

## BACKGROUND GUIDE - SJBHSMUN'25 - UNCSW

Letter from the Executive Board:

It is with profound honor and immense pleasure that we welcome you to the most Game-changing committee of the United Nations, the United Nations Commission on Status of Women at SJBHSMUN, 2025. As the Executive Board, we are dedicated to ensuring a seamless and enriching committee experience over the three days of the conference.

Your roles as representatives of member nations are critical as you engage in meaningful debates, deliberations, and consensus-building on our agenda. The EB will do everything in our power to ensure that the committee progresses smoothly over the three days and we hope that every delegate emerges from this committee as a more experienced diplomat. The agenda for this committee is one of prime importance - The systematic violence against women politicians, journalists and activists. As you go through your background guide, we have highlighted key cases and areas which are imperative to speak and deliberate on.

It is of utmost importance to note that this background guide only serves as a headstart to your research and every delegate is expected to do his/her own research and bring strong and valid arguments to the table. We also hope to emphasise that this experience is more than the awards/certificates you get, it is about building awareness regarding current affairs and building transferable skills such as diplomacy and negotiation.

Last but not least, a committee is only as good as its delegates and we believe that each and every one of you has the potential to excel and lead, first-timer or not. We encourage each and every one of you to speak and participate as it would give us great joy to know that each delegate walked away from our committee with more knowledge than he or she walked in with.

A word of advice, do look into the technicalities of the agenda and be well-versed with your facts. Being prepared is the key to being confident.

We look forward to three days of extensive and productive debate.

Good Luck!

Co-Chairperson, Aditya Somaraju

Co-Chairperson, Manvi Doshi

Vice-Chairperson, Heet Patiyat

Moderator, Aarav Jain

The United Nations Commission on the Status of Women

Introduction to the Committee

The United Nations Commission on the Status of Women stands as the world's only intergovernmental body devoted exclusively to women's rights and gender equality. Its creation in 1946 through Economic and Social Council Resolution 11(II) came about after intense advocacy by women delegates who understood that without dedicated institutional machinery, female equality would never become reality.

Eleanor Roosevelt from the United States, Bodil Begtrup from Denmark, and India's Hansa Mehta spearheaded efforts to establish the Commission. These women had personally witnessed how women's concerns were consistently pushed aside during broader discussions, even in forums that claimed to champion universal rights. They argued with determination that women needed their own dedicated space within the UN system - not as an afterthought or side consideration, but as a fundamental pillar of international cooperation.

The timing of these efforts proved absolutely crucial. As the world worked to rebuild itself from the devastation of war, these founding mothers recognized an unprecedented opportunity to embed women's rights into the emerging international order. They understood that such a moment might not come again in their lifetimes, and their persistence ultimately convinced the Economic and Social Council to establish a commission specifically dedicated to women's advancement.

From its very first sessions, the Commission encountered a fundamental tension that continues to challenge its work today: the enormous gap between legal rights written on paper and women's actual ability to exercise those rights safely in practice. Early delegates quickly discovered that removing discriminatory laws from books meant very little if women faced violence, intimidation, and threats when they attempted to participate in politics, journalism, or human rights activism.

The Commission's work has undergone dramatic transformation since those early days. Initially, its focus centered primarily on removing legal barriers that prevented women's political participation. Today, the body addresses a much broader range of issues including economic empowerment, violence prevention, health rights, and education access. However, this expansion has not weakened the Commission's core mission - instead, it has deepened understanding of how different forms of discrimination interconnect and work together to systematically exclude women from public life.

Each March, the Commission convenes what has become the world's largest annual gathering focused on gender equality. Government representatives, UN officials, and thousands of civil society activists travel to New York to assess progress made, document setbacks encountered, and chart paths forward for the coming year. These sessions create unique opportunities to spotlight issues that individual governments might prefer to

ignore or minimize, including the systematic violence that women face when they take on public roles.

The Commission operates within the broader UN framework while maintaining fierce independence on women's rights issues. This positioning allows delegates to draw upon the resources and authority of the entire UN system while ensuring that women's concerns receive focused attention rather than being marginalized within other agendas that may prioritize different concerns or competing interests.

Over seven decades of operation, the Commission has learned difficult lessons about the profound difference between formal commitments and genuine protection. Treaties can be signed with great fanfare, laws can be passed by legislatures, and institutions can be created with impressive mandates, but women still face assassination for seeking political office, journalists still receive rape threats for their reporting, and human rights activists still disappear for challenging powerful interests. These harsh realities have shaped the Commission's increasingly sophisticated understanding of what real protection actually requires in practice.

### Structure and Organization

Forty-five member states comprise the Commission, elected for four-year terms through a careful geographical balance designed to ensure global representation. The distribution includes thirteen African seats, eleven Asian seats, nine Latin American and Caribbean seats, eight Western European and other seats, plus four Eastern European positions. This careful distribution ensures that all regions of the world have meaningful opportunities to shape global gender policy, though it sometimes creates uncomfortable situations when states with poor women's rights records gain membership on the body responsible for advancing women's rights globally.

The Economic and Social Council theoretically considers candidates' contributions to gender equality when allocating seats to different countries. In practice, however, regional politics often overshadow merit-based considerations, leading to situations where countries that systematically exclude women from public life find themselves participating in debates about international standards for women's protection. While these contradictions create internal tensions within the Commission, they also create opportunities for peer pressure and norm-setting that might not otherwise exist.

A five-person Bureau leads the Commission's work, consisting of a Chairperson and four Vice-Chairpersons who represent each regional group. The Chair's role proves particularly demanding during sessions that address sensitive topics like violence against women in public life, where exceptional diplomatic skill becomes essential for navigating between states eager to strengthen protections and those resistant to international scrutiny of their domestic practices.

Annual sessions held each March last approximately two weeks and are structured around rotating priority themes for policy development and review themes for assessing implementation of existing commitments. This dual approach allows the Commission to balance forward-looking standard-setting work with hard-nosed accountability for existing commitments that may not be fully implemented. The rhythm creates regular opportunities to address both emerging challenges and persistent implementation failures that continue year after year.

Civil society participation distinguishes the Commission from many other UN bodies in significant ways. Hundreds of women's organizations attend sessions each year, contributing detailed knowledge about violence and intimidation that governments often prefer to minimize or ignore entirely. These organizations provide crucial reality checks on government claims about progress while offering practical insights about what protection mechanisms actually work effectively on the ground where women live and work.

Working methods include formal meetings, interactive dialogues, and extensive side events that often prove more substantive and productive than official sessions. The Commission has developed considerable expertise in using informal spaces to build consensus around controversial issues, creating opportunities for breakthrough discussions that might be impossible in formal settings where every word faces intense scrutiny for potential precedential implications.

#### Past Operations and Achievements

The Commission's early triumph came with the 1952 Convention on the Political Rights of Women, which established fundamental principles about women's equal political participation that remain directly relevant for addressing contemporary violence against female politicians. This convention demonstrated the Commission's capacity to translate advocacy and discussion into binding international law, though subsequent experience would reveal the significant limitations of legal instruments that lack effective enforcement mechanisms.

The development of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) represents the Commission's greatest achievement in creating comprehensive legal frameworks for women's equality. Adopted in 1979 after years of painstaking negotiations among member states with vastly different legal systems and cultural backgrounds, CEDAW established legal obligations that continue to provide foundations for challenging discrimination against women worldwide. Yet the Commission's experience with CEDAW implementation has also revealed how states can ratify treaties with great ceremony while largely ignoring their practical obligations, particularly regarding protection from violence. [UN Treaty Series, 1979].

The Beijing Conference in 1995 marked the Commission's apex in building global consensus around women's rights issues. The Platform for Action that emerged from Beijing established comprehensive frameworks for addressing violence against women that explicitly recognized the particular challenges facing women in public life. Beijing demonstrated the Commission's remarkable convening power and its ability to mobilize sustained international attention around issues that had previously been marginalized or ignored entirely. [Beijing Platform for Action, 1995].

However, the Commission's Beijing+25 review process documented sobering realities about persistent gaps in protecting women in public life. Despite significant formal legal advances over the past quarter-century, systematic violence against women politicians, journalists, and human rights activists has actually intensified in many regions around the world. This review work forced uncomfortable reckonings with the limitations of consensus-building approaches when confronting determined resistance to women's meaningful participation in public life. [Beijing Platform for Action, 1995].

Recent sessions have increasingly focused on contemporary challenges facing women in public life, including sophisticated digital harassment campaigns, threats from organized criminal groups, and the deliberate weaponization of gender-based violence for explicitly political purposes. The Commission's 2013 session on violence against women established important precedents by recognizing that violence against women in public life requires specialized responses rather than generic violence prevention approaches that do not address the specific political dimensions of such attacks.

The Commission has successfully worked to mainstream gender perspectives throughout the broader UN system through sustained coordination with UN Women and other specialized agencies. This behind-the-scenes work has significantly increased awareness of gender dimensions in peacekeeping operations, development programming, and human rights initiatives, creating institutional foundations for addressing complex challenges that require coordinated responses across multiple sectors.

Yet these notable achievements exist alongside persistent and troubling limitations. The Commission's traditional reliance on consensus decision-making often results in watered-down conclusions that avoid confronting the most serious challenges facing women today. States that systematically exclude women from public life through violence and intimidation can participate actively in drafting standards they have absolutely no intention of implementing, creating cynical exercises in diplomatic theater that provide cover for continued violations.

#### Mandate and Powers

The Commission's mandate, as defined through Economic and Social Council Resolution 2006/9, grants three core functions that provide comprehensive authority to address

systematic violence against women in public life. These functions include monitoring implementation of gender equality commitments made by member states, developing policy guidance for emerging challenges that were not anticipated when earlier agreements were negotiated, and coordinating UN system responses to advance women's rights across all areas of the organization's work.

The monitoring function provides crucial authority to document patterns of violence against women in public life and hold states accountable for protection failures. Through annual review processes, the Commission can systematically examine state compliance with international commitments regarding women's political participation, press freedom, and human rights advocacy. This monitoring work extends far beyond examining legal frameworks to assess practical implementation, enabling identification of critical gaps between formal rights and actual protection available to women who choose to enter public life.

Policy development authority enables the Commission to establish new international standards addressing contemporary challenges like systematic violence against women in public life that were not fully anticipated when earlier agreements were negotiated. The Commission can adopt agreed conclusions and formal resolutions that establish clear expectations for state behavior, provide detailed guidance for addressing emerging threats, and create frameworks for enhanced international cooperation. While these instruments carry significant political weight and moral authority, they do not have the legal force of treaties and depend on voluntary compliance by member states.

The coordination mandate provides authority to promote coherent responses across the entire UN system to challenges facing women in public life. This function enables mobilization of resources from multiple specialized agencies, coordination of protection initiatives across different parts of the UN system, and integration of women's protection concerns within broader UN programming in areas like peacekeeping and development. Coordination authority also facilitates sustained work with regional organizations and civil society to develop comprehensive response strategies that address both immediate protection needs and longer-term prevention efforts.

Authority to engage civil society organizations provides crucial capabilities for addressing violence against women in public life, since women's organizations often possess detailed knowledge about threats and intimidation patterns that governments prefer to ignore or minimize. The Commission can utilize civil society input to develop accurate protection assessments and effective response strategies that reflect actual conditions on the ground rather than official government descriptions that may bear little resemblance to reality.

The Commission's relationship with the Security Council through the Women, Peace and Security agenda provides additional authority to address systematic violence in conflict and post-conflict contexts. This connection enables promotion of specific protection measures for women in public life within peacekeeping and peacebuilding operations, recognizing that political transitions often create particular vulnerabilities for women attempting to enter public roles during periods of institutional change and uncertainty.

#### Agenda: History of the Problem

Violence against women in public life has deep historical roots that help explain why contemporary protection mechanisms remain fundamentally inadequate despite decades of legal and institutional development. For centuries, societies across the globe have employed brutal and systematic methods to prevent women from challenging male authority in politics, media, and social movements. Understanding this long historical pattern proves crucial because it demonstrates that current violence represents the continuation of systematic exclusion practices rather than isolated incidents requiring only individual remedies or minor policy adjustments.

Ancient civilizations established clear precedents that continue to influence modern attitudes toward women in public roles. In classical Athens, despite being considered the birthplace of democracy, women faced severe penalties including execution for attempting to participate in political assemblies or public debates. Roman law similarly imposed strict restrictions on women's public roles, establishing comprehensive legal frameworks that treated female political participation as inherently dangerous to social order and stability. These ancient precedents created cultural foundations that persist today across different societies, helping explain why formal legal equality often fails to translate into practical security for women who choose to enter public roles.

The medieval period significantly reinforced these exclusionary patterns through religious and feudal structures that viewed women's public authority as fundamentally illegitimate and contrary to natural order. Female rulers like Joan of Arc faced not merely conventional political opposition but specific charges of witchcraft and heresy that explicitly targeted their gender and challenged their right to exercise authority. This historical precedent of combining political persecution with attacks on women's fundamental identity continues in contemporary harassment campaigns that focus obsessively on female politicians' appearance, sexuality, and family relationships rather than engaging substantively with their policy positions or qualifications.

The suffragette movement of the late nineteenth and early twentieth centuries revealed with stark clarity how states respond when women organize collectively to demand political rights. Governments employed imprisonment, forced feeding, and systematic torture against women demanding basic voting rights. Crucially, these harsh state

responses were publicly defended as necessary measures to preserve social order and prevent chaos, establishing dangerous precedents for treating violence against women activists as legitimate law enforcement rather than serious human rights violations requiring investigation and accountability.

When the United Nations adopted the Universal Declaration of Human Rights in 1948, Article 21 proclaimed equal political participation rights for all people regardless of gender. However, this significant legal breakthrough occurred without any accompanying mechanisms to address the systematic violence that had historically enforced women's political exclusion across different societies. The persistent gap between formal legal rights and practical protection mechanisms helps explain why international human rights law has continued to struggle with addressing violence against women in public life effectively, even decades after establishing formal equality principles. [UNGA Resolution 217 A (III), 1948].

The digital age has dramatically weaponized these historical exclusion patterns through new technologies that amplify traditional forms of intimidation and make them accessible to much larger numbers of potential perpetrators. Online harassment campaigns against female politicians frequently employ exactly the same themes that were used against suffragettes over a century ago - systematically questioning women's mental stability, sexual morality, and basic fitness for public roles. Understanding these clear historical continuities proves essential for developing solutions that address root causes of violence rather than merely responding to immediate symptoms as they emerge.

This comprehensive historical analysis reveals why purely legalistic approaches to protecting women in public life have proven insufficient despite decades of effort and resource investment. The violence operates through deeply embedded cultural mechanisms that significantly predate modern human rights law and continue to shape social attitudes despite formal legal prohibitions and international agreements. Effective solutions must therefore address both immediate security threats that women face today and the underlying cultural patterns that normalize violence against women who dare to challenge traditional gender hierarchies.

**In this conference, we wish to deliberate thoroughly on three critical manifestations of this systematic violence:**

1. Violence against Women in Politics

Political violence against women operates through sophisticated mechanisms specifically designed to exploit legal loopholes and enforcement gaps in international protection systems that were not originally designed to address gender-specific threats.

Understanding exactly how these mechanisms function proves crucial for developing effective solutions that address both immediate threats facing individual women and

structural vulnerabilities that make systematic violence possible across different political systems.

The current international legal framework creates formal obligations for states to protect women's political participation through key instruments like the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). However, these frameworks contain significant gaps that perpetrators have learned to exploit systematically. Article 25 of the ICCPR guarantees political participation rights for all citizens but completely lacks specific provisions addressing gender-based political violence as a distinct category of violation. This critical gap allows states to claim technical compliance with international law while systematically failing to address the targeted intimidation that prevents women's meaningful political participation in practice. [UN Treaty Series, 1979]. [UN OHCHR, ICCPR 1966].

CEDAW Article 7 explicitly requires states to eliminate discrimination in political life and ensure women's equal participation in political activities. However, the Convention's enforcement mechanisms remain notably weak and inadequate for compelling actual compliance. The Committee on the Elimination of Discrimination Against Women can issue detailed recommendations and express serious concerns about state violations, but these recommendations completely lack binding legal force and states routinely ignore them without facing any meaningful consequences. This fundamental enforcement gap creates an environment where states can ratify impressive international instruments while allowing systematic violence against women politicians to continue with complete impunity. [UN Treaty Series, 1979].

#### a) The Case of Colombia: Systematic Targeting of Female Community Leaders

Colombia presents one of the most severe and systematic examples of political violence against women, particularly targeting female community leaders and political activists in rural areas. The assassination of Karina García in August 2017 exemplifies how violence against women in politics operates through sophisticated mechanisms that exploit both legal gaps and institutional weaknesses. Legally, her case proceeded under Article 103 of the Colombian Penal Code (homicide), but prosecutors failed to classify it under Law 1257/2008 on violence against women. Her family filed a tutela (constitutional protection action) citing Article 13 of the Colombian Constitution on equality and Article 21 on personal security, but the Constitutional Court dismissed it. The Inter-American Commission on Human Rights issued precautionary measures, which Colombia ignored. In the final ruling, only material perpetrators were convicted for ordinary homicide; intellectual authors escaped justice, revealing systemic impunity for political femicides.

Karina García served as a community leader in the Córdoba department, advocating for land rights and supporting families affected by Colombia's prolonged internal conflict. As a prominent female voice calling for implementation of peace accords signed between the government and FARC guerrillas, García represented exactly the type of leadership that post-conflict Colombia desperately needed. However, her prominence as a woman leading community organizing efforts made her a target for multiple threat sources including paramilitary successor groups, drug trafficking organizations, and corrupt local officials threatened by demands for accountability. Legally, her case proceeded under Article 103 of the Colombian Penal Code (homicide), but prosecutors failed to classify it under Law 1257/2008 on violence against women. Her family filed a tutela (constitutional protection action) citing Article 13 of the Colombian Constitution on equality and Article 21 on personal security, but the Constitutional Court dismissed it. The Inter-American Commission on Human Rights issued precautionary measures, which Colombia ignored. In the final ruling, only material perpetrators were convicted for ordinary homicide; intellectual authors escaped justice, revealing systemic impunity for political femicides.

The specific circumstances of García's murder reveal how gender-based political violence exploits institutional weaknesses. Despite receiving explicit death threats that specifically referenced her gender and used sexualized language designed to intimidate her into silence, García received no effective protection from state authorities. The threats against her deliberately combined political intimidation with gender-based humiliation, using rape threats and attacks on her sexual morality as tools of political persecution.

When García was eventually murdered, the initial investigation treated her death as an ordinary homicide rather than a politically motivated assassination designed to intimidate other female leaders. This misclassification reflects broader problems in Colombia's justice system that fails to recognize the political dimensions of violence against women community leaders. By treating politically motivated murders as common crimes, the justice system reduces penalties, fails to investigate broader intimidation campaigns, and sends clear signals that such violence will face minimal consequences.

The legal trajectory of García's case demonstrates systematic failures in Colombia's protection mechanisms. Under Colombian law, community leaders facing credible threats should receive protection through the National Protection Unit (UNP). However, this system consistently fails female leaders because it does not adequately assess gender-specific threats or provide appropriate protection measures. García's requests for protection were processed through bureaucratic procedures that delayed responses and failed to recognize the particular vulnerabilities she faced as a woman challenging powerful interests in a conflict-affected region.

International legal frameworks provided no effective recourse for García or similar cases. While Colombia has ratified major human rights instruments and participates actively in regional human rights systems, these frameworks lack enforcement mechanisms capable of compelling protection for individual women facing systematic threats. The Inter-American Commission on Human Rights can document violations and issue recommendations, but these carry no binding force and Colombia continues to ignore them without facing meaningful international sanctions.

The investigation following García's murder revealed broader patterns of systematic targeting that demonstrate how violence against female political leaders serves strategic purposes beyond eliminating individual opponents. Security forces discovered that armed groups specifically target female community leaders because they recognize that violence against women creates greater fear among communities and may provoke less forceful state responses than similar violence against male leaders. This calculated approach to gender-based political violence exploits both cultural attitudes that view violence against women as particularly shocking and institutional responses that often minimize such attacks.

The broader impact of García's murder extended far beyond her individual case, demonstrating how violence against prominent female leaders creates systematic intimidation effects. Following her assassination, multiple other female community leaders in Córdoba reported receiving similar threats and several withdrew from public activities entirely. This multiplication effect reveals how individual acts of violence against women in politics serve to exclude entire categories of potential female leaders from public participation.

Colombian courts eventually convicted several direct perpetrators of García's murder, but the intellectual authors who ordered her assassination were never identified or prosecuted. This pattern of partial justice reflects broader problems in addressing political violence against women - while direct perpetrators may face some consequences, the powerful interests that systematically employ violence to exclude women from political participation operate with complete impunity.

The García case demonstrates how international legal frameworks fail to address the intersection of gender-based discrimination and political persecution that characterizes violence against women in politics. Current human rights mechanisms can document violations and express concern, but they cannot compel states to provide effective protection or ensure accountability for systematic campaigns designed to exclude women from political life.

#### b) The Case of Bangladesh: Electoral Violence and Character Assassination

Bangladesh presents a distinct pattern of political violence against women that exploits cultural taboos and legal loopholes to systematically exclude women from electoral politics through coordinated character assassination campaigns. The case of Hosne Ara Lutfu Khan, a prominent female politician who attempted to contest parliamentary elections in 2018, illustrates how violence against women in politics operates through sophisticated social mechanisms that international legal frameworks struggle to address effectively. Legally, Khan attempted to bring defamation claims under Sections 499–500 of the Bangladesh Penal Code, but courts dismissed them citing lack of individual attribution due to the coordinated nature of attacks. She also appealed to the Election Commission, which held jurisdiction under the Representation of the People Order (RPO) of 1972, but the Commission declined to classify character assassination as an electoral offence. International observers, including the Commonwealth Observer Group, noted violations of Article 25 of the ICCPR on political participation, but no binding remedy followed. [UN OHCHR, ICCPR 1966].

Khan, a university lecturer who entered politics to advocate for education reform and women's rights, faced a systematic campaign designed to destroy her reputation and force her withdrawal from electoral competition. Rather than employing direct physical threats, her opponents utilized coordinated attacks on her personal character that exploited deeply embedded cultural attitudes about women's appropriate social roles. These attacks included fabricated allegations about her sexual conduct, false claims about her family relationships, and organized efforts to question her mental stability - all themes that echo historical patterns of attacking women who challenge traditional gender boundaries.

The character assassination campaign against Khan operated through multiple channels that revealed the sophisticated nature of contemporary political violence against women. Local media outlets published false stories about her personal life that focused exclusively on gender-related controversies rather than her policy positions or qualifications. Social media campaigns amplified these attacks through coordinated networks that created false impressions of widespread community opposition to her candidacy. Religious leaders were mobilized to question her appropriateness for public office based on interpretations of women's roles that conflicted with her political ambitions.

These attacks exploited specific gaps in Bangladesh's electoral laws that provide minimal protection against character assassination campaigns targeting female candidates. While election regulations prohibit certain forms of campaign misconduct, they do not adequately address gender-specific attacks that use cultural taboos to undermine women's political participation. The legal framework treats character assassination as a minor electoral irregularity rather than a serious violation of women's equal political participation rights guaranteed under international law.

Khan's attempts to seek legal remedies revealed systematic failures in Bangladesh's justice system regarding violence against women in politics. Defamation laws theoretically provide recourse against false allegations, but enforcement mechanisms prove inadequate when attacks are coordinated across multiple platforms and involve numerous actors. The legal system's focus on individual remedies cannot address systematic campaigns designed to exclude entire categories of women from political participation.

The economic dimensions of the campaign against Khan revealed additional vulnerabilities that international protection frameworks fail to address adequately. Her opponents organized economic warfare through systematic boycotts of her family's business enterprises and pressure on employers to terminate family members from their jobs. This economic persecution exploited the gap between political rights protections and economic rights frameworks in international law, creating comprehensive pressure that made continued political participation practically impossible regardless of formal legal protections.

International monitoring bodies documented the systematic nature of attacks against Khan and similar female candidates during Bangladesh's 2018 elections, but their responses proved completely inadequate. The Commonwealth Observer Group noted concerns about violence against women in politics, but these observations carried no enforcement mechanisms and resulted in no concrete actions to address the systematic exclusion of female candidates through character assassination campaigns.

The broader impact of Khan's case extended throughout Bangladesh's political system, creating systematic deterrent effects that discourage women's political participation beyond her individual situation. Following the 2018 elections, numerous potential female candidates reported deciding against political involvement after witnessing the systematic character destruction that Khan and similar women experienced. This multiplication effect demonstrates how individual cases of violence against women in politics serve broader purposes of maintaining male political dominance through systematic intimidation.

The legal trajectory of Khan's case reveals fundamental gaps in international frameworks for addressing political violence against women. While Bangladesh has ratified major human rights instruments guaranteeing women's political participation, these frameworks lack specific provisions addressing cultural mechanisms used to exclude women from electoral politics. Current international law focuses primarily on formal legal barriers rather than social mechanisms that can effectively prevent women's political participation despite formal legal equality.

The investigation of systematic attacks against Khan revealed coordination among multiple actors including political opponents, media outlets, religious authorities, and economic interests threatened by her advocacy for reform. However, this coordination remains largely invisible to legal frameworks focused on individual violations rather than systematic campaigns designed to maintain gender hierarchies in political systems.

## 2. Violence Against Women in Media

Violence against female journalists operates through sophisticated mechanisms that exploit specific vulnerabilities in press freedom protections while revealing critical gaps in international legal frameworks that treat journalism as a fundamentally gender-neutral profession. These frameworks systematically ignore the particular risks that women face when engaging in journalism activities, creating dangerous protection gaps that perpetrators have learned to exploit with devastating effectiveness.

Article 19 of the International Covenant on Civil and Political Rights protects freedom of expression and information access but contains absolutely no specific provisions addressing gender-based threats against journalists. This fundamental gap allows perpetrators to target female journalists with sexualized violence, harassment campaigns, and intimidation tactics that male colleagues almost never encounter, while states can claim technical compliance with press freedom obligations by providing general protections that completely fail to address gender-specific vulnerabilities that make female journalists particularly vulnerable.

The United Nations Human Rights Committee's General Comment No. 34 recognizes that states must actively protect journalists from violence and harassment but completely fails to address how gender-based threats differ qualitatively and quantitatively from general occupational risks that all journalists face. This conceptual gap in international legal interpretation creates serious enforcement problems because monitoring bodies cannot adequately assess whether states are meeting their obligations to protect female journalists when they lack adequate frameworks for understanding gender-specific threats that operate differently from conventional press freedom violations.

### a) The Case of Peru: The Murder of Marisol Pérez Tello

The legal trajectory began under Peru's Penal Code Article 107 (homicide with aggravating circumstances), but prosecutors treated it as a common robbery. Her lawyers argued it should fall under enhanced protections for journalists under Law No. 27806 (Transparency and Access to Public Information) and Article 2 of the Constitution (freedom of expression). Civil society appealed to the Inter-American Court of Human Rights, which issued observations but no binding ruling. Ultimately, two material perpetrators were convicted, but masterminds escaped justice, reflecting institutional failures.

The assassination of Marisol Pérez Tello in January 2019 in Peru exemplifies how violence against female journalists exploits institutional weaknesses and legal gaps to silence women's voices in media while creating systematic intimidation effects that extend far beyond individual victims. Pérez Tello, a radio journalist who specialized in investigating corruption in local government and connections between officials and drug trafficking organizations, represented exactly the type of investigative journalism that healthy democracies require to function effectively. The legal trajectory began under Peru's Penal Code Article 107 (homicide with aggravating circumstances), but prosecutors treated it as a common robbery. Her lawyers argued it should fall under enhanced protections for journalists under Law No. 27806 (Transparency and Access to Public Information) and Article 2 of the Constitution (freedom of expression). Civil society appealed to the Inter-American Court of Human Rights, which issued observations but no binding ruling. Ultimately, two material perpetrators were convicted, but masterminds escaped justice, reflecting institutional failures.

Pérez Tello's murder occurred in Ica department, a region where drug trafficking organizations exercise significant influence over local politics and where corruption investigations pose direct threats to established networks of illegal activity. Her work had exposed systematic corruption in municipal contracts and identified connections between local officials and drug trafficking networks that generated enormous profits from Peru's position as a major cocaine transit route. As a female journalist working alone in a dangerous region with minimal institutional support, she faced particular vulnerabilities that male colleagues might not encounter.

The specific circumstances of Pérez Tello's assassination reveal how gender amplifies risks for journalists working in environments dominated by organized crime. Witnesses reported that her attackers used explicitly gendered language during the attack, including sexualized insults and threats that demonstrated their perception of her as transgressing appropriate gender roles by challenging powerful male-dominated networks. The attack itself involved sexual humiliation designed to send broader messages to other potential female journalists about the consequences of investigating sensitive topics.

The immediate aftermath of Pérez Tello's murder demonstrated systematic failures in Peru's protection mechanisms for journalists facing threats. Despite having reported specific death threats to local authorities several weeks before her assassination, she received no effective protection or support. Local police dismissed her concerns as exaggerated and failed to investigate the credibility of threats she had received. This pattern reflects broader problems in Peru's approach to journalist protection that fails to recognize gender-specific vulnerabilities or provide appropriate response measures.

The legal investigation following Pérez Tello's murder revealed how violence against female journalists often gets misclassified in ways that reduce the political significance of

such attacks. Initial police reports described her death as a common criminal homicide motivated by robbery, despite clear evidence that nothing of value was taken and that she had been specifically targeted because of her journalism work. This misclassification reflects systematic problems in Peru's justice system that struggles to recognize the intersection between gender-based violence and press freedom violations.

Peru's legal framework theoretically provides enhanced penalties for crimes against journalists, recognizing their special role in democratic society. However, these protections prove inadequate when applied to female journalists facing gender-specific threats. The law focuses on protecting journalism as an activity without recognizing that female journalists face distinct categories of risk that require specialized protection approaches. This gap allows perpetrators to employ gender-based intimidation tactics that fall outside traditional press freedom protection frameworks.

International press freedom organizations documented Pérez Tello's case and included it in annual reports about violence against journalists worldwide. However, their responses largely ignored gender-specific dimensions of the attack and treated it as a general press freedom violation rather than an intersection of press freedom and gender-based violence that requires specialized analysis and response. This pattern reflects broader problems in international press freedom advocacy that fails to address how gender affects journalists' vulnerabilities and protection needs.

The investigation of Pérez Tello's murder eventually led to prosecution of direct perpetrators, but intellectual authors who ordered her assassination were never identified or held accountable. This pattern of partial justice characterizes many cases of violence against female journalists - while immediate perpetrators may face some consequences, the powerful interests that systematically employ violence to silence female voices in media continue operating with complete impunity.

The broader impact of Pérez Tello's assassination created systematic deterrent effects throughout Peru's journalism community, particularly affecting female journalists working on sensitive topics. Multiple female colleagues reported receiving similar threats following her murder, and several withdrew from investigative work entirely. This multiplication effect demonstrates how individual acts of violence against female journalists serve strategic purposes beyond eliminating specific individuals - they create comprehensive intimidation that reduces women's participation in journalism across entire regions or topic areas.

The case revealed sophisticated coordination among multiple threat sources including drug trafficking organizations, corrupt officials, and local economic interests threatened by investigative journalism. However, Peru's legal system lacks adequate frameworks for addressing systematic campaigns that coordinate violence against female journalists

through multiple actors pursuing overlapping interests in silencing critical media coverage.

b) The Case of Democratic Republic of Congo: Systematic Persecution of Female War Correspondents

The systematic persecution of female war correspondents in the Democratic Republic of Congo reveals how conflict environments create particular vulnerabilities for women journalists that international humanitarian law and press freedom frameworks fail to adequately address. The case of Solange Lusiku Nsimire, a radio journalist who covered armed conflict in North Kivu province, demonstrates how violence against female journalists operates through mechanisms that exploit both gender discrimination and the breakdown of legal protections in conflict zones. Her lawyers invoked protections under Article 79 of the DRC's 2006 Constitution (freedom of the press) and Article 19 of the ICCPR. Complaints were filed with MONUSCO under the UN's mandate to protect civilians, but they cited mandate limits. No domestic prosecutions occurred. International NGOs appealed to the African Commission on Human Rights under the Maputo Protocol, but no binding action followed. This reflects structural inability to address systematic targeting of female war correspondents. [UN OHCHR, ICCPR 1966]. [African Union, 2003].

Lusiku, who worked for Radio Tayna broadcasting in local languages to communities affected by ongoing conflict, faced escalating threats from multiple armed groups operating in eastern Congo. Her reporting focused on systematic sexual violence perpetrated by various armed factions, civilian casualties from military operations, and corruption in humanitarian aid distribution. This coverage directly challenged powerful interests including government forces, rebel groups, and international actors involved in resource extraction who preferred to operate without media scrutiny. Her lawyers invoked protections under Article 79 of the DRC's 2006 Constitution (freedom of the press) and Article 19 of the ICCPR. Complaints were filed with MONUSCO under the UN's mandate to protect civilians, but they cited mandate limits. No domestic prosecutions occurred. International NGOs appealed to the African Commission on Human Rights under the Maputo Protocol, but no binding action followed. This reflects structural inability to address systematic targeting of female war correspondents. [UN OHCHR, ICCPR 1966]. [African Union, 2003].

The threats against Lusiku specifically exploited her identity as a woman challenging male-dominated power structures in one of the world's most dangerous conflict zones. Armed groups sent explicit messages threatening sexual violence if she continued reporting on their activities, using gendered threats that male journalists rarely encounter. These threats combined political intimidation with sexualized violence designed to exploit cultural taboos and create additional layers of fear beyond conventional threats to

physical safety. Her lawyers invoked protections under Article 79 of the DRC's 2006 Constitution (freedom of the press) and Article 19 of the ICCPR. Complaints were filed with MONUSCO under the UN's mandate to protect civilians, but they cited mandate limits. No domestic prosecutions occurred. International NGOs appealed to the African Commission on Human Rights under the Maputo Protocol, but no binding action followed. This reflects structural inability to address systematic targeting of female war correspondents. [UN OHCHR, ICCPR 1966]. [African Union, 2003].

The particular vulnerability of female journalists in Congo's conflict environment reflects broader problems with international humanitarian law's approach to journalist protection during armed conflict. The Geneva Conventions and their Additional Protocols recognize journalists as civilians who must be protected from deliberate targeting, but these frameworks do not address gender-specific vulnerabilities that make female journalists particularly susceptible to certain forms of attack in conflict environments.

Lusiku's efforts to seek protection through official channels revealed systematic failures in Congo's institutions responsible for journalist safety. Despite reporting specific death threats to local authorities and international peacekeepers, she received no meaningful protection or support. Local officials dismissed her concerns as occupational hazards that all journalists must accept, while international forces claimed they lacked a mandate to provide protection for individual civilians including journalists facing specific threats. Her lawyers invoked protections under Article 79 of the DRC's 2006 Constitution (freedom of the press) and Article 19 of the ICCPR. Complaints were filed with MONUSCO under the UN's mandate to protect civilians, but they cited mandate limits. No domestic prosecutions occurred. International NGOs appealed to the African Commission on Human Rights under the Maputo Protocol, but no binding action followed. This reflects structural inability to address systematic targeting of female war correspondents. [UN OHCHR, ICCPR 1966]. [African Union, 2003].

The legal framework governing journalist protection in Congo reflects broader problems with transitional justice systems in post-conflict societies where institutions remain weak and accountability mechanisms prove inadequate. While Congo's constitution guarantees press freedom and the country has ratified international instruments protecting journalists, these formal protections mean little in practice when state capacity remains limited and armed groups operate with impunity across large territorial areas.

International press freedom organizations have documented systematic violence against journalists in Congo but their responses typically focus on general press freedom violations rather than gender-specific dimensions that create particular vulnerabilities for female journalists. This approach fails to capture how conflict environments amplify gender-based risks and create systematic disadvantages for women seeking to work as journalists in such contexts.

The economic dimensions of Lusiku's persecution revealed additional vulnerabilities that press freedom frameworks fail to address adequately. Armed groups and government forces not only threatened her physical safety but also targeted her family members' livelihoods and restricted her access to sources willing to speak with female journalists. This comprehensive approach to intimidation exploits the intersection of gender discrimination and economic vulnerability that characterizes many women's experiences in conflict-affected regions. Her lawyers invoked protections under Article 79 of the DRC's 2006 Constitution (freedom of the press) and Article 19 of the ICCPR. Complaints were filed with MONUSCO under the UN's mandate to protect civilians, but they cited mandate limits. No domestic prosecutions occurred. International NGOs appealed to the African Commission on Human Rights under the Maputo Protocol, but no binding action followed. This reflects structural inability to address systematic targeting of female war correspondents. [UN OHCHR, ICCPR 1966]. [African Union, 2003].

Despite receiving international recognition for her courageous reporting, including awards from press freedom organizations, Lusiku eventually fled Congo after escalating threats made continued journalism work impossible. Her forced displacement demonstrates how violence against female journalists achieves its strategic objectives of silencing critical voices even when direct assassination attempts fail. The loss of experienced female journalists like Lusiku creates systematic gaps in media coverage that particularly affect women and marginalized communities who lose their most effective advocates. Her lawyers invoked protections under Article 79 of the DRC's 2006 Constitution (freedom of the press) and Article 19 of the ICCPR. Complaints were filed with MONUSCO under the UN's mandate to protect civilians, but they cited mandate limits. No domestic prosecutions occurred. International NGOs appealed to the African Commission on Human Rights under the Maputo Protocol, but no binding action followed. This reflects structural inability to address systematic targeting of female war correspondents. [UN OHCHR, ICCPR 1966]. [African Union, 2003].

The investigation of systematic threats against Lusiku and similar female journalists revealed coordination among multiple armed actors who recognized that targeting women journalists could effectively reduce media scrutiny while sending broader messages about appropriate gender roles in conflict-affected regions. However, accountability mechanisms remain completely inadequate for addressing systematic campaigns that operate across territorial boundaries controlled by different armed factions. Her lawyers invoked protections under Article 79 of the DRC's 2006 Constitution (freedom of the press) and Article 19 of the ICCPR. Complaints were filed with MONUSCO under the UN's mandate to protect civilians, but they cited mandate limits. No domestic prosecutions occurred. International NGOs appealed to the African Commission on Human Rights under the Maputo Protocol, but no binding action followed. This reflects

structural inability to address systematic targeting of female war correspondents. [UN OHCHR, ICCPR 1966]. [African Union, 2003].

### 3. Violence Against Women Activists and Human Rights Defenders

Women human rights defenders face systematic persecution that exploits fundamental weaknesses in international protection frameworks that were designed primarily for male activists operating in conventional political contexts. These frameworks fail to anticipate or address the unique risks that women face when challenging established power structures, creating dangerous protection gaps that perpetrators systematically exploit to silence female voices in human rights advocacy.

The UN Declaration on Human Rights Defenders recognizes the fundamental right to defend human rights and engage in peaceful advocacy activities, but it lacks specific provisions addressing gender-based persecution that female defenders regularly encounter. This gap reflects the Declaration's development during an era when human rights advocacy remained predominantly male-led and failed to anticipate how women's growing participation would create new categories of vulnerability requiring specialized protection approaches.

Article 12 of the Declaration guarantees rights to participate in peaceful activities against human rights violations and to seek effective remedies for such violations. However, enforcement mechanisms remain notably weak and states routinely ignore their obligations to protect human rights defenders without facing meaningful consequences. This enforcement gap proves particularly problematic for women defenders because their work often challenges both specific injustices and broader patriarchal power structures simultaneously, creating multiple sources of threat that traditional protection systems cannot adequately address.

CEDAW requires states to eliminate discrimination against women in all areas of life, but its enforcement mechanisms cannot compel compliance when states systematically fail to protect women human rights defenders from persecution. The Committee on the Elimination of Discrimination Against Women can document violations and issue detailed recommendations, but these completely lack binding legal force and states can ignore them while maintaining their international standing and continuing to participate in international forums without consequences. [UN Treaty Series, 1979].

#### a) The Case of Honduras: Environmental Activism and Indigenous Women's Rights

The systematic persecution of environmental activists in Honduras, particularly indigenous women defending their ancestral territories, reveals how violence against female human rights defenders operates through intersectional discrimination that targets multiple aspects of identity simultaneously. The case of Berta Cáceres, murdered in

March 2016, demonstrates how powerful economic interests coordinate with state and criminal actors to eliminate female voices challenging extractive development projects. Legally, her lawyers invoked ILO Convention 169 on Indigenous and Tribal Peoples, ratified by Honduras, and Article 346 of the Honduran Constitution, which protects indigenous land rights. The Inter-American Commission on Human Rights issued precautionary measures under Article 25 of its Rules of Procedure, but the Honduran government ignored them. Domestic courts convicted 7 perpetrators for homicide under the Penal Code, but failed to prosecute company executives or state actors despite evidence. Amnesty International called it a failure of due diligence under CEDAW. [UN Treaty Series, 1979]. [Amnesty International, 2016 Report].

Cáceres, a Lenca indigenous leader and environmental activist, co-founded the Civic Council of Popular and Indigenous Organizations of Honduras (COPINH) to defend indigenous territorial rights against hydroelectric projects, mining operations, and other extractive industries. Her leadership of resistance against the Agua Zarca hydroelectric dam project on the Gualcarque River brought her into direct conflict with powerful business interests, government officials, and international development financiers who viewed her activism as a threat to profitable development opportunities.

The specific threats against Cáceres revealed how violence against female human rights defenders exploits intersectional vulnerabilities. As an indigenous woman challenging a major development project, she faced coordinated persecution that targeted her racial identity, gender, and political activities simultaneously. Threats against her deliberately combined racist language targeting her indigenous identity with sexualized violence designed to exploit gender-based fears, while also including explicit political intimidation related to her environmental advocacy.

The legal framework governing indigenous rights in Honduras theoretically provides protection for territorial rights and cultural preservation, but enforcement mechanisms remain completely inadequate when facing determined opposition from powerful economic interests. Despite constitutional provisions recognizing indigenous peoples' rights and Honduras's ratification of ILO Convention 169 on Indigenous and Tribal Peoples, these formal protections proved meaningless when confronted with systematic campaigns designed to eliminate indigenous opposition to development projects.

Cáceres had received explicit death threats for years before her assassination, including detailed warnings that specifically referenced her gender and indigenous identity. These threats came from multiple sources including private security forces employed by the dam company, government officials frustrated by delays to the project, and criminal organizations contracted to intimidate opposition voices. Despite documenting these threats and reporting them to authorities, she received no effective protection from Honduran security forces.

The Inter-American Commission on Human Rights had issued precautionary measures designed to protect Cáceres from the escalating threats she faced. However, these international protection measures proved completely inadequate because they lacked enforcement mechanisms and depended entirely on cooperation from the same Honduran government that was actively supporting the development project she opposed. This failure demonstrates fundamental weaknesses in international protection systems that cannot compel state compliance when governments are complicit in persecution.

The investigation following Cáceres's murder revealed sophisticated coordination among multiple actors including the dam company Desarrollos Energéticos S.A. (DESA), Honduran military officials, and private security contractors. Evidence emerged showing that company officials had maintained detailed surveillance of Cáceres and other COPINH leaders while coordinating with security forces to develop strategies for eliminating opposition to the dam project. This coordination demonstrates how violence against female human rights defenders often involves systematic planning by multiple actors pursuing overlapping economic and political interests.

The legal proceedings following Cáceres's assassination achieved partial justice through convictions of direct perpetrators, but failed to address the systematic coordination that made her murder possible. While several individuals were convicted for carrying out the assassination, intellectual authors including company executives and government officials who planned and ordered her killing largely escaped accountability. This pattern of partial justice characterizes many cases involving violence against female human rights defenders - immediate perpetrators may face consequences while systematic networks responsible for organizing persecution continue operating with impunity.

The broader impact of Cáceres's murder extended far beyond her individual case, creating systematic intimidation effects throughout Honduras's human rights community. Following her assassination, multiple other female environmental activists reported receiving similar threats, and several organizations suspended operations in regions where extractive industries operate with government support. This multiplication effect reveals how individual acts of violence against prominent female defenders serve strategic purposes of eliminating entire categories of opposition to powerful economic interests.

International responses to Cáceres's case demonstrated both the potential and limitations of global human rights advocacy. Her murder attracted significant international attention and prompted calls for enhanced protection of environmental defenders worldwide. However, concrete changes in protection mechanisms remain minimal, and violence against environmental activists in Honduras has continued at alarming rates despite international pressure and monitoring efforts.

b) The Case of Democratic Republic of Congo: Women's Rights Advocacy in Conflict Zones

The systematic persecution of women's rights advocates in the Democratic Republic of Congo reveals how conflict environments create particular vulnerabilities for female human rights defenders that international protection frameworks struggle to address effectively. The case of Julienne Lusenge, a prominent women's rights activist working on sexual violence prevention and survivors' support, demonstrates how female defenders face multiple threat sources that traditional protection systems cannot adequately address. Her organizations appealed under Article 22 of the African Charter on Human and Peoples' Rights, seeking protection for defenders. Complaints to the UN Special Rapporteur on Human Rights Defenders led to recommendations, but no binding action. Domestically, charges under the Congolese Penal Code were never filed, with authorities citing jurisdictional limits. The case exposed systemic impunity and highlighted the absence of a legal mechanism to prosecute threats by non-state armed groups.

Lusenge founded and leads multiple organizations focused on supporting survivors of conflict-related sexual violence and advocating for women's political participation in peace processes. Her work directly challenges impunity for sexual violence perpetrated by government forces, rebel groups, and international peacekeepers operating in eastern Congo. This advocacy creates systematic opposition from multiple powerful actors who prefer to operate without scrutiny or accountability for widespread sexual violence crimes.

The threats against Lusenge specifically exploit her identity as a woman advocating for other women's rights in a context where systematic sexual violence serves strategic purposes for various armed actors. She regularly receives threats of sexual violence designed to exploit the very issues she advocates against, creating layers of intimidation that male human rights defenders rarely encounter. These gendered threats demonstrate sophisticated understanding of how to exploit cultural taboos and personal vulnerabilities to maximize intimidation effects.

The legal framework for protecting human rights defenders in Congo reflects broader problems with transitional justice systems in societies emerging from prolonged conflict where institutions remain weak and accountability mechanisms prove inadequate. While Congo's constitution guarantees fundamental rights and the country has ratified major international human rights instruments, these formal protections provide minimal practical security when state capacity remains limited and armed groups operate with impunity across vast territorial areas.

Lusenge's efforts to seek protection through official channels revealed systematic failures in Congo's institutions responsible for civilian protection. Despite reporting specific

threats to local authorities, national government officials, and international peacekeeping forces, she received no meaningful protection or support. Each institution claimed that providing protection fell outside their mandate or exceeded their capabilities, creating dangerous gaps in protection coverage that leave female defenders completely vulnerable to systematic persecution.

The role of international peacekeeping forces in Congo creates additional complications for protecting female human rights defenders like Lusenge whose work sometimes exposes crimes perpetrated by peacekeepers themselves. Her advocacy for accountability regarding sexual abuse committed by UN peacekeeping personnel created tensions with international forces whose cooperation might be necessary for her protection. This conflict of interest demonstrates how existing protection systems prove inadequate when defenders challenge powerful international actors.

The economic dimensions of persecution against Lusenge revealed sophisticated strategies designed to undermine her organizations' capacity to continue advocacy work. Beyond direct threats against her personal safety, she faced systematic efforts to cut funding sources, restrict travel necessary for advocacy activities, and isolate her from international support networks. This comprehensive approach to intimidation recognizes that eliminating female voices in human rights advocacy requires destroying their organizational capacity rather than simply threatening individual leaders.

Despite receiving international recognition for her courageous advocacy work, including prestigious human rights awards, Lusenge continues to face escalating threats that international protection systems cannot effectively address. Her case demonstrates how individual recognition and symbolic support prove inadequate when facing systematic persecution campaigns coordinated by multiple powerful actors operating in environments where rule of law remains weak.

The investigation of threats against Lusenge revealed coordination among various armed groups, government forces, and international actors who recognize that silencing prominent female advocates creates broader intimidation effects throughout Congo's women's rights movement. However, accountability mechanisms remain completely inadequate for addressing systematic campaigns that operate across territorial boundaries controlled by different armed factions and involve both state and non-state actors.

## The Issues to Overturn

### 1. State and International Organizational Inaction

The failure of states and international organizations to protect women in public life reflects fundamental structural problems in international law and global governance systems that create dangerous accountability gaps which perpetrators have learned to

exploit systematically. Understanding these failures proves essential for developing solutions that address root causes of institutional inadequacy rather than merely responding to symptoms as they emerge in individual cases.

State inaction operates through sophisticated mechanisms that maintain technical compliance with international legal obligations while allowing systematic violence to continue unabated in practice. Many governments adopt impressive laws and policies that appear to protect women's rights while systematically failing to implement them effectively, creating what experts term "symbolic compliance" that provides legal cover without changing actual practices on the ground where women live and work.

This widespread phenomenon exploits serious weaknesses in international monitoring systems that typically assess state compliance based on legal frameworks and official policies rather than practical implementation and real protection levels. States can ratify human rights treaties with great ceremony and adopt impressive-sounding legislation while simultaneously allowing systematic violence against women in public life to continue, because international monitoring bodies generally lack adequate resources and sufficient authority to conduct comprehensive assessments of actual protection levels available to women.

The persistent gap between formal legal obligations and practical enforcement mechanisms creates permissive environments where states can routinely ignore their fundamental responsibilities without facing serious consequences or meaningful sanctions. When governments systematically fail to investigate credible threats against female politicians, refuse to prosecute attackers of women journalists, or ignore requests for protection from women human rights defenders, international bodies may issue strongly worded statements of concern, but these rarely translate into concrete sanctions, sustained diplomatic pressure, or other measures that might compel behavioral change.

International legal frameworks contain structural biases that systematically disadvantage women seeking protection from violence in public life. Traditional human rights law developed primarily during eras when political advocacy remained predominantly male-led and consequently struggles to capture the gender-specific dimensions of violence against women in public roles. This fundamental conceptual gap creates serious enforcement problems because monitoring bodies lack adequate analytical frameworks for assessing whether states are actually meeting their obligations to protect women from gender-specific threats.

The state-centric focus of international law creates additional problems when addressing violence against women in public life that increasingly involves non-state actors as primary threat sources. Criminal organizations, private security forces, extractive industry contractors, and other non-state entities often pose greater immediate threats than

government forces, but international protection mechanisms remain primarily designed to address state persecution rather than systematic campaigns by non-state actors operating with state acquiescence or support.

Legal classification systems consistently fail to recognize the explicitly political dimensions of violence against women in public life, instead treating such attacks as ordinary crimes rather than systematic attempts to exclude women from public participation in democratic processes. This classification problem significantly reduces penalties available for prosecution while failing to address the broader intimidation effects that such violence creates throughout society, thereby undermining comprehensive efforts to protect women's equal political participation.

The persistent weakness of regional human rights systems compounds these problems by creating accountability gaps that sophisticated perpetrators can exploit systematically. While regional bodies like the Inter-American Commission on Human Rights or the African Commission on Human and Peoples' Rights may have theoretically stronger enforcement mechanisms than global systems, they consistently lack adequate resources and sufficient political support necessary to compel state compliance with fundamental protection obligations.

Mexico's inadequate response to systematic violence against female journalists illustrates these institutional failures clearly. Despite having ratified all major international instruments protecting press freedom and women's rights, the country has systematically failed to develop effective protection mechanisms for female journalists facing gender-specific threats that differ qualitatively from risks faced by their male colleagues. International monitoring bodies have documented these failures repeatedly through detailed reports and formal recommendations, but their guidance lacks binding legal force and Mexico continues to ignore international pressure without facing meaningful consequences.

The responsibility to protect doctrine provides theoretical authority for international intervention when states fail to protect their populations from mass atrocities, but this framework has never been applied to systematic violence against women in public life despite clear patterns of state failure to provide protection. This gap reveals how international legal frameworks struggle to address systematic gender-based persecution that may not reach traditional thresholds for international intervention while nevertheless creating comprehensive barriers to women's public participation.

The principle of state acquiescence in international law suggests that systematic failure to prevent known violations may constitute complicity in those violations, particularly when states possess capacity to provide protection but choose not to act. However, accountability mechanisms remain inadequate for applying this principle to systematic

violence against women in public life, creating legal impunity that enables continued state inaction without consequences.

## 2. Role of Cartels and Non-State Actors

Non-state actors have emerged as dominant threats to women in public life across multiple regions, exploiting international law's persistent state-centric focus and weak international cooperation mechanisms to operate with near-complete impunity across borders and jurisdictions. Understanding exactly how these actors exploit legal and institutional gaps proves crucial for developing effective protection strategies that can address contemporary threat environments rather than relying on outdated frameworks designed for different security challenges.

Criminal organizations systematically target women in public life because they have discovered through experience that such attacks often prove more effective at destabilizing entire communities and silencing broad opposition than similar violence directed against men. Drug trafficking cartels operating throughout Mexico specifically target female mayors, journalists, and community leaders because they understand that violence against women creates greater fear within communities and may provoke less forceful state responses than comparable violence against male public figures.

These sophisticated organizations exploit fundamental weaknesses in international cooperation mechanisms that consistently struggle to address transnational criminal activity effectively. While individual states may possess some domestic capacity to address criminal threats within their territories, coordinated international responses remain weak, fragmented, and inadequate for addressing criminal organizations that operate seamlessly across borders while avoiding effective accountability through any single jurisdiction.

The complex relationship between organized crime and systematic corruption creates additional protection gaps for women in public life that traditional security frameworks cannot address adequately. When criminal organizations succeed in corrupting state institutions responsible for public safety, traditional protection mechanisms become unavailable or even actively hostile to potential victims seeking help. Female politicians who refuse to cooperate with criminal organizations' demands may find themselves without any state protection while simultaneously facing threats from both criminal groups and compromised state officials who view them as obstacles to profitable arrangements.

Paramilitary groups and other armed non-state actors exploit legal grey areas that emerge in conflict and post-conflict situations where state authority remains weak, contested, or transitional. These groups often proliferate during transitions from authoritarianism to democracy or in post-conflict contexts where institutional rebuilding remains incomplete,

creating extended periods of vulnerability when women attempting to enter public life face particular dangers from armed actors operating outside legal constraints.

The growing phenomenon of "security privatization" has created entirely new categories of non-state threats as governments increasingly rely on private security forces that operate with minimal oversight, inadequate accountability mechanisms, and unclear legal status. These forces often protect extractive industry interests, large-scale development projects, or other business activities that view female environmental activists and community leaders as direct threats to profitability, creating systematic persecution campaigns that fall outside traditional frameworks for state responsibility.

Extractive industries including mining companies, logging operations, and agribusiness enterprises systematically employ private security forces to intimidate female environmental activists and indigenous community leaders who challenge projects that threaten traditional territories or environmental resources. These operations exploit significant gaps in corporate accountability frameworks that provide minimal oversight of private security activities, particularly in remote geographical areas where women activists often work without adequate institutional support or protection.

The digital revolution has enabled entirely new forms of non-state persecution that transcend geographical boundaries completely while exploiting weak international cooperation mechanisms for addressing cyber crimes and online harassment. Coordinated online harassment campaigns against women in public life often involve sophisticated networks that operate across multiple countries simultaneously, making traditional law enforcement responses completely inadequate and creating new categories of violence that existing legal frameworks struggle to address effectively.

Technology companies that control major social media platforms operate as powerful non-state actors whose policies regarding harassment and abuse directly affect the safety of women in public life, yet these companies remain largely outside international regulatory frameworks designed to protect human rights. Their decisions about content moderation, account suspension, and harassment prevention create real-world consequences for women's safety while operating according to corporate policies rather than human rights standards.

### 3. Discriminatory Social Attitudes and Cultural Normalization

Deeply embedded discriminatory social attitudes create the fundamental cultural foundation that enables violence against women in public life while simultaneously undermining international legal protections that depend heavily on social acceptance and cultural legitimacy for effective implementation. Understanding exactly how these attitudes operate and reproduce themselves across generations proves essential for

developing comprehensive solutions that address root causes of systematic exclusion rather than merely responding to surface manifestations of deeper cultural problems.

Discriminatory beliefs operate through sophisticated social mechanisms that consistently treat violence against women in public life as natural, inevitable, or justified responses to inappropriate female behavior rather than systematic violations of fundamental human rights that require investigation and accountability. These deeply embedded attitudes exploit traditional cultural expectations about women's proper social roles to justify intimidation, harassment, and violence specifically designed to maintain established gender hierarchies and prevent challenges to male political dominance.

The systematic normalization of misogynistic discourse in public political debate creates permissive environments where violence against women in public life becomes more socially acceptable and therefore more likely to occur. When political leaders, media figures, and other public authorities consistently employ sexist language when discussing female public figures, they send clear signals that such women represent legitimate targets for harassment, abuse, and violence, thereby creating cultural permission structures that facilitate escalation toward more serious forms of violence.

Social media platforms and digital communication technologies have dramatically amplified both the reach and impact of discriminatory beliefs by providing new venues for coordinated harassment campaigns against women in public life that can mobilize much larger numbers of participants than traditional forms of intimidation. The anonymity and global reach provided by digital platforms allow individuals with discriminatory attitudes to organize collective attacks that create false impressions of widespread popular opposition while simultaneously intimidating female public figures and discouraging other women from entering public roles.

Traditional cultural and religious interpretations regarding women's appropriate social roles continue to exert powerful influence on public attitudes toward women in public life, even in societies that have formally embraced gender equality through legal reforms and constitutional provisions. These persistent beliefs create ongoing cultural resistance to women's meaningful public participation that violent actors can exploit systematically to justify their attacks while building broader social support for exclusionary campaigns.

The intersection of sexist beliefs with other forms of social prejudice creates particularly dangerous environments for women who belong to multiple marginalized social groups simultaneously. Female public figures who are also ethnic minorities, religious minorities, or members of other stigmatized groups may face compound discrimination that combines gender-based prejudice with racism, religious intolerance, or other forms of systematic bias, creating multiple overlapping justifications for violence that make effective protection significantly more difficult to provide.

Educational systems across different societies often fail to adequately challenge discriminatory attitudes toward women in public life and may inadvertently reinforce traditional gender role expectations through curriculum content, pedagogical approaches, and institutional practices that implicitly suggest women's fundamental unsuitability for public leadership roles. These educational failures create successive generations of citizens who view women's public participation with suspicion, skepticism, or hostility and may actively support exclusionary violence as appropriate responses to perceived transgressions of traditional gender boundaries.

### Statement of the Problem

The international community confronts an escalating crisis of systematic exclusion of women from public life through sophisticated, coordinated violence that exploits fundamental gaps in international legal frameworks and protection mechanisms while operating through increasingly complex networks that transcend traditional jurisdictional boundaries. This violence operates through carefully developed strategies that combine traditional intimidation methods with modern technologies and organizational approaches, creating unprecedented barriers to women's participation that have no equivalent for men and pose direct threats to democratic governance systems worldwide.

Current international legal frameworks demonstrate consistent failure to address the specific intersection of gender-based discrimination and political persecution that characterizes systematic violence against women in public life. The persistent gap between formal legal protections enshrined in international treaties and practical enforcement mechanisms available for implementation allows states to maintain technical compliance with international obligations while simultaneously permitting systematic violence to continue with complete impunity within their territories.

Non-state actors including criminal organizations, private security forces, and coordinated online networks increasingly dominate threat environments facing women in public life, systematically exploiting international law's outdated state-centric focus and inadequate cooperation mechanisms to operate across borders without facing effective accountability through any jurisdiction. These sophisticated actors employ resources, technologies, and tactics that often significantly exceed state protection capabilities, creating dangerous asymmetries that consistently favor attackers over potential victims while undermining traditional security frameworks.

The cultural foundations that enable and justify this systematic violence remain largely unaddressed by international frameworks that focus primarily on legal and institutional reforms while ignoring deeper social dynamics. Discriminatory social attitudes create permissive environments where violence against women in public life appears justified, inevitable, or necessary for maintaining social order, thereby fundamentally undermining

the effectiveness of legal protections that depend on social acceptance and cultural legitimacy for successful implementation.

#### Statement of a Comprehensive Solution

Effective solutions must address the inherently multi-dimensional nature of systematic violence against women in public life through carefully coordinated legal, institutional, cultural, and technological interventions that operate simultaneously at local, national, regional, and international levels. The complexity and sophistication of contemporary threats require comprehensive approaches that address both immediate security needs facing individual women and structural vulnerabilities that make such violence possible across different political and social systems.

Legal reforms must establish specific international frameworks addressing violence against women in public life that explicitly recognize the political dimensions of such attacks while providing enhanced penalties that reflect the serious threat such violence poses to democratic governance and human rights protection globally. These new frameworks must address both traditional forms of physical violence and contemporary digital threats while ensuring full compatibility with existing international human rights standards and creating effective enforcement mechanisms that can compel state compliance.

Protection systems require fundamental redesign to address gender-specific vulnerabilities through comprehensive threat assessment procedures that recognize how gender affects risk profiles, dedicated protection units staffed with personnel trained in gender-based violence, and rapid response capabilities that can address both physical and digital threats effectively. These enhanced systems require adequate resource allocation, specialized training programs, and institutional arrangements that can coordinate national and international responses while addressing both state and non-state threats.

International cooperation mechanisms must be significantly strengthened to address increasingly transnational threats through enhanced information sharing protocols, coordinated law enforcement responses that can operate across jurisdictions, and standardized protection procedures that enable effective cooperation across different legal systems and cultural contexts. These mechanisms must develop capacity to address both state and non-state threats while providing adequate enforcement capabilities that can compel compliance with protection obligations through meaningful sanctions and accountability measures.

Cultural transformation initiatives must systematically challenge discriminatory attitudes that normalize violence against women in public life through comprehensive education programs that address root causes of gender-based discrimination, media reform initiatives that promote responsible coverage of women in public life, and sustained

public awareness campaigns that build understanding of women's equal rights to participate in public life without facing violence, intimidation, or harassment. These cultural initiatives must address intersectional discrimination and work across different social institutions to create comprehensive change in social attitudes and behavioral norms.

## Related Laws and Legal Frameworks

### 1. International Legal Foundations for Women's Protection

The Universal Declaration of Human Rights (UDHR) [UNGA Resolution 217 A (III), 1948].

The Universal Declaration of Human Rights, adopted by the United Nations General Assembly in 1948, serves as the foundational document for all modern human rights law. This declaration emerged from the ashes of World War II, when the international community recognized the urgent need to establish universal principles protecting human dignity. For newcomers to international law, think of the UDHR as the "constitution" of global human rights - while it doesn't have the legal force of a treaty, it has become so widely accepted that most legal experts consider it part of customary international law, meaning all countries are expected to follow its principles regardless of whether they formally agreed to it. [UNGA Resolution 217 A (III), 1948].

Article 1 of the UDHR states that "all human beings are born free and equal in dignity and rights." This simple sentence carries profound implications for women's participation in public life. When we apply this principle to systematic violence against women politicians, journalists, and activists, we see that such violence directly contradicts the fundamental premise of human equality. The declaration doesn't just say people should be treated equally under law - it establishes that equality is an inherent characteristic of human existence. [UNGA Resolution 217 A (III), 1948].

What makes this particularly important for our discussion is that the UDHR established the normative foundation that influenced every subsequent human rights treaty. When countries signed later agreements like CEDAW or regional human rights conventions, they built upon the equality principles first articulated in the UDHR. This means that when states allow systematic violence against women in public life to continue, they violate not just specific treaty obligations but the fundamental principles of international human rights law itself. [UN Treaty Series, 1979]. [UNGA Resolution 217 A (III), 1948].

The UDHR's influence extends beyond formal legal documents. Courts around the world regularly cite it when making decisions about equality and discrimination. When activists campaign for women's rights, they invoke its authority. When diplomats negotiate new international agreements, they reference its principles. Understanding the UDHR helps us

see why systematic violence against women in public life represents such a serious violation of international norms - it attacks the very foundation of modern human rights law. [UNGA Resolution 217 A (III), 1948].

The International Covenant on Civil and Political Rights (ICCPR) [UN OHCHR, ICCPR 1966].

The International Covenant on Civil and Political Rights, adopted in 1966 and entered into force in 1976, transforms the general principles of the UDHR into specific, legally binding obligations for the 113 countries that have ratified it. Unlike the UDHR, which serves as a statement of principles, the ICCPR creates actual legal duties that countries must fulfill or face potential consequences through international monitoring mechanisms. [UN OHCHR, ICCPR 1966]. [UNGA Resolution 217 A (III), 1948].

Article 3 of the ICCPR requires states to "ensure the equal right of men and women to the enjoyment of all civil and political rights." This isn't just a suggestion - it's a binding legal obligation. When countries ratify the ICCPR, they promise to guarantee equal enjoyment of rights like freedom of expression, assembly, and political participation. Article 19 protects freedom of expression and information, which directly applies to journalists and activists. Article 21 guarantees the right of peaceful assembly, crucial for activists organizing demonstrations or advocacy campaigns. Article 25 ensures equal participation in political and public life, establishing that everyone has the right to vote, run for office, and participate in government. [UN OHCHR, ICCPR 1966].

Here's what this means in practical terms: when female politicians face systematic death threats that male politicians don't encounter, when women journalists receive rape threats for their reporting, or when female activists are targeted with sexualized violence for their advocacy work, states have violated their ICCPR obligations. The treaty doesn't just require governments to avoid directly harming women - it creates positive obligations to actively protect women from violence and intimidation by others. [UN OHCHR, ICCPR 1966].

The Human Rights Committee, which monitors compliance with the ICCPR, has repeatedly emphasized that states bear these positive obligations. In multiple cases and general comments, the Committee has made clear that governments must create enabling environments where women can safely participate in political life, journalism, and activism. This includes investigating threats, prosecuting perpetrators, and implementing preventive measures to stop violence before it occurs. [UN OHCHR, ICCPR 1966].

The ICCPR's monitoring mechanism provides important tools for accountability. Countries must submit regular reports explaining how they implement the treaty. The Human Rights Committee reviews these reports and issues concluding observations highlighting problems and recommending improvements. While these observations don't

have the force of court judgments, they carry significant moral and political weight in international relations. [UN OHCHR, ICCPR 1966].

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) [UN Treaty Series, 1979].

CEDAW, adopted in 1979 and ratified by 189 countries, represents the most comprehensive international treaty specifically addressing women's rights. Think of CEDAW as the "women's bill of rights" in international law - it covers virtually every aspect of women's lives and establishes detailed obligations for achieving gender equality. What makes CEDAW particularly powerful is its broad definition of discrimination and its recognition that achieving real equality requires more than just removing legal barriers. [UN Treaty Series, 1979].

Article 7 of CEDAW specifically addresses women's participation in political and public life. It requires states to eliminate discrimination and ensure women have equal rights to vote, run for office, participate in political organizations, and engage with non-governmental organizations concerned with public life. This article directly addresses the systematic exclusion of women from politics that we see manifested through violence and intimidation campaigns. [UN Treaty Series, 1979].

The treaty's approach to discrimination goes beyond simple legal equality. CEDAW recognizes that formal legal rights mean little if women cannot exercise them safely in practice. This understanding led to General Recommendation No. 35, issued by the CEDAW Committee in 2017, which explicitly identifies gender-based violence as a form of discrimination prohibited under the Convention. This recommendation represents a crucial development because it establishes that when states fail to prevent or respond to violence against women in public life, they violate their treaty obligations even if they haven't directly perpetrated the violence. [UN Treaty Series, 1979].

General Recommendation No. 35 holds states accountable for violence committed by both public authorities and private actors. This means governments cannot escape responsibility by claiming that threats against female politicians come from opposition parties, that harassment of women journalists originates from private individuals, or that violence against female activists is perpetrated by non-state actors. Under CEDAW, states must exercise due diligence to prevent, investigate, prosecute, and provide remedies for gender-based violence regardless of who commits it. [UN Treaty Series, 1979].

The CEDAW Committee's monitoring process provides important accountability mechanisms. Countries must submit reports every four years explaining their implementation of the treaty. The Committee reviews these reports, meets with government delegations, and issues concluding observations with specific

recommendations for improvement. The Committee also accepts individual complaints from women who claim their governments have violated CEDAW, providing a quasi-judicial process that can result in binding legal findings. [UN Treaty Series, 1979].

## 2. Regional Legal Mechanisms

### European Convention on Human Rights (ECHR)

The European Convention on Human Rights, adopted in 1950, created the world's most developed regional human rights system. What makes the European system unique is its court - the European Court of Human Rights in Strasbourg - which issues legally binding judgments that countries must implement. Unlike many international human rights mechanisms that can only make recommendations, the European Court has real enforcement power backed by the Council of Europe's political institutions.

Article 10 of the ECHR guarantees freedom of expression, providing crucial protections for journalists and other media professionals. Article 14 prohibits discrimination in the enjoyment of Convention rights. When read together, these provisions create strong legal foundations for protecting female journalists from gender-based harassment and violence that aims to silence their reporting.

The European Court's jurisprudence demonstrates how these provisions apply to violence against women in public life. In cases like *Dink v. Turkey*, the Court emphasized that states must actively protect journalists from threats and violence that create "chilling effects" on freedom of expression. The Court recognizes that when journalists face credible threats, this not only harms the individual journalists but also damages society's access to information and democratic debate.

Applied to gender-based violence against women in media, this jurisprudence establishes that European states must provide enhanced protection for female journalists facing gender-specific threats. When women journalists receive rape threats, face organized online harassment campaigns, or encounter threats targeting their sexuality or gender identity, European governments cannot treat these as ordinary criminal matters. They must recognize that such threats specifically aim to exploit gender-based vulnerabilities to silence women's voices in public discourse.

The Court's interpretation of Article 14's non-discrimination provision has evolved to recognize that states must address not just direct discrimination but also indirect discrimination that disproportionately affects particular groups. This principle applies directly to violence against women in public life - when systematic threats target female politicians, journalists, or activists in ways that male colleagues don't experience, this constitutes discriminatory treatment that violates European human rights law.

## Inter-American System

The Inter-American human rights system, operating through the Organization of American States, has developed particularly strong jurisprudence addressing violence against women. The system's centerpiece for gender issues is the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women, known as the Convention of Belém do Pará after the Brazilian city where it was signed in 1994.

The Convention of Belém do Pará represents the first binding international treaty specifically dedicated to addressing gender-based violence. Article 4(f) affirms women's right to "equal protection before the law and of the law." While this might sound like standard legal language, the Inter-American Court of Human Rights has interpreted this provision expansively to cover systematic threats faced by women human rights defenders, female politicians, and women journalists.

The landmark case of *González et al. ("Cotton Field") v. Mexico* demonstrates the Inter-American system's sophisticated understanding of gender-based violence. In this case, the Court recognized that violence against women often reflects structural discrimination and stereotypes that view women as inferior or appropriate targets for control through violence. The Court imposed comprehensive obligations on states to prevent violence, investigate cases effectively, prosecute perpetrators, and provide adequate remedies to victims and their families. [IACHR, *González et al. v. Mexico*, 2009].

What makes the Cotton Field judgment particularly relevant to our discussion is its recognition that states must address not just individual acts of violence but the underlying structural factors that enable such violence. The Court required Mexico to implement broad reforms addressing gender stereotypes in the justice system, improving investigation procedures for violence against women, and creating comprehensive prevention programs. [IACHR, *González et al. v. Mexico*, 2009].

The Inter-American Commission on Human Rights has applied these principles specifically to women in public life through its work on human rights defenders and journalists. The Commission regularly issues precautionary measures - emergency protection orders - for female politicians, journalists, and activists facing credible threats. While these measures depend on state cooperation for implementation, they create international legal obligations and political pressure that can provide crucial protection.

The Inter-American system's approach to state responsibility proves particularly important for addressing violence against women in public life. The system recognizes that states can be held responsible not only for violence committed by government agents but also for failing to prevent, investigate, or punish violence by private actors. This principle directly applies to situations where female politicians face threats from

opposition supporters, where women journalists encounter harassment from organized groups, or where female activists are targeted by criminal organizations.

African Charter on Human and Peoples' Rights & Maputo Protocol [African Union, 2003].

The African human rights system operates under the African Charter on Human and Peoples' Rights, adopted in 1981, supplemented by the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, known as the Maputo Protocol, adopted in 2003. The African system faces unique challenges given the continent's diversity of legal systems, cultural practices, and political structures, but it has developed important jurisprudence addressing women's participation in public life. [African Union, 2003].

The Maputo Protocol represents the most comprehensive regional instrument addressing women's rights globally. Article 9 specifically addresses women's right to political participation, requiring states to "promote the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures." This goes beyond simple non-discrimination to require positive measures ensuring women's meaningful participation in political processes. [African Union, 2003].

Article 11 of the Maputo Protocol addresses protection of women in armed conflict, which proves particularly relevant for countries experiencing internal conflicts where female activists and politicians face threats from armed groups. The Protocol requires states to protect women from violence during conflicts and to ensure women's participation in peace processes - obligations that directly apply to systematic violence against women in public life. [African Union, 2003].

The African Commission on Human and Peoples' Rights has developed important precedents addressing violence against women human rights defenders. Through its Special Rapporteur on Human Rights Defenders in Africa and its Special Rapporteur on the Rights of Women in Africa, the Commission has documented systematic patterns of persecution against female activists and established principles for state protection obligations.

The African system's approach to cultural practices proves particularly important for addressing violence against women in public life. While the African Charter and Maputo Protocol recognize the importance of African cultural values, they establish clear limits when cultural practices violate human rights. This balance helps address situations where violence against female politicians or activists is justified through references to traditional gender roles or cultural expectations about women's appropriate social positions. [African Union, 2003].

### 3. National Constitutional and Legal Protections

#### Constitutional Frameworks

Modern constitutions around the world have increasingly incorporated strong equality provisions that provide legal foundations for challenging violence against women in public life. Understanding these constitutional protections helps illuminate how international human rights principles translate into domestic legal systems and create enforceable rights for women facing systematic persecution.

India's Constitution provides a particularly comprehensive example of constitutional protection for equality and women's rights. Article 14 guarantees equality before the law, establishing that all persons within Indian territory receive equal protection from the legal system. Article 15 specifically prohibits discrimination on grounds including sex, creating constitutional barriers to laws or practices that treat women differently from men. Article 21 protects life and personal liberty, which the Indian Supreme Court has interpreted broadly to include dignity and security.

When applied to violence against women in public life, these constitutional provisions create multiple legal avenues for challenging systematic persecution. Female politicians facing threats can invoke their Article 21 rights to personal liberty and security. Women journalists encountering harassment can claim violations of their Article 19 freedom of speech and expression rights combined with Article 14 equality protections. Female activists targeted for their advocacy work can argue that such persecution violates both their individual constitutional rights and broader constitutional principles of democratic participation.

The Indian Supreme Court has developed important jurisprudence applying these constitutional principles to women's rights. In cases addressing workplace harassment, political participation, and media freedom, the Court has established that constitutional equality requires not just formal legal equality but substantive protection enabling women to exercise their rights without facing gender-based obstacles or threats.

South Africa's Constitution represents another model of comprehensive constitutional protection for women's rights. Section 9 not only prohibits discrimination but mandates positive measures to promote equality and overcome the effects of past discrimination. This constitutional approach recognizes that achieving real equality requires more than simply removing discriminatory laws - it demands active efforts to address structural inequalities and their ongoing effects.

The South African Constitutional Court has interpreted these provisions to create broad obligations for protecting women from violence and discrimination. In gender-related cases, the Court has established principles that directly apply to violence against women

in public life. The Court recognizes that systematic violence serves to reinforce historical patterns of exclusion and that constitutional equality requires addressing both individual acts of discrimination and broader structural factors that perpetuate inequality.

### Statutory Frameworks

Countries have developed various statutory approaches to address violence against women in public life, ranging from general anti-harassment laws to specific legislation targeting political violence. Understanding these different approaches helps identify best practices and gaps in legal protection that international cooperation might address.

The United Kingdom's Protection from Harassment Act of 1997 illustrates how general anti-harassment legislation can provide important protections for women in public life. While the law is gender-neutral in its language, it has proven effective in addressing stalking and systematic harassment campaigns against female Members of Parliament and women journalists. The Act creates both criminal penalties and civil remedies, allowing victims to seek both prosecution of perpetrators and personal protection orders.

Recent applications of the UK law to harassment of female politicians have revealed both the Act's potential and its limitations. The law provides effective tools for addressing individual cases of persistent harassment, but it struggles to address systematic campaigns involving multiple perpetrators or online harassment that crosses jurisdictional boundaries. These limitations highlight the need for international cooperation mechanisms that can address transnational aspects of violence against women in public life.

India's Protection of Women from Sexual Harassment at Workplace Act of 2013 demonstrates how specific legislation can address particular contexts where women face systematic discrimination. While originally designed for workplace harassment, the Act has been applied to protect female journalists and political workers who face sexual harassment in their professional activities.

The Indian law's definition of workplace includes any place visited by employees during their work, which has enabled its application to female journalists facing harassment while reporting from various locations and female political workers encountering abuse during campaign activities. This broad interpretation demonstrates how domestic legislation can adapt to address new forms of gender-based violence as they emerge.

Mexico's General Law on Women's Access to a Life Free of Violence, adopted in 2007 and amended multiple times, represents one of the most comprehensive national approaches to gender-based violence globally. The law explicitly recognizes political violence as a distinct form of gender-based violence, defining it as actions that restrict women's political participation based on their gender.

The Mexican law establishes specific obligations for different levels of government to prevent, investigate, and punish political violence against women. It requires states to create specialized units for investigating such cases, implement prevention programs, and provide comprehensive support for victims. The law also establishes coordination mechanisms between federal, state, and local authorities to ensure comprehensive responses to political violence.

Implementation of the Mexican law has revealed important lessons about translating legal frameworks into practical protection. While the law provides comprehensive legal tools, effective implementation requires sustained political commitment, adequate resource allocation, and cultural change within justice institutions. These implementation challenges highlight broader issues facing efforts to address violence against women in public life through legal reforms alone.

#### 4. Soft Law Instruments and International Standards

Beijing Declaration and Platform for Action [Beijing Platform for Action, 1995].

The Beijing Declaration and Platform for Action, adopted at the Fourth World Conference on Women in 1995, remains the most comprehensive international policy framework addressing women's rights and gender equality. While not legally binding like treaties, the Beijing Platform carries enormous political and moral authority because it was adopted by consensus among 189 countries after extensive negotiations and represents the most detailed international agreement on women's rights ever achieved. [Beijing Platform for Action, 1995].

The Beijing Platform identifies twelve critical areas of concern, including "Women in power and decision-making" as a specific focus area. This section of the Platform explicitly addresses barriers preventing women's full participation in political and public life, including violence and intimidation designed to exclude women from positions of authority and influence. [Beijing Platform for Action, 1995].

What makes the Beijing Platform particularly important for our discussion is its recognition that violence against women in public life serves systematic exclusionary purposes rather than representing isolated criminal acts. The Platform frames such violence as a structural impediment to gender equality that requires comprehensive responses addressing legal, institutional, and cultural factors simultaneously. [Beijing Platform for Action, 1995].

The Platform's influence extends far beyond its formal adoption. International organizations use Beijing commitments as benchmarks for assessing progress on women's rights. Civil society organizations reference Beijing principles when advocating for policy reforms. National governments invoke Beijing standards when developing

domestic legislation and programs addressing gender equality. [Beijing Platform for Action, 1995].

The five-year review processes for Beijing implementation have provided important opportunities to assess progress on protecting women in public life. The Beijing+25 review process in 2020 documented sobering realities about persistent violence against female politicians, journalists, and activists despite 25 years of formal commitment to the Platform's principles. This documentation has helped build international awareness and pressure for stronger protection mechanisms. [Beijing Platform for Action, 1995].

### UN General Assembly Resolutions

United Nations General Assembly resolutions, while not legally binding, play crucial roles in developing international consensus around emerging human rights issues and clarifying the interpretation of existing legal obligations. Several recent resolutions have specifically addressed violence against women in public life and established important normative frameworks for addressing these challenges.

Resolution 68/181, adopted in 2013, specifically recognized the particular risks faced by women human rights defenders and called upon states to ensure their protection. This resolution emerged from growing documentation of systematic persecution against female activists worldwide and represented the first comprehensive international recognition of gender-specific vulnerabilities facing human rights defenders.

The resolution establishes important principles that directly apply to systematic violence against women in public life. It recognizes that female human rights defenders face threats specifically because of both their human rights activities and their gender, creating intersectional vulnerabilities that require specialized protection approaches. The resolution calls upon states to adopt gender-sensitive approaches to protection that address the particular risks women defenders encounter.

Resolution 73/148, adopted in 2018, addressed sexual harassment and other forms of violence against women more broadly while reinforcing the need for zero tolerance in political and public spaces. This resolution builds upon earlier instruments by explicitly addressing how sexual harassment serves to exclude women from public participation and by calling for comprehensive prevention measures.

The resolution's emphasis on online harassment proves particularly relevant to contemporary threats against women in public life. As digital technologies create new avenues for systematic harassment campaigns against female politicians, journalists, and activists, international recognition of online violence as a serious human rights issue becomes increasingly important for developing effective responses.

## UN Human Rights Council Mechanisms

The UN Human Rights Council has developed several mechanisms that provide important tools for addressing violence against women in public life. These mechanisms include special procedures - independent experts appointed to investigate specific human rights issues - and the Universal Periodic Review process through which all UN member states undergo regular examination of their human rights records.

The Special Rapporteur on violence against women, its causes and consequences has played a particularly important role in documenting and analyzing systematic violence against women in public life. Through country visits, thematic reports, and communications with governments, the Special Rapporteur has built comprehensive documentation of patterns, trends, and effective responses to such violence.

Recent reports by the Special Rapporteur have specifically addressed online violence against women, violence against women human rights defenders, and violence against women in politics. These reports provide authoritative analysis of emerging threats and recommend concrete measures that states should implement to fulfill their human rights obligations.

The Special Rapporteur's mandate includes both investigating individual cases and analyzing systematic patterns. This dual approach enables comprehensive understanding of how individual acts of violence against women in public life connect to broader structural factors that enable and perpetuate such violence.

## 5. International Jurisprudence and Legal Precedents

### International Court Decisions

International and regional human rights courts have developed important jurisprudence addressing violence against women in public life through cases that establish legal precedents applicable to similar situations worldwide. Understanding these precedents helps illuminate how abstract legal principles translate into concrete protection obligations for states.

The European Court of Human Rights case of *Opuz v. Turkey* (2009) established crucial precedents regarding state responsibility for preventing violence against women. While the case involved domestic violence rather than violence in public life, the Court's reasoning applies directly to systematic persecution of women politicians, journalists, and activists.

In *Opuz*, the Court held that Turkey's failure to protect a woman from repeated domestic violence constituted discrimination under Article 14 of the European Convention on Human Rights. The Court found that Turkish authorities' inadequate response reflected

and reinforced discriminatory attitudes that viewed violence against women as acceptable or inevitable.

The Court's analysis established several important principles for addressing violence against women in public life. First, states cannot remain passive when facing systematic violence against women - they must take active measures to prevent, investigate, and punish such violence. Second, inadequate state responses to gender-based violence can constitute discrimination even when laws appear gender-neutral on their face. Third, cultural attitudes that normalize violence against women cannot justify state inaction.

The Inter-American Court of Human Rights case of *González et al. ("Cotton Field") v. Mexico* (2009) provides another landmark precedent addressing systematic violence against women. While this case involved murders of women in Ciudad Juárez rather than violence against women in public life specifically, the Court's analysis of state responsibility for structural violence applies directly to persecution of female politicians, journalists, and activists. [IACHR, *González et al. v. Mexico*, 2009].

The Cotton Field judgment established that states must address not only individual acts of violence against women but also the underlying structural factors - including discriminatory stereotypes, institutional biases, and cultural attitudes - that enable such violence. The Court required Mexico to implement comprehensive reforms addressing gender stereotypes within the justice system, improving investigation procedures, and creating prevention programs. [IACHR, *González et al. v. Mexico*, 2009].

The Court's approach to remedies in Cotton Field provides important guidance for addressing violence against women in public life. Beyond requiring prosecution of individual perpetrators, the Court mandated broad structural reforms designed to prevent future violence. These included training programs for justice officials, public awareness campaigns challenging gender stereotypes, and institutional reforms ensuring gender-sensitive approaches to investigation and prosecution. [IACHR, *González et al. v. Mexico*, 2009].

### Regional Court Jurisprudence

Regional human rights courts have developed increasingly sophisticated jurisprudence addressing various aspects of violence against women in public life. This jurisprudence provides important precedents that influence both legal development and policy-making within respective regions while also contributing to global understanding of state obligations regarding gender-based violence.

The Inter-American Commission on Human Rights has handled numerous cases involving women human rights defenders, female journalists, and women politicians facing systematic persecution. Through its precautionary measures procedure, the

Commission regularly issues emergency protection orders for women facing credible threats because of their public activities.

These precautionary measures establish important precedents regarding the urgency and seriousness of threats against women in public life. When the Commission determines that women face "irreparable harm" because of their political activities, journalism work, or human rights advocacy, this creates international recognition of the legitimacy and severity of such threats.

The African Commission on Human and Peoples' Rights has developed important precedents through cases addressing women's political participation and violence against female activists. While the African system faces capacity constraints that limit its ability to handle large numbers of individual cases, the Commission's decisions in key cases establish important principles for addressing violence against women in public life.

The Commission's approach to balancing cultural practices with women's rights proves particularly important for addressing violence against women in public life that is sometimes justified through references to traditional gender roles or cultural expectations about women's appropriate behavior.

## 6. Implementation Challenges and Legal Gaps

### Cultural and Structural Obstacles

Despite comprehensive international legal frameworks protecting women's rights to participate in public life, persistent cultural and structural barriers continue to undermine effective implementation of these protections. Understanding these obstacles proves crucial for developing realistic strategies to bridge the gap between legal rights on paper and practical security for women in public roles.

Patriarchal social norms create fundamental resistance to women's public participation that legal reforms alone cannot address. These norms operate through informal social mechanisms that treat female politicians as illegitimate interlopers, view women journalists as inappropriate for serious reporting roles, and regard female activists as threats to social stability. When legal systems operate within cultures that view women's public participation with suspicion or hostility, even well-designed laws may prove ineffective in practice.

Political institutions themselves often perpetuate discriminatory attitudes that normalize violence against women in public life. When male political leaders dismiss harassment of female colleagues as "part of politics," when media organizations fail to support female journalists facing gender-based threats, or when law enforcement agencies treat threats against women activists as less serious than similar threats against men, these

institutional attitudes create environments where violence can flourish despite formal legal prohibitions.

Weak institutional capacity in many countries creates additional obstacles to implementing legal protections effectively. Police forces may lack training to recognize gender-specific dimensions of threats against women in public life. Justice systems may lack specialized units with expertise in investigating and prosecuting gender-based violence. Protection programs may lack resources and procedures designed to address the particular vulnerabilities women face in public roles.

### Accountability Deficits

Prosecution rates for violence against women in public life remain dismally low worldwide, creating cultures of impunity that embolden perpetrators while deterring women from seeking public roles. This accountability deficit reflects multiple systemic failures that reinforce each other to create environments where violence against women in public life faces minimal consequences.

Investigation procedures often fail to recognize the political dimensions of violence against women in public life, treating such cases as ordinary crimes rather than attacks on democratic participation. When female politicians are murdered, investigators may focus on personal motives while ignoring political factors. When women journalists face systematic harassment campaigns, police may dismiss these as interpersonal disputes rather than attacks on press freedom. When female activists encounter threats, authorities may blame victims for provoking violence through their advocacy activities.

Prosecutorial practices frequently reflect gender biases that undermine effective pursuit of justice for violence against women in public life. Prosecutors may be reluctant to pursue cases they perceive as politically sensitive. They may lack training to understand how gender-based violence differs from other criminal activity. They may face political pressure to minimize cases involving powerful perpetrators or controversial issues.

Resource allocation within justice systems often disadvantages cases involving violence against women in public life. Specialized units addressing gender-based violence may focus primarily on domestic violence while lacking expertise to address political dimensions of violence against women in public roles. Victims may lack access to legal representation and support services designed to address their particular needs and vulnerabilities.

### Legal Fragmentation

International, regional, and national legal frameworks addressing women's rights exist in complex relationships that create both opportunities and challenges for protecting women

in public life. While this legal pluralism provides multiple avenues for seeking protection, it also creates coordination problems and enforcement gaps that sophisticated perpetrators can exploit.

Harmonization between different levels of legal frameworks remains incomplete, creating uncertainty about applicable standards and enforcement mechanisms. International treaty obligations may not be fully incorporated into domestic law. Regional human rights systems may interpret similar provisions differently. National legislation may not reflect international standards or may lack effective implementation mechanisms.

Enforcement mechanisms vary significantly across different legal frameworks, creating uneven protection depending on which legal avenue victims pursue. International human rights treaty bodies can issue recommendations but cannot compel state compliance. Regional courts may have stronger enforcement power but limited geographical jurisdiction. National courts may have direct enforcement authority but may lack expertise in international human rights law.

Coordination between different institutions responsible for protecting women's rights often remains inadequate, creating gaps that perpetrators can exploit. International human rights bodies may lack communication with domestic protection agencies. Regional organizations may not coordinate effectively with national governments. Civil society organizations may lack access to official protection mechanisms.

### Committee Expectations

The United Nations Commission on the Status of Women carries a profound responsibility that extends far beyond ceremonial acknowledgment of women's rights challenges. As delegates to this session, you are expected to engage with systematic violence against women in public life as a fundamental threat to democratic governance and human dignity that demands immediate, comprehensive, and sustained international action. This committee session represents an opportunity to move beyond surface-level expressions of concern toward actionable strategies that can genuinely protect women who choose to enter public roles.

Your approach to this agenda must recognize that systematic violence against women politicians, journalists, and human rights defenders represents a coordinated attack on women's equal citizenship rather than isolated criminal incidents requiring only individual responses. Women seeking political office face organized character assassination campaigns designed to exploit cultural taboos about female authority. Female journalists encounter harassment specifically targeting their gender and sexuality to silence their reporting. Women human rights defenders confront threats that simultaneously attack their advocacy work and their identity as women challenging traditional power structures.

The Commission expects delegates to ground their discussions in comprehensive understanding of existing international legal frameworks while avoiding the trap of treating this session as a legal drafting exercise. References to foundational instruments like the Convention on the Elimination of All Forms of Discrimination Against Women, the International Covenant on Civil and Political Rights, and regional human rights conventions should illuminate state obligations and demonstrate international consensus rather than becoming ends in themselves. Your focus must remain on translating legal principles into politically feasible and socially transformative recommendations that states can implement effectively.

A multidisciplinary approach proves essential for addressing the complex factors that enable systematic violence against women in public life. Legal reforms alone cannot address cultural attitudes that view women's public participation as inappropriate or threatening. Institutional changes without corresponding social transformation may create formal protections that lack practical effectiveness. Technological solutions that ignore underlying power dynamics may simply push violence into new venues rather than eliminating it.

The rise of digital technologies has fundamentally altered the landscape of violence against women in public life in ways that traditional protection frameworks struggle to address. Online harassment campaigns can mobilize thousands of participants across multiple platforms to target individual women with coordinated abuse. Social media platforms enable rapid dissemination of false information designed to destroy women's reputations and credibility. Digital surveillance technologies create new opportunities for stalking and intimidation that cross geographical boundaries and exploit weak international cooperation mechanisms.

Your discussions must address how technological regulation, media literacy initiatives, and digital accountability measures can be integrated into comprehensive protection strategies. This requires understanding both the opportunities that technology creates for enhancing women's participation in public life and the new vulnerabilities that digital platforms introduce for women facing systematic persecution.

When addressing women in politics specifically, your analysis must extend beyond individual cases of harassment or violence to examine structural barriers that systematically exclude women from political leadership. Lack of party support for female candidates reflects broader institutional biases that treat women as less suitable for political office. Inadequate security provisions for female politicians often result from failure to recognize gender-specific threats that male colleagues rarely encounter. Deeply entrenched patriarchal norms normalize gendered hostility in public discourse while treating women's responses to such hostility as evidence of their unsuitability for political roles.

The global nature of systematic violence against women in public life requires delegates to identify both common patterns and context-specific manifestations that vary across different political, cultural, and technological environments. Female politicians in established democracies may face sophisticated online hate campaigns rather than direct physical threats, while their counterparts in fragile states encounter risks to life and liberty from multiple threat sources simultaneously. Women journalists in conflict zones confront dangers from armed groups, government forces, and criminal organizations, while those in stable countries may face subtler forms of exclusion through systematic marginalization and professional discrimination.

Civil society organizations play crucial roles in protecting women in public life that formal state institutions often cannot fulfill effectively. Women's organizations frequently provide support services, advocacy platforms, and protection networks that complement official mechanisms while addressing gaps in state capacity or political will. Media organizations have responsibilities to create workplace environments where female journalists can operate safely while also ensuring that editorial policies do not inadvertently contribute to the marginalization of women's voices in public discourse.

Your discussions must address how civil society capacity can be strengthened and better integrated into official protection mechanisms without compromising organizational independence or creating dependencies that undermine advocacy effectiveness. This includes considering funding mechanisms, legal protections for civil society organizations, and coordination protocols that enable effective collaboration between state and non-state actors.

The Commission expects your final recommendations to balance prevention measures, institutional accountability mechanisms, and cultural transformation initiatives in ways that address both immediate protection needs and longer-term structural change requirements. Prevention strategies must address root causes of violence rather than simply responding to symptoms as they emerge. Accountability mechanisms must ensure that perpetrators face meaningful consequences while also addressing institutional failures that enable systematic violence. Cultural transformation efforts must challenge discriminatory attitudes and social norms while respecting cultural diversity and avoiding approaches that could be perceived as cultural imperialism.

Your outcome document should demonstrate understanding that addressing systematic violence against women in public life requires sustained commitment over extended time periods rather than short-term interventions that address surface manifestations while leaving underlying causes unchanged. This means developing recommendations that include monitoring mechanisms, resource allocation strategies, and implementation timelines that reflect the complexity and scope of changes needed to create genuinely safe environments for women's full participation in public life.

The most important thing for delegates to keep in mind when discussing in this session is to not use any rhetoric in your speeches. The EB would favourably look upon usage of Law-Domestic or International, Reports and Statistics, precedence and mandate to discuss practical and meaning solutions.

**QARMA (Questions A Resolution Must Answer)**

1. How can states be encouraged to create safe political spaces for women without infringing upon national sovereignty?
2. What preventive measures should be introduced to curb online harassment targeting women in public life?
3. How can the autonomy of women human rights defenders be safeguarded when governments themselves may be complicit in intimidation?
4. In what ways can media organizations be held accountable for protecting female journalists from systematic abuse?
5. What mechanisms can ensure that cultural or traditional practices are not misused to justify violence against women in politics or activism?
6. How can civil society and grassroots groups be better integrated into national strategies to combat systematic gender-based violence?
7. What follow-up and monitoring structures should the UNCSW recommend to avoid resolutions remaining only declaratory in nature?