.g., GOV'T OF CANADA, NATIONAL ACTION PLAN FOR THE IMPLEMENTATION OF THE UNITED NATIONS SECURITY COUNCIL RESOLUTIONS ON WOMEN, PEACE AND SECURITY 2017-2022 (Nov. 1 2017).



#### **IV. International Courts and Tribunals**

##### **A. INTERNATIONAL CRIMINAL COURT**

The International Criminal Court (ICC) in 2017 ordered reparations for victims in the Katanga case.<sup>125</sup> The reparations plan proposed by the Trust Fund for Victims integrated gender-sensitive strategies<sup>126</sup> but did not directly address reparations for sexual violence and rape because the defendant was acquitted of those charges.<sup>127</sup> The Court also continued reparations proceedings for its first-ever case in which the defendant was convicted and sentenced for crimes based on sexual and gender-based violence.<sup>128</sup> Jean-Pierre Bemba Gombo was convicted for rape, murder, and pillaging as war crimes, and rape and murder as crimes against humanity.<sup>129</sup>

In support of ending impunity for sexual crimes, the UN Secretary-General in 2017 urged the UN Security Council to include those individuals who “commit, command, or condone (by failing to prevent or punish) sexual violence” when referring situations to the ICC.<sup>130</sup> The ICC Prosecutor reiterated her commitment to “the effective investigation and prosecution” of sexual and gender-based crimes.<sup>131</sup>

##### **B. INTERNATIONAL TRIBUNAL FOR THE FORMER YUGOSLAVIA**

The ad hoc International Criminal Tribunal for the former Yugoslavia (ICTY) ended its operations and closed in 2017 after twenty-four years.<sup>132</sup> As the first ad hoc international criminal tribunal, it shaped international criminal law and the fight to end impunity for serious international crimes. Its contributions included jurisprudence on criminal accountability for sexual and gender-based war crimes and the integration of gender perspectives into the procedural and institutional aspects of criminal prosecution, such as witness protection, victims’ services, reparations, and access to justice for women.<sup>133</sup>

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125. See Press Release, ICC, Katanga Case: ICC Trial Chamber II Awards Victims Individual and Collective Reparations (Mar. 24, 2017).

126. Cf. Prosecutor v. Katanga, Case No. 01/04-01/07, Draft Implementation Plan, Reparations (July 25, 2017), [https://www.icc-cpi.int/CourtRecords/CR2017\\_04789.pdf](https://www.icc-cpi.int/CourtRecords/CR2017_04789.pdf).

127. See, e.g., Prosecutor v. Katanga, Case No. 01/04-01/07, Case Info. Sheet, <https://www.icc-cpi.int/drc/katanga/Documents/KatangaEng.pdf> (last updated Mar. 27, 2017).

128. See Prosecutor v. Gombo, ICC Case No. 01/05-01/08, Decision on Timetable (Nov. 22, 2017), [https://www.icc-cpi.int/CourtRecords/CR2017\\_06920.pdf](https://www.icc-cpi.int/CourtRecords/CR2017_06920.pdf).

129. See Prosecutor v. Gombo, ICC Case No. 01/05-01/08, Decision on Sentence (June 21, 2016), [https://www.icc-cpi.int/CourtRecords/CR2016\\_04476.pdf](https://www.icc-cpi.int/CourtRecords/CR2016_04476.pdf).

130. See Conflict-Related Sexual Violence, *supra* note 118, at 44.

131. Press Release, ICC, Statement of ICC Prosecutor, Fatou Bensouda, on International Day for the Elimination of Violence Against Women (Nov. 25, 2017), <https://www.icc-cpi.int/Pages/item.aspx?name=171124-otp-stat>.

132. See Int’l Crim. Tribunal for the former Yugoslavia, ICTY, <http://www.icty.org> (last visited Nov. 30, 2017).

133. See *Gender Justice Legacy, ICTY Final Legacy Conference, Sarajevo*, YouTube (June 22, 2017), <https://www.youtube.com/watch?v=1-uAegxBBqQ> (last visited Nov. 27, 2017).

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A final report on the ICTY's experiences made several gender-related recommendations for future war crimes tribunals, including the need for witness-centered approaches with more female witnesses, comprehensive institutional frameworks to address gender-based crimes, equal access to justice and compensation for women victims, and training programs on conflict-related sexual violence crimes.<sup>134</sup> The report also recommended equal representation of males and females within national, regional, and international courts and tribunals dealing with war crimes and at all levels, including as judges and within senior management positions.<sup>135</sup>

C. INTER-AMERICAN COURT OF HUMAN RIGHTS

The Inter-American Court of Human Rights held a hearing in a case involving allegations of severe acts of sexual violence and rape perpetrated against eleven women by state and federal government agents in Mexico.<sup>136</sup> In its examination of the alleged violations, the Inter-American Commission on Human Rights concluded that the women's detention for their social protest in 2006 was illegal and arbitrary and that the sexual acts constituted torture.<sup>137</sup> The Commission referred the case to the Court after the Mexican government failed to make substantive progress in complying with the recommended timely prosecutions of the perpetrators and full reparations for the victims.<sup>138</sup> The Commission noted that the case offers an opportunity for the Court to address the legal responsibilities related to chain of command, including acts of omission and concealment, in cases involving human rights violations.<sup>139</sup>

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134. See U.N. Secretary-General, Note by the Secretary-General on the Report of the International Tribunal for the former Yugoslavia to the General Assembly and the Security Council, U.N. Doc. A/72/266-S/2017/662 (Aug. 1, 2017).

135. See *id.*, at 21.

136. See *Selvas Gómez et al. v. Mexico, Inter-Am. Ct. H.R., Case No. 12,846*, LiveStream (Nov. 18, 2017), <https://livestream.com/accounts/1404510/events/7920697/videos/166020928>).

137. See Press Release, OAS, Inter-Amer. Comm'n on H.R., IACHR Takes Case Involving Mexico to the Inter-American Court (Sept. 27, 2016).

138. See *id.*

139. See *id.*