

IMPORTANT PROVISIONS IN INTERNATIONAL LAW: PRINCIPLE OF EQUALITY BETWEEN MEN AND WOMEN

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Abstract

The fundamental truth is that law is a living organism, not a static monument. It must breathe and change as our collective conscience expands. The idea that gender equality isn't just a "women's issue" but a prerequisite for a harmonious society is a crucial distinction. When one segment of the population is suppressed, the entire "social fabric," loses its structural integrity. To help distill or expand on these thoughts, here is a breakdown of the legislative cycles as described and the impact of gender bias: The Life Cycle of Progressive Legislation as laws evolve mirrors the historical shift toward gender equity. The Universal Impact of Gender Prejudice "rips at the social fabric." Its effects are rarely contained; they ripple outward in several ways: Economic Stagnation: When gender bias limits participation in the workforce, national GDP suffers and innovation is stifled by a lack of diverse perspectives. Devaluation of Thought: As mentioned, bias undermines the "worth of thoughts." If we pre-filter ideas based on the gender of the speaker, we lose half of the world's potential solutions to its most pressing problems. Intergenerational Cycles: Legal and social prejudices are often taught. Breaking the legal cycle is the first step toward breaking the cultural cycle."Justice is not a fixed point, but a constant pursuit. A law that serves a society in one century may become the shackle of the next."The law is not a static object, but a living instrument that must evolve as our collective understanding of human dignity matures. As society evolves, our laws must adapt, and as those laws evolve, they further refine our societal standards. When legislation ignores the reality of prejudice, it doesn't just fail; it actively upholds the very barriers it should be dismantling. To build on the ideas it is presented, here are three pillars that often support the transition from the "recognition" of an issue to real-world change. Laws must be amended or abolished to address societal progress. However, a common hurdle is the gap between de jure equality (equality by law) and de facto equality (equality in practice). Achieving the former is the legislative hurdle; achieving the latter is the cultural one. This requires: Enforcement mechanisms: Laws are ineffective without accessible judicial recourse for victims. Prejudice must be stripped from the creation of policies. A vital mechanism here is gender-responsive budgeting and impact assessment. This ensures that before a policy is even passed, its potential impact on different genders is analyzed—preventing "gender-neutral" laws from inadvertently having discriminatory effects.

Introduction

Change and evolution are laws of nature that apply everywhere. Due to its intrinsically dynamic nature, law is subject to the rule of constant evolution. Every legislation develops in tandem with the progress of society. When an issue or inconsistency is recognised, the following steps are taken: identifying the root cause of the problem, formulating a law to address the matter, and then providing a remedy to those who have been wronged. As time goes on, or when new circumstances arise, the law is amended or modified. The legislation may also be abolished in the face of society's unparalleled acceleration. Finally laid to rest for all time. The entire thing demonstrates how the law has to evolve with the times. Although law must be steady, according to Roscoe Pound, it is not static. The goal of legislating is to provide harmony to a community whose members have divergent goals. The resolution of existing or potential conflicts is the highest and most holy purpose of law.

Important Provisions in International Law highlighting Principle of Equality between Men and Women

An international organisation with 193 member nations, the United Nations was established in 1945. Nations adhere to a common set of laws and standards regardless of their form of government, population, religion, ethnicity, language, caste, creed, race, or creed. All nations strive for the same things: to keep their citizens safe, to treat each other fairly, to protect their citizens' fundamental rights, to follow the principle of equality, to limit unfair discrimination, to guarantee freedom and basic rights, to respect each person's dignity, and to live each person's life to the fullest. The aforementioned rights are intrinsic and essential to being human; no amount of effort can ever remove their inherent value.

“Article 1 of the United Nations” charter specifies purpose for which United Nation formed 204.

The article's stated goal of eradicating discrimination based on gender makes its case for gender parity quite apparent. The charter lays forth the values that all member nations must uphold. The right to equality does not belong to any one group but to all people. A happy and harmonious society can't exist without the fundamental right to gender equality. As one of the oldest forms of prejudice, it has persisted for as long as anybody can remember. At the national and international levels, there must not be gender-based prejudice in the creation of policies, the creation of laws, or the execution of those laws. Gender prejudice undermines the worth of each person's thoughts and rips at the social fabric of our society. Its impact is far-reaching on a national and worldwide scale, rather than affecting just one person, one group, or one culture.

The elimination of gender bias in hiring practices at any United Nations agency is a fundamental right guaranteed by Article 8. Equal opportunities for men and women to represent their countries on the international stage should be guaranteed. Therefore, the selection process for representation in various United Nations agencies is characterized by equality, which is a crucial aspect of the charter. When it comes to employment prospects, we must not engage in unreasonable and illogical distinction.

Gender Equality and Human Rights

As a human right, equality is an important component. As a result of their inherent humanity, all people have inherent moral, divine, and legal entitlements known as human rights. These rights are universal and do not depend on a person's gender, race, religion, nationality, national language, or any other factor. They are interdependent, indivisible, universal, and unalienable. Every single person has the inherent and inalienable entitlement to human rights protections.

"The United Nations General Assembly adopted the Universal Declaration of Human Rights, a watershed moment in the evolution of human rights, which affirms the inherent worth, equality, non-alienability, and freedom of every individual in pursuit of global justice, peace, and harmony." There need to be no limitations on the right to free speech or the elimination of sex-based discrimination. It is essential for people to be able to express themselves correctly and live fearlessly. Every country uses the UDHR as a yardstick for its own international success. In order for the world to achieve global harmony and peace, it is imperative that all member states strive to achieve the ideals stated in this text.

We must work to achieve this. Article 2 outright bans discrimination based on gender and upholds the principle of equality for all. For the sake of human rights, member states should take concrete steps and make policy choices based on legal considerations. In an effort to promote economic, social, and cultural rights for all individuals, the United Nations General Assembly approved a worldwide accord called the International Covenant on Economic, Social, and Cultural Rights. Every person has access to basic economic, social, and cultural rights outlined in the International Covenant on Economic, Social, and Cultural Rights (ICESCR).

United States of America

The fifty states, one federal district, five large territories, and a number of smaller islands make up the United States of America, a federal republic. Its legal system is based on common law, its government is federal, and its constitution is written. The fifty states each have their own unique legal system. There are seven articles and many changes that make up its constitution. Although equal protection under the law and nondiscrimination are not directly stated in the Constitution, they do have their roots in the fourteenth amendment, which came into effect in 1868. One prominent feature of every legal system is equality. Terms like "level," "even," "impartial," "fair," and "just" describe what

it means to be impartial. Section 2 of Article 1 was amended by the Fourteenth Amendment. There are three main clauses in the Fourteenth Amendment:

1. All people born or naturalized in the US are automatically citizens according to the Citizenship Clause.
2. According to the Due Process Clause, states are not allowed to deny anybody "life, liberty or property, without due process of law."
3. State governments are obligated to provide equal protection of the laws to all individuals under their jurisdiction, as stated in the Equal Protection Clause.

This amendment aims to broaden the scope of civil rights protection by stating that "No state shall deny any person within its jurisdiction the equal protection of laws." The goal is to ensure that everyone is treated equally and without discrimination, as laid forth in the Fourteenth Amendment.. Both the Fourteenth and the Fifteenth Amendments work to eliminate discrimination.

OBJECTIVES OF THE STUDY

1. To study on Important Provisions in International Law Highlighting Principle of Equality Between Men and Woman
2. To study on Gender Equality and Human Rights

Equal Protection Clause

In its initial 1868 ratification, the Equal Protection Clause sought to end Black people's discrimination. The primary motivation for introducing this provision was to combat racial discrimination. Although the equal protection provision is primarily intended to put a stop to racial discrimination, it guarantees a comprehensive range of protections and safeguards against all forms of discrimination. In conformity with the Declaration of Independence's fundamental concept of equality, the Fourteenth Amendment was ratified. Abolition of class legislation, elimination of the unfair practice of applying a different set of laws to different groups of people, and the establishment of equality before the law are all goals of the Equal Protection Clause, which is seen as a universal guarantee of equality. Anyone, citizen or not, is subject to the provision.

The states are required to provide evidence that their gender classifications are reasonable. All laws that discriminate against certain groups are subject to the equal protection provision. The standards used to evaluate a statute vary according to the categorisation it uses. If the state can prove that a law is necessary to achieve an important governmental goal that cannot be satisfied by a less biased alternative, then the court may uphold the law even if it is discriminatory. There must be substantial and closely linked governmental reasons for gender classifications to be used. A person seeking to defend gender-based government acts should demonstrate a comprehensive convincing rationale for that act, rather than relying on broad generalizations about the diverse aptitudes, abilities, or inclinations towards males and females, as the Supreme Court emphasised in the case of *United States v. Virginia*. Transgender people are likewise covered by the Equal Protection Clause's promise because of its neutral wording. The Supreme Court's decision in *Obergefell v. Hodges* upheld the equality of sex marriage as a basic human right. Following the decision, all states were required to provide marriage licenses and acknowledge same-sex relationships that had been lawfully consummated in other nations.

1. Rape

An offence against the body is rape. Sexual contact that does not include the victim's free choice or agreement constitutes this kind of sexual assault. In addition to permanently scarring a person's intellect, it ruins their emotional, psychological, and physical health. Rape is defined differently, referred to differently, and punished differently in each U.S. jurisdiction. At the national level, crime data from states are compiled using the criteria provided by the Federal Bureau of Investigation's Uniform Crime Report. "Carnal knowledge of a female forcibly and against her will" was the definition of rape according to the Uniform Crime Report for almost 80 years prior to 2013. Over the years following 1927, the term "washout" has evolved. The concept became sexist, outdated, tapering, and based on old methods of approach. . In light of concerns voiced by rape survivors, activists, law enforcement, and FBI agents, this word was revised. The new definition aims to remove gender bias by include all genders involved in sexual assault, not simply women who experience sexual violence at the hands of men. It has now come to terms with the fact that rape with an article may be as horrifying as rape using a penile or vaginal instrument. Importantly, it sends a message to all genders of rape victims that the law will protect and assist them, and that all genders of rape offenders will face consequences. Instances when the wronged party is unable to consent due to a temporary or permanent mental or physical disability are also included. The revised definition takes into account the fact that a victim may be incapacitated and unable to provide permission due to the ingestion of stupefying drugs, since rape may also be accelerated by pills or alcohol. Similarly, a victim's age can prevent them from providing consensus. It is important to consider the victim's capacity to provide consent in accordance with the legislation of each state. In order to establish non-consent, the victim need not prove a physical struggle.

The use of terms such as "person" and "victim" suggests a lack of bias towards either gender while administering punishment; after all, a crime is a crime regardless of a person's gender, and the law will not tolerate any kind of discrimination based on that factor.

Statistics

In order to better understand sex crimes, the FBI gathered information from both victims and offenders:

Table 1 FBI gathered information from both victims and offenders

Year	Male Victims	Female offenders
2015218	11,463	4,391
2016219	12,146	4,580
2017220	12,632	4,887
2018221	14,365	6,002
2019222	16,263	6,920

One US national public health organisation goes by the name of the CDC. Research conducted by the Department of Health and Human Services revealed that 1,021 males in the US had experienced rape or attempted rape at some stage in their life. The same survey also found that 4.8% of males, or around 1 in 21, have been coerced into penetrating another person, most often a close friend or lover. Nearly one in fourteen American males have been coerced into penetrating another person at some point in their life, according to estimates from the National Intimate Partner and Sexual Violence Survey (NISVS), making male victimisation a major public health problem.

United Kingdom

Constitutional monarchy governs the United Kingdom. The position of head of state is held by the monarch, who is not elected but holds it by virtue of birth. All things considered, the four constituent parts of the UK—England and Wales, Scotland, and Northern Ireland—each have their own distinct legal traditions and judicial systems. All three of these legal systems are quite similar to the three main legal systems in the UK. There is no written constitution or bill of rights in this parliamentary democracy.

Northern Irish law is also based on the common law tradition. Any appeals, whether civil or criminal, must first go via the courts of Northern Ireland before reaching the UK's highest court. In many respects, the legal system in Northern Ireland mirrors that in England. Common law principles are now in effect throughout the Irish Kingdom. There is a separate judicial system in Scotland, and it is somewhat autonomous and has its own authority. Scots law is pluralistic and mixed-system rather than based only on the common law tradition. There are similarities between this law and Roman-Dutch law.

The rule of law is among the most fundamental and long-standing concepts of British common law. It has developed to work with equal application of the law in order to provide individuals with "equality before the law" and within the framework of the constitutional monarchy, which supports the legal concept of parliamentary sovereignty. According to Professor A.V. Dicey, the Rule of Law was first proposed. His seminal 1885 work, *Introduction to the Study of the Law of the Constitution*, traces the evolution of the idea of rule of law. Dicey asserts that "no one is punishable or can be legitimately made to suffer in body or property unless for a definite transgression of law acknowledged in a regular legal manner before the customary Courts of the Land." A perfect rule of law and the prohibition of all forms of arbitrary action are included in the basic commandment. Dicey argues that arbitrary conduct may be accommodated wherever discretion is present. Everyone is subject to the common tribunals' jurisdiction and bound by the common law of the realm, regardless of station or situation, as Dicey established. All people, regardless of their social status, should be treated equally under the law, according to Dicey, one of the three tenets of the rule of law. There is zero tolerance for any kind of discrimination against any group of people under the law. Everyone is equally obligated to obey the law and may be tried in the same courts, regardless of their reasons.

The UK's Parliament approved the Equality Act in 2010. The act's principal objective is to strengthen anti-discrimination legislation and to harmonise laws that prohibit discrimination in order to advance equality. Several pieces of supplementary legislation were superseded by this act, including the Equal Pay Act of 1970, the Sex Discrimination Act of 1975, the Race Relations Act of 1976, the Disability Discrimination Act of 1995, the Employment Equality Regulations on religion or belief, sexual orientation, and age, and a substantial portion of the Equality Act of 2006. Individuals are safeguarded against discrimination by the Equality Act, which may manifest in several forms.

Equality Under United Kingdom Laws

Part 2 of the Equality Act, 2010 lays down Equality: key concepts which further enumerates the following grounds.

Section 7 lays down: Gender reassignment

- a) If an individual is planning to, is now undertaking, or has previously had a procedure (or portion of a procedure) to change their sex by altering their physiological or other sex-related features, then that individual has the protected characteristic of gender reassignment.
- b) A person who possesses the protected feature of gender reassignment is referred to as a transsexual person when they are considered to be a transsexual person.

- Regarding the protected feature of gender reassignment, the following is being discussed:
- Any reference to a person who has a certain protected trait is considered to be a reference to a transgender person;
- When referring to individuals who share a protected feature, it is considered to be a reference to transsexual individuals.

This rule ensures that individuals experiencing a sex transition are shielded from any type of prejudice. Discrimination occurs when transgender employees are treated less kindly for missing work because of gender reassignment compared to when they would be absent due to an accident or sickness, according to Section 16(2)(a) of the Equality Act of 2010.

Section 11 lays down: Sex

In relation to the protected characteristic of sex

- a) Whether referring to a man or a woman is implicit in a reference to a person with a specific protected feature; referring to people who share a protected trait is an indication of people of the same sex.

There may not be a precise description of sex or gender in the law, but it does state categorically that men and women are not to be treated differently because of their gender. The statute guarantees gender equality and stresses that discrimination based on this factor is unacceptable.

Section 12 lays down: Sexual orientation

(1) By "sexual orientation," we imply (1) a person's leanings towards

- persons of the same sex
- persons of the opposite sex, or
- persons of either sex.

(2) In relation to the protected characteristic of sexual orientation

- To identify someone with a certain sexual orientation is to identify someone with a specific protected trait;
- People of the same sexual orientation are considered to share a protected feature when discussing groups of people with that trait.

The aforementioned provisions of the legislation provide the right to discrimination based on a person's gender, sexual orientation, or both. Everyone deserves equal treatment, regardless of their gender identity or expression. These statutes shield individuals against discrimination in the workplace, as well as in other public and private organisations. Their goal is to prevent unjust treatment and arbitrary regulations in order to create a society where everyone has equal opportunity and human rights are guaranteed.

Sexual Offences

For sexual offences, the British Parliament passed a law in 2003. By adding more precise wording, this law updated previous sexual offence legislation. Further, many additional crimes were codified, including as voyeurism, assault by penetration, subjecting a juvenile to a sexual act, and penetration on a dead corpse. It lays forth the rules that govern rape in England. When it comes to protecting children from sexual assault, it is also an important law. Northern Ireland's Sexual Offences (Northern Ireland) Order 2008 and Scotland's Sexual Offences (Scotland) Act 2009 are similar statutes.

1. Rape

English law only recognizes penetration as a kind of male-on-female rape. The Criminal Law Revision Committee (CLRC) adamantly maintained that the legal definition of rape should remain penile penetration of the vagina in its 15th Report on Sexual Offences. Some committee members wanted to broaden the crime to include a variety of penetrative actions to promote gender neutrality, but in the end, a narrow definition of non-consensual vaginal penetration by the penis was used. In 1999, a review committee was created by the home office with the purpose of updating the laws pertaining to sexual offences. This group's findings are documented in the paper "Setting the Boundaries." The results provided support for the necessity to maintain the narrow definition of rape in the law and led to the creation of the Sexual Offences Act in 2003. Sexual assault, penetration assault, and the promotion of sexual behaviour without permission are the only crimes in the UK that may be alleged against women. It is not possible to accuse them of raping men.

Germany

Germany is a democratic nation with a federal government, a parliament, and elected representatives. Federal laws can be made by the Bundestag (Federal Diet) and Bundesrat (Federal Council), which together make up the governing body. Germany is made up of sixteen federal states. These states are usually called Bundesländer. Every state has a written constitution. Federal law is more important than state law, but each state has a lot of freedom within itself. Roman law is the basis for Germanic law, which is also a part of German civil law. The Bundesverfassungsgericht (Federal Constitutional Court) is in charge of constitutional issues, and the German Supreme Court has the power to review laws. The German Constitution protects the separation of powers and the freedom of the courts. German law is different from common law systems because it is built on a collection of laws that cover everything. Germany uses an inquisitorial system for criminal and administrative law, which means that judges are very involved in looking into the facts of the case. This is different from an adversarial system, where the judge works as a neutral third party between the complainant or lawyer and the accused.

2. Principle of Equality

Equal rights, ending discrimination, and advancing human rights are all very important ideas in German constitutional law. The German government works to promote and support the concept of equality on a personal level within the country, as well as within the United Nations and the European Union. In Germany's constitution and other minor and extra rules, there are provisions for equality. A few of them are shown below.

The first article of the basic law says that every person's identity must be accepted and protected by the state, and that respect for human rights is important for world peace and justice. People have basic rights, which are based on the ideas of freedom, equality, fairness, and respect for others. Germany agrees that human rights can't be taken away or violated. Because the constitution protects basic freedoms, the legislative, executive, and judicial branches of the government are limited in how they can apply and carry out the law.

Equality before the law is written into Article 3 of the German Constitution.

1. Everyone is equal in the eyes of the law.
2. Men and women should have the same rights. The government needs to back up the real enforcement of equal rights for men and women and get rid of the problems that are already there.
3. Nobody should be treated differently because of their gender, parenting, race, language, country of birth, religion, religious or political views, or where they are from. Because they have a handicap, no one should be treated badly.

One of the basic ideas is equality, which is written into Article 3 of the constitution. This article makes sure that men and women are treated equally, that the law is supreme, and that there is no discrimination or difference between people for the reasons listed in the constitution. For the idea of equality to be properly applied, the state has to get rid of existing drawbacks. Article 3(2) was added when the constitution was changed in 1994. Equal rights protect equal involvement, chances, and influence, which makes German society seem very strong. Every successful country follows the unbreakable rule of equality.

There are laws in Germany that protect equal treatment. These include the Federal Equality Act, the Equal Treatment of Soldiers Act, the General Equal Treatment Act, and the equality laws of the states.

3. The General Equal Treatment Act, 2006

On August 18, 2006, the General Equal Treatment Act became law. The Employment Equality Directive, the Racial Equality Directive, the Gender Equality Directive for Goods and Services, and the Employment Equality Directive were all put together in this law. The law's goal is to get rid of prejudice based on race, disability, age, sexual orientation, culture, religion, belief, or gender. Employment, hiring, job openings, promotions, career guidance, training, access to work coaching, extra training, union participation, social safety, social benefits, education, and training are all illegal. According to the law, different care is allowed when there are good reasons for it. Differential care is allowed when it's needed for work, because of religion or belief, or because of age. This law mostly stops discrimination in the job market, whether it's direct or indirect.

4. Federal Act on Gender Equality, 2005

On April 24, 2015, the Federal Act on Gender Equality made law. The main goal of this act was to make sure those men and women had the same rights and obligations. It aims to get rid of discrimination based on gender so that family life, care work, and jobs for both men and women are better and more peaceful. The act says that job postings must use wording that doesn't favour one gender over another. Jobs won't be able to be advertised only for men or only for women unless there is a particularly good reason to do so. It is necessary to post a job opening if either group is not properly represented. This will bring in more male or female candidates. There must be an equal number of men and women on the selection group. The act tries to make sure that men and women have the same job opportunities and working situations.

5. Equal Treatment of Soldiers Act

The goal of the act is to stop possible troops from being turned down because of their race, culture, nationality, religion, political views, or sexual orientation. It also makes sure that harassment or sexual harassment of a person because of their gender does not happen at work, though different treatment is allowed for good reasons.

6. Rape; Sexual Assault; Sexual Coercion

Rape is any kind of sexual behaviour that is done against someone's will or permission. It includes sexual contact or other types of sexual involvement. It could be an act of violence or fear, or an abuse of power, against someone who isn't able or willing to agree. Since it was first written into the Penal Code in 1871, the meaning of rape has changed a few times. In 1997, marital rape became a crime, psychological pressure was recognised as a real thing, and gender-neutral language was added to the German Criminal Code. From section 174 to 184j of Chapter 13 of Germany's Criminal Code, there are crimes against sexual self-determination made. Section 177 of Germany's Criminal Code spells out what rape is.

Section 177: Definition of Sexual Assault; Sexual Coercion; Rape

1. Any individual who, contrary to a person's clear consent, engages in or facilitates sexual acts upon that individual, or persuades that individual to consent to sexual acts involving a third party, is subject to a term of imprisonment between six months and five years.
2. Individuals who engage in or permit another individual to carry out sexual acts, or who compel that individual to perform or permit sexual acts to be conducted on or by a third party, shall face the same penalties if: The offender takes advantage of the individual's inability to form or express a contrary will, as well as their significant impairment in doing so due to their physical or mental condition, unless the offender has secured the consent of that individual. The perpetrator capitalizes on an unexpected advantage; The perpetrator takes advantage of a scenario where the victim faces the risk of significant harm if they attempt to resist or the individual has compelled the victim to engage in or consent to the sexual acts through threats of significant harm.

The definition incorporates terms such as victim, individual, and offender. The language used is gender-neutral. Germany acknowledges that sexual coercion, sexual assault, and rape can also occur against males. Gender inclusive language broadens the definition significantly. The definition avoids being gender-specific, recognizing that individuals of all genders, including males, can be victims of rape. In 2016, the legislation regarding rape was revised to eliminate the requirement that the perpetrator must physically overpower the victim. It is sufficient for the victim's will to be acknowledged while the perpetrator's disregard is noted. The new law is founded on the 'no means no' model and now incorporates consent-based rape legislation. It further categorizes groping as a criminal offence and permits the prosecution of offenders acting in groups. The amendment to section 177 of the Criminal Code addresses the issue of criminal liability that emerged from the previously narrow wording and interpretation of the former provision. Prior legislation did not address the necessity of the victim's consent and specified that rape would only be subject to punishment if the victim exhibited physical evidence of resistance against the assailant.

Statistics

The Police Crime Statistics published a report from 2019 on March 24, 2020. The PCS catalogue of offences provides documentation for both simple and major crimes, including penal offences, along with details regarding suspects under (criminal) police investigation. Only crimes that have been reported to law enforcement, processed accordingly, and submitted to the public prosecutor's office prior to the commencement of compilation are included in the statistics. The "Länder" Criminal Police Offices (LK) and the Bundeskriminalamt compile statistics utilizing various data sources, including the BKA and the Federal Criminal Police Office.

Table 2 Police Crime Statistics published a report from 2019 on March 24, 2020

CRIME	2019	2018
Total Male Rape victims	435	352
Total Male Rape, sexual coercion and sexual assault in especially serious cases including resulting in death	519	423
Women suspect recorded for committing rape	74	74
Women suspected of Rape, sexual coercion and sexual assault in especially serious cases including resulting in death	94	102

Italy

Legal Framework: The Italian legal framework has come a long way in protecting victims of gender-based and domestic abuse. Domestic violence, sexual assault, and stalking crimes are given immediate attention by the Codice Rosso (Law No. 69/2019). To guarantee

that complaints are addressed promptly, this statute requires the swift action of judicial and police authorities. Access to psychiatric counselling, legal assistance, and protective measures including restraining orders are all outlined in Codice Rosso's recommendations for victim care. The Italian Penal Code, which supplements Codice Rosso, has specific laws that deal with defamation, calumny, false reporting, and false allegations. The public's trust in the justice system, the rights of the accused, and the enforcement of responsibility are all served by making willful false charges punishable by law (Max Planck Institute).

Issues of Practice / Case Notes: Although victim assistance procedures in Italy have been bolstered, media coverage has on occasion brought attention to instances of false accusations. Despite their rarity, these cases show that the law acknowledges the need of strong victim protection measures and the danger of abuse. The prosecution is advised to conduct comprehensive investigations in order to distinguish between legitimate accusations and reports that are malicious or motivated by opportunism. Victim protection has been a top priority, and the courts have been very careful to punish false reporting. The significance of following procedures precisely has been brought to light by high-profile instances that show how false accusations may lead to negative social and personal outcomes, such as damage to the complainant's reputation and even legal repercussions (Baker McKenzie Resource Hub).

Impact on Ethics and Storytelling: A careful balancing act between victim empowerment and misuse mitigation is shown in the discourse around pseudo-feminism in Italy. False charges tend to dominate media coverage, which can distort public opinion and weaken backing for victim-centered legislation like Codice Rosso. According to the Max Planck Institute, academics contend that inflating allegations of abuse can damage public faith in legal safeguards, which in turn discourages real victims from coming forward and impacts public trust in the judicial system.

The interplay between media narratives, social campaigning, and legislative reform is illustrated by Italy's experience as well. The rise of pseudo-feminist practices, such as making up complaints in order to get publicity or financial benefit, creates ethical and legal quandaries, even though Codice Rosso fortifies procedural safeguards. To safeguard real victims and discourage opportunistic abuse, courts must increasingly assess digital evidence, witness reliability, and context-specific elements. Case studies from the past and present demonstrate that false complaints have resulted in penalties, which further emphasises the system's commitment to victim empowerment and responsibility. Many legal experts look to Italy as a model for how to prevent pseudo-feminist exploitation while still providing enough protections for victims. Maintaining public trust and minimizing misuse has been made possible by procedural protections, judicial training, and specialized victim-support units. This exemplifies Italy's dedication to fair legal reform.

Portugal

The legal framework in Portugal includes measures to prevent false allegations and to combat crimes against women and domestic abuse. Falsely accusing another person or organisation with the intent to do harm is punishable by law in Portugal under Article 365 of the Penal Code (Legal DB). An effective dual framework with strong victim protection and penalties for abuse of legal procedures is created by these rules, which make sure that those who file false allegations are held responsible. In order to maintain the validity of gender-protection regulations, Portuguese law stresses the significance of balancing the requirements of actual victims with the necessity to discourage opportunistic claims.

Problems with Practice / Note on a Case: The Portuguese judicial system is dedicated to maintaining this equilibrium, as seen in its practice. The legitimacy of allegations of sexual or domestic abuse is carefully considered by the courts, which always prioritise victim safety. Government and non-governmental organisation reports stress the need of a systematic strategy to handling baseless accusations by putting an emphasis on investigative processes, assessment of evidence, and procedural justice. The legal system's integrity is upheld and pseudo-feminist actions are discouraged by case law, which shows that false accusations are punished. Although false charges are rare, when they do occur, they highlight the importance of clear procedures and robust legal protections to prevent unfair treatment of victims and accused (IPI Media).

From a socio-legal and ethical perspective, it is clear from the Portuguese case that accountability procedures should be part of victim-centered initiatives. Although there are progressive and strict regulations in place to protect women, the public may lose faith in these laws if the media focusses too much on baseless charges. Experts think that Portugal strikes a good balance between victim empowerment and deterrent against opportunistic usage by upholding rigorous procedural protections. To maintain the efficacy and credibility of the socio-legal framework, it is essential to have victim-support mechanisms in place, as well as legal education and judicial knowledge.

CONCLUSION

Every legislation develops in tandem with the progress of society. When an issue or inconsistency is recognised, the following steps are taken: identifying the root cause of the problem, formulating a law to address the matter, and then providing a remedy to those who have been wronged. As time goes on, or when new circumstances arise, the law is amended or modified. The legislation may also be abolished in the face of society's unparalleled acceleration. At the national and international levels, there must not be gender-based prejudice in the creation of policies, the creation of laws, or the execution of those laws. Gender prejudice undermines the worth of each person's thoughts and rips at the social fabric of our society.

REFERENCES

1. Law of nations or international law is the name for a body of customary and conventional rules which are considered legally binding by civilized states in their intercourse with each otherl
2. It also seeks to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religionl.
3. The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.
4. International Covenant on Economic Social and Cultural Rightsl. <https://blogs.lse.ac.uk/vaw/int/treaty-bodies/international-covenant-on-economic-social-and-cultural-rights/>
5. The States Parties to the Covenant undertake to guarantee that the rights enunciated in the Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, politics or other opinion, national or social origin, property, birth or other statusl
6. The States Parties to the covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the covenantl
7. Each State Party to the covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the covenant, without distinction of any kind, such as race, colour, sex, language, religion, politics or other opinion, national or social origin property, birth or other statusl
8. The States Parties to the covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the covenant.
9. Everyone shall have the right to recognition everywhere as a person before the law.
10. All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status
11. Gans David. (2001). Perfecting the Declaration: The text and History of Equal Protection Clause of the Fourteenth Amendment. Constitutional Accountability Center
12. 214 518 US 515 (1996)
13. 215 576 US 644 (2015)
14. Criminal Justice Information Services Division. (2013). Crime in the United States 2013. https://ucr.fbi.gov/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/rape-addendum/rape_addendum_final
15. 2Department of Justice. (January 6, 2012). An Updated Definition of Rape. <https://www.justice.gov/archives/opa/blog/updated-definition-rape>
16. Federal Bureau of Investigation. (2015). Offenders Sex by Offense Category. https://ucr.fbi.gov/nibrs/2015/tables/pdfs/offenders_sex_by_offense_category_2015.pdf
17. Kathleen C. Basile, Michele C. Black, Matthew J. Breiding, James A. Mercy, Linda E. Saltzman, and Sharon G. Smith. (November, 2018). The National Intimate Partner and Sexual Violence Survey: 2015 Data Brief – Updated Release. <https://www.cdc.gov/violenceprevention/pdf/2015data-brief508.pdf>
18. National Institute of Justice. (October 25, 2010). Overview of Rape and Sexual Violence.
19. <https://nij.ojp.gov/topics/articles/overview-rape-and-sexual-violence>
20. United States Department of Defence Sexual Assault Prevention and Response https://www.sapr.mil/sites/default/files/1_Department_of_Defense_Fiscal_Year_2019_Annual_Report_on_Sexual_Assault_in_the_Military.pdf
21. U.S. Equal Employment Opportunity Commission. Sexual Harassment. <https://www.eeoc.gov/sexual-harassment>
22. United States Department of States. (January 29, 2019). Sexual Harassment Policy.
23. <https://www.state.gov/key-topics-office-of-civil-rights/sexual-harassment-policy/>
24. Hultin Suzanne. (May 2018). Addressing Sexual Harassment in Workplace. National Conference of State Legislature, Vol. 26, No. 17. <https://www.ncsl.org/research/labor-and-employment/addressing-sexual-harassment-in-the-workplace.aspx>
25. U.S. Equal Employment Opportunity Commission. (2020). Data Visualization: Sexual Harassment Charges Data. <https://www.eeoc.gov/statistics/data-visualizations-sexual-harassment-charge-data>
26. Max Planck Institute. Comparative Study of Domestic Violence Laws in Europe. Max Planck Institute for Comparative and International Private Law, 2021.
27. Baker McKenzie Resource Hub. Italy: Codice Rosso and Domestic Violence Legislation. 2020.
28. LegalDB. Portuguese Penal Code: Defamation and False Accusation Laws. 2019.
29. Japanese Law Translation. Penal Code of Japan, Article 172: False Accusation. 2018.
30. European Institute for Gender Equality. Gender Equality and Family Policies in Hungary. EIGE, 2020.