

## **Study Guide UNW**

Topic: impacts of child marriage and traditional practices on women

- **Introduction to the committee:**

UN Women is the United Nations office that works to lead the effort to empower women and end gender inequality globally. UN Women came into existence in the summer of 2010 following a UN General Assembly resolution to consolidate four bodies that were already working on women-related issues within the UN system: the Division for the Advancement of Women, the International Research and Training Institute for the Advancement of Women, the Office of the Special Adviser on Gender Issues and Advancement of Women, and the United Nations Development Fund for Women. These were brought together with the aim of creating a more powerful and influential institution that could champion women's rights globally.

Aside from its wide range of mandates, UN Women also serves as the secretariat of the Commission on the Status of Women (CSW), one of the United Nations' leading intergovernmental bodies that works on achieving equality between women and men. It aims to put an end to the exclusion of women and girls, promote their empowerment, and achieve equality between the sexes on the spheres of development, rights, humanitarian responses, and the peace and security sectors. UN Women focuses on four main sectors: increasing women's leadership and participation, achieving economic empowerment, ensuring freedom from violence, and supporting women's inclusion in peace, security, and humanitarian interventions.

UN Women functions on two levels. Internationally, it facilitates negotiations and global procedures that establish the contours of equality between the genders. At the country level, it works with governments to implement these contours on the ground, providing technical expertise, funding, and partnership with the civil society. It transforms international pledges into tangible progress on the local level.

It has supported UN intergovernmental organisations, such as the Commission on the Status of Women (CSW) in influencing policy development and holding the UN system answerable on gender inequality.

UN Women, the United Nations Entity for Gender Equality and the Empowerment of Women, was established in 2010 to accelerate progress on gender equality and women's rights within the UN system. UN member states took a historic step in advancing this organization's goal on gender equality and the empowerment of women by creating UN Women as part of the UN reform agenda, bringing together resources and mandates for greater impact. It merges and builds on the important work of four previously distinct parts of the UN system, which focused exclusively on gender equality and women's empowerment.

UN Women holds a vital position in setting global standards for gender equality. However, challenges persist, such as lack of access to decent work, healthcare, and education. Women in all parts of the world continue to face violence and discrimination. UN Women support women in all aspects of life, focusing on five priorities: women's leadership and participation; ending violence against women; engaging women in all aspects of peace and security processes; enhancing women's economic empowerment; and making gender equality central to national development planning and budgeting.

- **Introduction to the topic:**

Violence and discrimination against women remain widespread across the world, preventing millions from achieving justice and equal rights. In many countries, survivors of gender-based violence face judicial systems that are either too weak, poorly enforced, or silent on critical issues such as marital rape, workplace harassment, and domestic abuse. Even where laws do exist, social stigma, financial constraints, and gender bias within courts often stop women from coming forward. These barriers create cycles of impunity and leave women exposed to further harm.

To break this cycle, strengthening international legal frameworks is essential. Binding global agreements establish clear standards, hold states accountable, and push governments to reform discriminatory laws. Key instruments such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Beijing Platform for Action, and regional agreements such as the Istanbul Convention in Europe and the Maputo Protocol in Africa have laid important foundations. Yet, gaps persist; many states have not ratified these treaties, enforcement remains inconsistent, and international monitoring bodies often lack sufficient authority to ensure compliance.

Expanding access to justice for women through stronger legal frameworks is not just about tackling violence and discrimination, it is also about empowering women to seek remedies, making justice systems more inclusive, and ensuring true equality before the law. In the long run, this effort reflects the United Nations' broader mission of protecting human rights, advancing gender equality, and enabling women and men to work together in building just and peaceful societies.

Strengthening international legal frameworks is crucial to expanding women's access to justice by establishing binding obligations for states to prevent and address violence and discrimination.

Key obstacles to women's access to justice stem from a combination of economic, cultural, legal and institutional factors. The UN describes violence faced by women as “any act of gender-based violence that results in, or is likely to result in physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life”. This gender based violence affects one in three women in their lifetime and includes intimate partner violence, sexual assault, and violence in wars or conflicts.

Worldwide, women continue to face gender discrimination. Millions are denied access to education, health services and economic opportunities, while many experience reduced access to food or live in fear of gender based violence. According to the United Nations, women around the world between the ages of 24

to 35 are 25% more likely to live in poverty than men. In the world's poorest countries, these issues are often exacerbated as women already feel trapped or powerless as a result of poverty and conflict. They also experience inequalities in access to and control over resources. To address this, it is crucial to empower women and support efforts that challenge and ultimately reverse these patterns of inequality.

- **Key Terms & Definitions:**

1. **Patriarchal Structures** – Social and institutional systems in which men hold primary power, thereby sustaining gender inequality.
2. **Jurisdictional Gaps** – Circumstances where no legal body or authority is clearly responsible for addressing certain crimes, leaving victims without justice.
3. **Codification** – The process of converting principles, customs, or practices into formal written laws.
4. **Institutionalized Discrimination** – Unequal treatment embedded within official laws, policies, or practices.
5. **Intersectionality** – The concept that different forms of discrimination (such as gender, race, or class) overlap and intensify women's experiences of inequality.
6. **Restorative Justice** – A justice approach that emphasizes repairing harm and supporting victims and communities, rather than focusing solely on punishment.
7. **Due Diligence Principle** – The obligation of states to prevent, investigate, and punish acts of violence against women.

- 8. Normative Frameworks** – Internationally recognized rules and standards that guide the actions and responsibilities of states.
- 9. Transnational Advocacy** – Collaborative efforts by organizations, states, or activists across borders to advance women's rights.
- 10. Judicial Independence** – The principle that courts and judges must operate free from political or external influence to ensure fairness.
- 11. Customary Law** – Traditional, unwritten rules and practices based on culture or religion that are accepted as binding within a community.
- 12. Statutory Law** – Official, written laws enacted by legislative authorities and enforced by state institutions.
- 13. Transitional Justice** – Legal and policy measures, such as truth commissions or special courts, used in post-conflict societies to address past human rights abuses.
- 14. Cultural Relativism** – The belief that human rights norms vary across cultures, sometimes invoked to justify discriminatory practices.
- 15. Impunity Gap** – The failure of legal systems to hold perpetrators accountable, resulting in continued injustice.
- 16. Anonymity** – Anonymity is the state of being unknown, unknown to most people, or lacking personal identifying information.

- **Historical context and Current Status of women confronting violence and discrimination:**

**a. Historical Context:**

❖ World War II:

World War II opened doors for American women to take on jobs that had long been closed to them, especially in the defense industry. At the same time, the war revealed the devastating reality of sexual violence in armed conflicts, showing how widespread and global this issue truly is. Research highlights that rape was carried out on a massive scale by all sides of the conflict—German, Soviet, and Japanese forces alike (Olwine, 2010–2011). Beyond the battlefield, women endured horrific abuse in Nazi concentration camps, where many were subjected to sexual violence and brutal medical experiments. One of the most disturbing examples of state-organized exploitation during the war was the system of so-called “comfort women,” where thousands of women were forced into sexual slavery by the Japanese military.

❖ Democratic Republic of Congo Civil War 1998:

Democratic Republic of Congo's civil war, which tolled over 5 million casualties since 1998, stands as a horrendous example of an armed conflict, where rape was systematically used as a weapon of war, resulting in several hundred thousand victims.

❖ Sierra Leone Civil War (1991-2000):

During Sierra Leone civil war (1991–2000) thousands of women were brutally raped and forced to become wives of rebel commanders and combatants, some of which did not consider it wrong to rape women.

❖ Syrian Civil War:

The civil war in Syria is another appalling example of conflict-related violence perpetrated against civilians, including women. Attacks by all parties to the conflict target Syrian women. They become victims of shelling

against civilians, raids and massacres of terrorists, arbitrary arrests and enforced disappearances by governmental forces and their supporting militias as well as torture including sexual violence in detention centers to extract confessions.

❖ Gender discrimination:

Gender discrimination has been a significant issue throughout history. Women have been denied the right to education, employment, and political participation based solely on their gender. For example, in the United States, women were not allowed to vote until 1920, and it was not until the 1960s and 1970s that women began to achieve greater social and economic equality. In many parts of the world, gender discrimination is still prevalent. Women continue to face barriers to education and employment, and they are often paid less than men for performing the same job. In some countries, women are not allowed to drive, own property, or even leave their homes without male supervision.

❖ International legal framework for the protection of women in armed conflicts:

Initially, the legal position of women was defined through the general provisions of international humanitarian law. Over time, however, an international legal framework developed, and with it came a natural recognition of the need for special legal protection of women and their rights in armed conflicts.

**b. Current Status of women**

Despite decades of global advocacy and legal reforms, women continue to encounter major obstacles in accessing justice for violence and discrimination. About one in three women worldwide experience physical or sexual violence in their lifetime, most often at the hands of an intimate

partner. Nearly one in four adolescent girls report abuse by a partner, with many experiencing it within the past year. Studies also show that over 370 million women and girls, or one in eight globally, have been raped or sexually assaulted before the age of eighteen, and the number rises to one in five when non-contact sexual violence is included.

While more than half of women worldwide report facing some form of legal problem in their lives, only a small fraction turn to the authorities for a solution. The reasons include fear of stigma, high costs, lack of trust in institutions, and the frequent dismissal of women's complaints by law enforcement and judicial bodies. Across various nations, critical forms of abuse such as marital rape remain unrecognized under the law, while workplace harassment and domestic violence are inadequately addressed or rather weakly enforced. This legal silence, together with patriarchal bias, creates an environment where perpetrators aren't held accountable for their atrocities and victims are discouraged from speaking.

The situation is even more dire in areas of conflict and displacement. Cases of conflict-related sexual violence have risen by fifty percent in the past years. Even in countries such as England and Wales, protection systems are fragile. Violence against women has been described as a national emergency, with two million women affected annually and reported cases increasing by more than a third in just five years. South Asian surveys continue to reveal high rates of marital violence, with nearly forty percent of married women reporting abuse.

These realities make it clear that while international frameworks exist, the gap between these and the women's experiences is still present. Violence against women continues at alarming levels, and for millions, access to justice is still not a guaranteed right but a distant goal. Strengthening international legal frameworks and ensuring that governments uphold them through effective enforcement remain critical steps towards providing genuine protection and justice for women everywhere.



## **Key International Treaties and Frameworks**

### **1. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**

CEDAW is one of the most significant treaties advancing women's rights, requiring states to eliminate **institutionalized discrimination** from their laws and policies. It establishes binding **normative frameworks** that obligate governments to uphold equality and apply the **due diligence principle** in addressing violence against women.

### **2. Declaration on the Elimination of Violence Against Women (DEVAW)**

Adopted in 1993, DEVAW was the first global instrument to define violence against women as a human rights violation. It emphasized closing the **impunity gap** by ensuring that perpetrators are held accountable and that survivors are not silenced by **jurisdictional gaps** or weak enforcement.

### **3. Vienna Declaration and Programme of Action (VDPA)**

The VDPA reaffirmed women's rights as fundamental and stressed that abuses during armed conflicts are violations of humanitarian law. It highlighted the importance of **transitional justice** measures to address past violence and prevent its recurrence.

### **4. Beijing Declaration and Platform for Action (BPfA)**

The BPfA remains a progressive roadmap for women's empowerment. It calls for dismantling **patriarchal structures** that sustain inequality and recognizes **intersectionality**, acknowledging that discrimination is often compounded by factors such as race, class, and ethnicity.

### **5. Sustainable Development Goal 5 (SDG 5)**

SDG 5 integrates gender equality into the global development agenda, reinforcing **transnational advocacy** by aligning governments, civil society, and international institutions toward shared goals of empowerment and justice.

## 6. Istanbul Convention

As Europe's first binding treaty on violence against women, the Istanbul Convention requires governments to reform **statutory law** to criminalize abuse, protect survivors, and strengthen **judicial independence** in prosecutions, ensuring fair trials and effective enforcement.

## 7. Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women (1994)

This treaty underscores the **due diligence principle**, requiring states to prevent violence, prosecute offenders, and protect survivors. It rejects appeals to **cultural relativism** as justification for discriminatory practices.

## 8. Maputo Protocol

The African framework challenges harmful practices rooted in **customary law** and requires states to codify protections into **statutory law**. It also addresses **intersectionality**, protecting rural and marginalized women who face layered discrimination.

## 9. ASEAN Declaration on the Elimination of Violence Against Women (2004)

This regional declaration reaffirmed the commitment of ASEAN states to combat violence against women through **transnational advocacy** and stronger **normative frameworks**, in line with CEDAW and the BPfA.

## Relevant UN General Assembly Resolutions

**61/143 (2006):** Calls on states to prevent and punish violence against women, reinforcing the **due diligence principle** and demanding action to close the **impunity gap**.

**62/133 (2007):** Highlights that women's poverty and marginalization reflect **institutionalized discrimination** and hinder empowerment.

**48/104 (1994):** Declares violence against women a violation of human rights, urging states to strengthen **statutory law** where **customary law** fails to protect women.

**65/187 (2011):** Stresses prevention, monitoring, and evaluation of policies, ensuring governments move beyond symbolic commitments to real enforcement.

## **Root Causes:**

### **1. Patriarchal Structures**

Across the globe, patriarchal systems continue to shape legal, political, and social institutions. These structures position men in dominant roles, reinforcing gender inequality and normalizing women's subordination. As a result, legal systems often fail to recognize violence against women as a serious crime. For instance, in some states, marital rape remains uncriminalised, reflecting the persistence of traditional gender roles over international human rights standards.

### **2. Institutionalized Discrimination**

Discrimination is often embedded within official institutions, limiting women's ability to access justice even where laws exist. Courts, police, and administrative systems may display gender bias, such as requiring multiple witnesses for sexual violence cases or giving less weight to a woman's testimony. These systemic barriers undermine the equality promised in international treaties and discourage women from seeking justice.

### **3. Customary Law and Cultural Relativism**

In many regions, customary or religious practices operate alongside statutory law, creating tensions between international commitments and local traditions. Practices such as child marriage and polygamy are sometimes defended as cultural norms, even when they directly violate women's rights. In rural areas, customary courts often discourage formal reporting, treating cases of violence as private matters. This reliance on cultural relativism weakens the application of universal human rights protections.

### **4. Jurisdictional and Legal Gaps**

Gaps in legal protection remain a central obstacle. Many states lack comprehensive laws addressing all forms of violence and discrimination. Where laws do exist, overlapping jurisdictions—civil, customary, and religious—often conflict, leaving survivors without remedies. Cross-border crimes such as trafficking further expose these jurisdictional gaps, as cooperation between states is inconsistent and enforcement is weak.

### **5. Weak Enforcement and Impunity**

Even when strong legislation is in place, enforcement often remains poor. Police frequently refuse to register cases, courts delay trials, and perpetrators evade punishment due to corruption or bias. This “impunity gap” signals to societies that violence against women can continue without consequence. The failure of states to uphold the due diligence principle, by preventing, investigating, and punishing abuses, erodes confidence in justice systems.

### **6. Socioeconomic Inequality**

Economic dependence and poverty further limit women's ability to seek justice. Legal proceedings are often expensive and time-consuming, and many women cannot afford legal assistance or the cost associated with accessing courts. Survivors who rely on abusive partners for financial support are less likely to pursue legal action. Rural women, in particular, face barriers of distance and lack of infrastructure, which international frameworks have not fully addressed.

## **7. Intersectional Disadvantages**

Women who belong to marginalized groups, such as refugees, ethnic minorities, LGBTQ+ individuals, or those with disabilities, face multiple, overlapping forms of discrimination. For example, lack of legal documentation excludes refugee women from justice systems, while indigenous women may encounter language barriers. Intersectionality highlights how different inequalities interact, compounding women's vulnerability and leaving many outside the reach of legal protections.

### **Effects:**

#### **1. Normalization of Violence**

Patriarchal systems often treat violence against women as a private or family matter rather than a crime. This discourages survivors from reporting abuse, creates a cycle of silence, and allows perpetrators to act with confidence that they will not face punishment. Over time, violence becomes normalized within communities and accepted as part of social life.

#### **2. Exclusion from Justice Systems**

When institutions themselves are discriminatory, women are denied meaningful access to justice. Courts may impose biased requirements, such as demanding multiple witnesses in sexual violence cases, or push women toward reconciliation instead of protection. Such practices reinforce the perception that justice systems are not designed for women, leading many to avoid them altogether.

### **3. Clash Between Customary Practices and Human Rights**

Customary and religious laws often take precedence over statutory protections, particularly in rural areas. Practices such as child marriage or marital rape may be justified as “cultural traditions,” even though they violate international standards. This gap between local customs and universal human rights undermines the effectiveness of international frameworks, leaving women caught between two systems that fail to protect them.

### **4. Legal Voids and Fragmented Protection**

Where jurisdictional gaps exist, women are left without protection. Some countries lack comprehensive laws on issues like marital rape or workplace harassment, while in others, overlapping legal systems create confusion. These inconsistencies are exploited by perpetrators and weaken the credibility of legal institutions, leaving survivors unprotected and vulnerable.

### **5. Impunity and Erosion of Trust**

Weak enforcement of laws fosters a culture of impunity. When police refuse to register cases, courts delay trials, or perpetrators go unpunished, survivors lose faith in the justice system. This not only discourages women from seeking help but also undermines the legitimacy of the state, signaling that violence against women is tolerated.

### **6. Poverty as a Barrier to Justice**

Economic inequality further restricts access to justice. Legal processes often involve high costs, lengthy procedures, and limited access to legal aid. Women who are financially dependent on abusers are particularly vulnerable, as pursuing legal remedies may mean losing their only source of economic security. This makes justice an inaccessible luxury for many.

## 7. Marginalization of Vulnerable Groups

Women from marginalized groups, such as refugees, ethnic minorities, LGBTQ+ individuals, or those with disabilities, experience multiple layers of discrimination. Barriers including lack of documentation, language obstacles, and systemic prejudice push them even further from formal justice systems. This intersection of inequalities magnifies their vulnerability and leaves them without meaningful protection.

- **Role of Media:**

Digital activism or cyberactivism represents a new paradigm used to build up an online community, connect with other users and spread a message within and beyond country borders.

- ❖ **Positive Impact:**

- a. **Role of social media in the fight for women's rights against violence and discrimination:**

Sexual violence takes many forms, including sexual harassment, gender violence, sexual assault, rape, incest and sexual abuse. Social media campaigns have been targeting these different scenarios by using various types of messages. For instance, several anti-street harassment campaigns have been launched online, such as HarassMap in Egypt, Harasstracker in Lebanon, Tell Your Story in Turkey or Dear Catcallers in the Netherlands. The #MeToo campaign, which took the world by storm in 2017, amplified women's voices around the globe.

b. Empowering women:

In many ways, women are empowered by their growing involvement in and access to self-expression and decision-making through the media and new communication technology. The media's potent and constructive contribution to women's and gender equality needs to be encouraged and investigated further. Social media, in particular, has shown to be an effective tool for raising public awareness of women's rights concerns, inspiring protests in cities across the globe, and inspiring decision-makers to increase their pledges to gender equity.

❖ Negative Impact:

a. Cyberbullying:

This includes all forms of online intimidation, threats, harassment, and humiliation. Women are disproportionately victimized by cyberbullying and are found by research to have higher chances than men of being targeted. Digital violence in the form of cyberbullying can become relentless as offenders utilize social media, messaging apps, and other online platforms.

b. Online Harassment:

This refers to repetitive, unwanted, and offensive behavior towards women in online spaces. It includes hate speech, threats, doxxing (the malicious exposure of personal information), and stalking. Women who raise their voices on social issues, politics, or gender equality are particularly vulnerable, as they often become targets of organized attacks meant to silence them.

c. Sexual objectification:



On social media, this involves reducing women to their physical appearance or using their bodies as tools for marketing and entertainment. Women frequently experience unsolicited comments about their looks, body shaming, and hypersexualized portrayals in digital content.

❖ Causes:

Anonymity on social media websites greatly contributes to the perpetuation of online violence against women. Most websites have a feature that enables the establishment of fake or anonymous accounts that provide the offenders with the freedom to threaten, harass, and send falsehoods about the woman without being traced.

A major catalyst for the prevalence of violence against women online is the normalization of online abuse. Harassment and threats are minimized as being “part of the internet” or “just joking,” fostering the kind of climate where violence against women gets dismissed. This normalization discourages women.

Misogyny, prejudice, hatred, or discrimination against women, is at the origin of violence against women online. Toxic attitudes that treat women as lesser beings pervade many online platforms, while others utilize the internet as a platform for spreading hate, hostility, and resistance to women’s empowerment.

❖ Role of non-state actors

Non-state actors play a crucial role in providing justice for women by operating beyond government limitations, offering

specialized skills and networks, and responding to emergencies and structural injustices. They include NGOs, customary leaders, and civil society groups that fill gaps in formal justice systems, provide expertise, advocate for women's rights, and hold states accountable for human rights abuses. However, their involvement also carries risks such as disrupting existing power dynamics or creating new forms of harm.

a. Different NGOs:

1. Equality Now:

Its main purpose is to achieve legal equality, ending harmful practices such as child marriages, ending sexual exploitation and sexual violence.

2. WomanKind Worldwide:

It works to end violence against women and girls, advances women's economic rights and strengthens women's participation and leadership.

3. EVAWI ( End Violence Against Women International):

End Violence Against Women International (EVAWI) strives to provide victim-centered, multi-disciplinary training and expert consultation on sexual assault and domestic violence.

❖ **Impacts:**

● **Physical impacts on women:**

Women can face several injuries from domestic abuse, sexual assault or workplace abuse including bruises, fractures and chronic pain. Violence can

result in severe physical, psychological or social consequences, or even death. This is also true for sexualised violence. Consequences of sexualised violence can include infertility and sexually transmitted diseases, trauma, depression, anxiety and panic attacks. One of the reasons for psychosomatic complaints is the suppression of the experience of violence – something many women see themselves as being forced to do.

- **Emotional Impacts:**

Post-traumatic stress disorder (PTSD). This can be a result of experiencing trauma or having a shocking or scary experience, such as sexual assault or physical abuse.

These effects include shutting people out, not wanting to do things you once enjoyed, not being able to trust others, and having low self-esteem.

Many women who have experienced violence cope with this trauma by using drugs, alcohol use, smoking, or overeating. Research shows that about 90% of women with substance use problems have experienced physical or sexual violence.

- **Economic, Social and Educational Impacts:**

It creates imbalance in society, culture, politics, economics, history and technology. These negative impacts hinder economic growth. Due to gender discrimination, women are excluded from decision-making sectors, including social, economic, religious, educational, cultural, and political spheres.

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

- 1. What are the barriers preventing women from accessing justice globally?**
- 2. How can international legal frameworks be strengthened to close the impunity gap and ensure states uphold the due diligence principle in preventing and punishing violence against women?**
- 3. What measures should be taken to harmonize statutory law with customary and religious law where the latter perpetuates patriarchal structures or institutionalized discrimination?**
- 4. How can international treaties and normative frameworks (such as CEDAW, DEVAW, and GA resolutions) be better enforced, monitored, and made binding on all states?**
- 5. What role should transnational advocacy and international monitoring bodies play in ensuring compliance and accountability?**
- 6. How can barriers created by poverty, lack of resources, and geographical distance be addressed so that women can actually access justice systems?**
- 7. What legal and policy reforms can ensure intersectional protection for women facing compounded discrimination due to ethnicity, class, displacement, disability, or sexual orientation?**
- 8. How can states strengthen judicial independence and eliminate bias within courts and police systems that discourage women from reporting**

violence?

9. What mechanisms can ensure restorative justice for survivors while also prosecuting perpetrators, particularly in post-conflict and transitional justice settings?
10. How can states balance cultural traditions with universal human rights standards to prevent cultural relativism from undermining protections for women?
11. What strategies can improve cross-border cooperation to address jurisdictional gaps in cases like human trafficking, migration-related abuse, and conflict-driven violence?
12. What is the role of non- state actors in expanding justice to women globally?

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