

The Global Classroom Project:

Class Session: Gender Equality, Domestic Violence, Sex Trafficking, and Women's Economic Empowerment

Required Reading Prior to Class Session:

- **Committee on the Elimination of Discrimination against Women (CEDAW)** is the body of [independent experts](#) that monitors implementation of the [Convention on the Elimination of All Forms of Discrimination against Women](#). Adopted by the United Nations in 1979, CEDAW is the most important human rights treaty for women. The CEDAW Committee consists of [23 independent experts](#) on women's rights from around the world.

States that ratify the Convention are legally obliged to:

Eliminate all forms of discrimination against women in all areas of life;

Ensure women's full development and advancement in order that they can exercise and enjoy their human rights and fundamental freedoms in the same way as men; and

Allow the CEDAW Committee to scrutinize their efforts to implement the treaty by reporting to the body at regular intervals. <https://www.ohchr.org/en/treaty-bodies/cedaw/introduction-committee>

- What it takes to lead
https://www.youtube.com/watch?v=VIAHTwizjiY&list=PLwoDFQJEq_0bTAM-9iNx5KGHpNF93rDXO&index=36
- **Gender equality is one of the UN's Sustainable Development Goals.** The effects of [the COVID-19 pandemic could reverse the limited progress](#) that has been made on gender equality and women's rights. The coronavirus outbreak [exacerbates existing inequalities](#) for women and girls across every sphere – from health and the economy, to security and social protection. https://www.un.org/sustainabledevelopment/wp-content/uploads/2019/07/E_Infographic_05.pdf
- **Opuz v. Turkey (2009)**
- **CoE's leaflets on Istanbul Convention**
 - *General leaflet on the Istanbul Convention*
<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680464e97>
 - *Questions and answers on the Istanbul Convention* <https://rm.coe.int/istanbul-convention-questions-and-answers/16808f0b80>
 - *Leaflet on the monitoring mechanism* <https://rm.coe.int/16806fcd9d>

Class Session Segments and Group Discussion Questions:

**Segment 1: Protection of Women Against Domestic Violence

OPUZ v. TURKEY (2009)

The applicant alleged that the Turkish authorities had failed to protect the right to life of her mother, who had been killed by the applicant's husband, and that they had been negligent in the face of the repeated violence, death threats and injury to which she herself had been subjected by him. She further complained about the lack of protection of women against domestic violence under Turkish domestic law. The European Court of Human Rights held that there had been a violation of Article 2 (right to life) of the European Convention on Human Rights concerning the murder of the applicant's mother and a violation of Article 3 (prohibition of inhuman or degrading treatment) of the Convention concerning the State's failure to protect the applicant. It also held – for the first time in a domestic violence case – that there had been a violation of Article 14 (prohibition of discrimination) of the Convention in conjunction with Articles 2 and 3. In this respect, the Court observed in particular that domestic violence affected mainly women, while the general and discriminatory judicial passivity in Turkey created a climate that was conducive to it. The violence suffered by the applicant and her mother could therefore be regarded as having been gender-based and discriminatory against women. Furthermore, despite the reforms carried out by the Turkish Government in recent years, the overall unresponsiveness of the judicial system and the impunity enjoyed by aggressors, as in the applicant's case, indicated an insufficient commitment on the part of the authorities to take appropriate action to address domestic violence.

*****GROUP DISCUSSION QUESTIONS for Segment 1:**

- **Why do you think this judgment is important?**
- **Is there a domestic protection mechanism for violence against women in your country? What are they in general?**
- **Besides Council of Europe's (CoE) treaties and mechanism are there any other international documents, treaties or protection mechanisms for violence against women?**

**Segment 2: Group Exercise: An Analysis of Potential Charges in the U.S.

Memorandum

From: District Attorney

To: Assistant District Attorney

Re: Chris Smith Case

Chris Smith was arrested last week in connection with our investigation of "Heavenly Bodies." Heavenly Bodies purported to be a massage parlor, but was, in reality, a brothel operated by James Jones. Officers working with our sex crimes task force raided Heavenly Bodies last week. Subsequent investigation has confirmed that all the women working in the facility have been trafficked. All are young, ranging in age from sixteen to twenty-two. Based on our interviews so far, it seems that Jones

used a combination of fraud, threats, and drugs to coerce these women to submit to his commands and the sexual demands of his customers.

Smith has frequented Heavenly Bodies as a customer about once a week for the last year. During that time, he has engaged in various sex acts with several women. Based on our interviews so far, we have evidence that Smith had the opportunity to observe signs of physical abuse on the bodies of women with whom he had sex, that several of the women made comments to him alluding to their status as trafficking victims, and that women with whom he had sex routinely manifested an intoxicated state (Jones used narcotics as a tool for controlling his victims and to make sure they were docile and compliant for his customers).

Smith was arrested during our raid last week. Officers caught him engaging in a sex act with one of the women under Jones's control. Officers on the scene interviewed Smith before arresting him. During that interview, Smith admitted to being a patron, admitted to paying for sex, and asserted that he believed the women at Heavenly Bodies were "sex workers." He further asserted his belief that "some of them maybe had some tough times or made some bad choices." Smith was arrested at the scene and asserted his right to counsel.

As you know, I was elected on a platform that included a promise to crackdown on sex trafficking in this jurisdiction. We will be charging Jones with multiple counts of sex trafficking and related charges. We expect that he will spend the rest of his life in jail. I do not want to stop with him, however. I would also like to prosecute Smith. We can charge him with soliciting prostitution, but that is a misdemeanor and prior efforts by this office to pursue "Johns" with similar charges have failed to deter. I would therefore like to charge Smith with more serious offenses. In particular, I would like to charge him with rape. I am just not sure that we have legal grounds for such a charge or the facts necessary to carry our burden. I would therefore appreciate your advice as to whether you think we can and should charge Smith with rape. If you can think of any other felony-level charges we might file, then please bring them to my attention by providing a basic analysis of those charges and potential challenges we might face. I have included below this memorandum the text of our rape and sex trafficking statutes. You are of course welcome to conduct your own research. Just be prepared to provide me with any authorities on which you rely.

Criminal Code Section 1591(a) (Sex Trafficking)

Whoever knowingly recruits, entices, harbors, or transports by any means a person for the purpose of a commercial sex act by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age, is guilty of a felony in the first degree.

The term "coercion" means—

- (A) threats of serious harm to or physical restraint against any person;
- (B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or
- (C) the abuse or threatened abuse of law or the legal process.

The term "commercial sex act" means any sex act, on account of which anything of value is given to or received by any person.

Criminal Code Section 2242 (Rape)

Whoever knowingly causes another person to engage in a sexual act by threatening or placing that other person in fear of death or bodily harm, or engages in a sexual act with another person if that other person is either 1) incapable of appraising the nature of the conduct; or 2) incapable of declining participation in, or communicating unwillingness to engage in, that sexual act; or attempts to do so, is guilty of a felony in the first degree and shall be imprisoned for any term of years or for life.

*****GROUP DISCUSSION QUESTIONS for Segment 2:**

- **What are the potential charges in your country or state on sex trafficking and rape?**
- **Are there any international safeguards against sex trafficking?**
- **Do you think that sex trafficking is an international threat to human rights?**
- **Besides judiciary are there any branches of government or state agencies for monitoring sex trafficking and sexual harassment or rape?**

****Segment 3: Women's Economic Empowerment**

- **UN WOMEN** <https://www.unwomen.org/en/about-us/about-un-women>

UN Women is the [United Nations](#) entity dedicated to gender equality and the empowerment of women. A global champion for women and girls, UN Women was established to accelerate progress on meeting their needs worldwide.

UN Women supports UN Member States as they set global standards for achieving gender equality, and works with governments and civil society to design laws, policies, programmes and services needed to ensure that the standards are effectively implemented and truly benefit women and girls worldwide. It works globally to make the vision of the [Sustainable Development Goals](#) a reality for women and girls and stands behind women's equal participation in all aspects of life, focusing on four strategic priorities:

Women [lead, participate in and benefit equally](#) from governance systems

Women have [income security, decent work and economic autonomy](#)

All women and girls live a life free [from all forms of violence](#)

Women and girls contribute to and have greater influence in [building sustainable peace and resilience](#), and benefit equally from the prevention of natural disasters and conflicts and [humanitarian action](#)

Thematic brief:

https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2013/12/UN%20Women_EE-Thematic-Brief_US-web%20pdf.pdf

The UN's 66th Session of the Commission on the Status of Women (CSW66) was held on March 14-25 2022. The priority theme of CSW was "achieving gender equality and the empowerment of all women and girls in the context of climate change, environmental and disaster risk reduction policies and programs.

Agreed conclusions: https://www.unwomen.org/sites/default/files/2022-02/CSW66_ID_18_Mar_Review_theme_CN.pdf

- **Council of Europe Gender Equality Strategy (2018-2023)**

<https://rm.coe.int/prems-093618-gbr-gender-equality-strategy-2023-web-a5/16808b47e1>

*****GROUP DISCUSSION QUESTIONS for Segment 3:**

GENERAL:

- How can we support government institutions and other stakeholders to enhance their ability to implement legal protections for women in the workplace?
- What type of type of programs or initiatives might improve the capacity of women as lenders and entrepreneurs?
- Are there ways NGOs can develop networks to promote corporate social responsibility?
- What type of legislation is necessary to enshrine women's economic rights in law and enhance protections against discrimination on the basis of maternity?