



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

GUARDIANS IN LAW: EVALUATING GLOBAL NORMATIVE ARCHITECTURE FOR THE SAFETY AND RIGHTS OF WOMEN AND CHILDREN

~ *Priyam Pratik*

ABSTRACT

This article undertakes a comprehensive examination of the international legal architecture that has developed to protect women and children from violence, discrimination, and exploitation. Drawing on a comparative analysis of universal and regional treaty regimes, the article traces the evolution of normative standards from the foundational Convention on the Elimination of All Forms of Discrimination Against Women (1979) and the Convention on the Rights of the Child (1989) through to contemporaneous regional instruments such as the Istanbul Convention (2011) and the Maputo Protocol (2003). The article engages critically with three interrelated concerns: the structural limitations of treaty-based enforcement mechanisms; the challenge of translating international obligations into genuine domestic protection; and the persistent gap between formal legal commitments and lived realities, particularly in relation to gender-based violence, child marriage, and trafficking. Landmark jurisprudence from the Inter-American Court, the European Court of Human Rights, and UN treaty body general recommendations is examined to illustrate how adjudicative bodies have progressively strengthened state accountability. It concludes that while the international normative framework is broadly comprehensive, substantive protection demands greater coherence between legal regimes, genuine political will from states, and renewed attention to intersecting vulnerabilities.

Keywords: *CEDAW; Convention on the Rights of the Child; gender-based violence; child marriage; international human rights law; due diligence; Maputo Protocol*

I. INTRODUCTION

The protection of women and children occupies a central, though not uncomplicated, position within the corpus of international human rights law. Both groups have historically been exposed to forms of discrimination, violence, and exploitation that States were either unwilling or structurally ill-equipped to address through domestic legal orders alone. The international community's response, assembled over roughly seven decades since the adoption of the Universal Declaration of Human Rights in 1948, has produced a body of treaty law, soft law instruments, and institutional mechanisms that together constitute what scholars sometimes describe as a 'specialised' branch of international human rights law.¹

Yet the mere existence of international instruments does not guarantee protection. The gulf between formal ratification and substantive compliance remains a defining feature of this field. As the Committee on the Elimination of Discrimination Against Women observed in its landmark General Recommendation No 35, gender-based violence persists in all its forms across countries regardless of their levels of economic development, legal sophistication, or treaty adherence.²

This article offers a critical assessment of the primary international frameworks governing the rights and protection of women and children. It proceeds in the following manner: Part II surveys the principal universal treaties; Part III examines regional instruments; Part IV analyses key jurisprudential developments; Part V incorporates relevant statistical data and comparative tables; and Part VI evaluates structural weaknesses and contemporary challenges before the article concludes with observations on reform.

II. THE UNIVERSAL TREATY FRAMEWORK: FOUNDATIONS AND CONTENT

A. The Convention on the Elimination of All Forms of Discrimination Against Women

Adopted by the UN General Assembly in December 1979 and entering into force in 1981, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

¹Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13 (CEDAW).

²UN Committee on the Elimination of Discrimination Against Women, 'General Recommendation No 19: Violence Against Women' (1992) UN Doc A/47/38.

remains the most comprehensive binding international instrument directed specifically at the rights of women.

CEDAW operates through a framework of formal equality, prohibiting discrimination on the basis of sex across a broad range of domains including education, employment, healthcare, political participation, and family life. Article 2 imposes a direct obligation on States Parties to condemn discrimination and pursue its elimination by all appropriate means. Crucially, the treaty is not confined to state action: Article 2(e) requires States to take all appropriate measures to eliminate discrimination against women by any person, organisation or enterprise.

The treaty's Optional Protocol (1999) introduced an individual communications procedure allowing women whose rights have been violated to petition the CEDAW Committee directly, provided domestic remedies have been exhausted. This development significantly enhanced the treaty's enforcement potential, though the Committee's decisions remain formally non-binding.³

One structural limitation deserves emphasis. CEDAW's Article 28 permits States to enter reservations at the time of ratification, and a significant number of States have done so in relation to provisions concerning family law, inheritance, and nationality. These reservations, often justified on grounds of religion or custom, directly undermine the universality the Convention seeks to promote. The CEDAW Committee has consistently pressed for the withdrawal of such reservations, but progress has been slow and uneven.

B. The Convention on the Rights of the Child

Adopted in 1989, the Convention on the Rights of the Child (CRC) is the most widely ratified human rights treaty in history, with 196 States Parties as at 2024. The Convention articulates four foundational principles: non-discrimination (Article 2), the best interests of the child

³*Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women* (adopted 6 October 1999, entered into force 22 December 2000) 2131 UNTS 83 arts 2–4.

(Article 3), the right to life, survival, and development (Article 6), and respect for the child's views (Article 12).⁴

For the purposes of protection against harm, Articles 19, 34, and 36 are particularly significant. Article 19 requires States to take all appropriate legislative, administrative, social, and educational measures to protect children from all forms of physical or mental violence. Article 34 specifically addresses sexual exploitation and abuse, while Article 36 imposes a broader obligation to protect children against all other forms of exploitation prejudicial to their welfare.

The CRC has been supplemented by three Optional Protocols, of which two are directly relevant to this analysis. The Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography (2000) requires States to criminalise these practices and establish extraterritorial jurisdiction over offenders.⁵

The Optional Protocol on Children in Armed Conflict (2000) raises the minimum age for direct participation in hostilities to 18 and prohibits the compulsory recruitment of persons under 18 by both State and non-State armed forces.⁶

C. The Palermo Protocol and Trafficking

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000), supplementing the UN Convention against Transnational Organised Crime, provides the primary universal framework for combating trafficking in persons. Women and children are disproportionately represented among trafficking victims: the ILO estimates that approximately 4.8 million persons are trapped in forced sexual exploitation globally, the vast majority of them women and girls.⁷

⁴*Convention on the Rights of the Child* (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (CRC).

⁵*Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography* (adopted 25 May 2000, entered into force 18 January 2002) 2171 UNTS 227.

⁶*Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict* (adopted 25 May 2000, entered into force 12 February 2002) 2173 UNTS 222.

⁷*Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime* (adopted 15 November 2000, entered into force 25 December 2003) 2237 UNTS 319.

The Protocol defines trafficking broadly to encompass recruitment, transportation, transfer, harbouring, or receipt of persons by means of threat, force, coercion, deception, or abuse of a position of vulnerability for the purpose of exploitation. Importantly, the consent of a victim to their intended exploitation is rendered irrelevant when any of these means have been employed. For children, the definition is even broader: any recruitment or transfer of a child for purposes of exploitation constitutes trafficking irrespective of the means employed.⁸

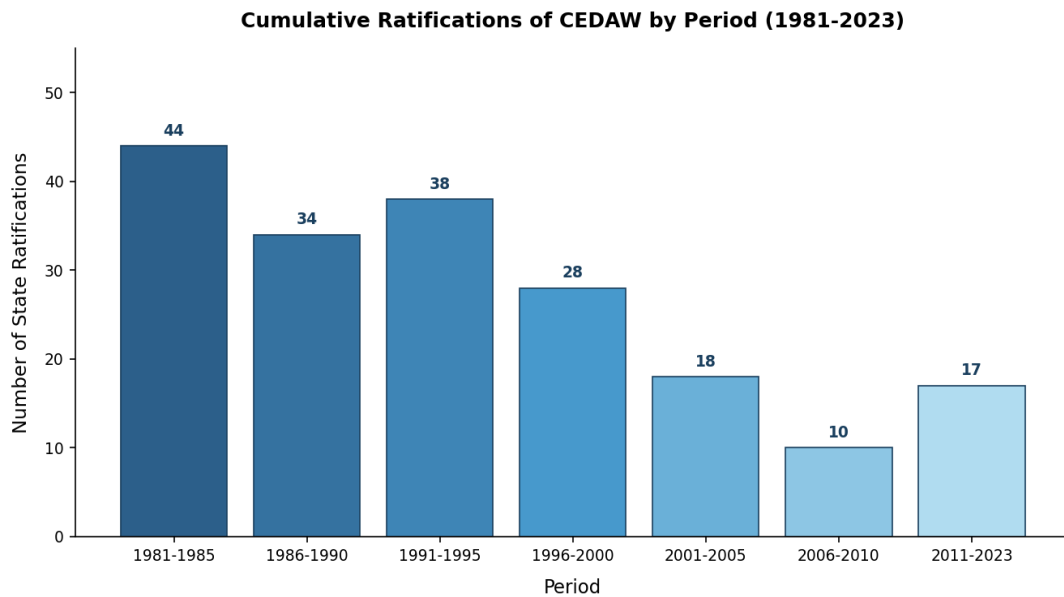


Figure 1: Cumulative CEDAW Ratifications by Period (1981-2023)

D. ILO Convention No 182 on the Worst Forms of Child Labour

Adopted in 1999 and achieving universal ratification in 2020, ILO Convention No 182 requires States to take immediate and effective measures to prohibit and eliminate the worst forms of child labour. These include all forms of slavery and practices similar to slavery (including child trafficking, debt bondage, and forced recruitment into armed conflict), the use of children for prostitution, pornography, or drug trafficking, and work that is likely to harm the health, safety, or morals of children.⁹

⁸International Labour Organization, Walk Free and International Organization for Migration, *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage* (ILO 2022).

⁹*Worst Forms of Child Labour Convention* (No 182) (adopted 17 June 1999, entered into force 19 November 2000) 2133 UNTS 161.

The Convention operates alongside the domestic legislation of ratifying States and is notable for the speed with which it achieved universal acceptance, a reflection of its specificity and the broad international consensus surrounding its subject matter. It complements the CRC framework by providing an industry-specific enforcement and monitoring architecture.

III. REGIONAL FRAMEWORKS: BRIDGING THE NORMATIVE GAP

Regional human rights systems have played a crucial complementary role in the protection of women and children, often going further than the universal treaty framework in articulating and enforcing specific obligations.

A. The Inter-American System: Belem do Para

Adopted under the auspices of the Organisation of American States in 1994, the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women (Belem do Para) was the first binding regional treaty dedicated exclusively to the eradication of violence against women.¹⁰

The Convention defines violence against women as any act or conduct based on gender that causes death or physical, sexual, or psychological harm or suffering, whether in public or private spheres. Critically, it extends State responsibility to acts of violence perpetrated by private individuals, provided the State condones or tolerates such violence, thereby embedding the due diligence standard into the regional legal framework.

The Inter-American Commission on Human Rights and the Inter-American Court of Human Rights have deployed Belem do Para to significant effect. In *Maria da Penha Maia Fernandes v Brazil*, the Commission found Brazil responsible for tolerating domestic violence against the petitioner over a period of fifteen years, a finding that directly precipitated Brazil's enactment of the landmark *Maria da Penha Law* in 2006.¹¹

¹⁰*Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará)* (adopted 9 June 1994, entered into force 5 March 1995) 33 ILM 1534.

¹¹*Maria da Penha Maia Fernandes v Brazil* (Case 12.051) Inter-American Commission on Human Rights Report No 54/01 (2001).

B. The African System: The Maputo Protocol

Adopted in 2003 and entering into force in 2005, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol) is widely regarded as the most progressive regional instrument on women's rights.¹²

The Protocol is distinctive in several respects. It is the only binding international instrument that explicitly addresses female genital mutilation, requiring States Parties to prohibit and condemn the practice through legislative measures backed by sanctions. It also addresses reproductive rights, widow's rights, the rights of women in armed conflict, and the rights of elderly and disabled women in terms not found in other regional instruments.¹³

As at 2024, 44 of the 55 African Union member States have ratified the Protocol. However, several States have entered reservations or declarations in relation to provisions on marriage and inheritance that remain contentious within domestic legal systems.

C. The European System: The Istanbul Convention

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention), adopted in 2011 and in force since 2014, represents the most comprehensive legally binding instrument on violence against women in Europe.¹⁴

The Convention requires States to criminalise a broad range of conduct including psychological violence, stalking, physical violence, sexual violence (including rape within marriage), forced marriage, female genital mutilation, forced abortion and forced sterilisation, and sexual harassment. It also mandates States to ensure that culture, custom, religion, tradition, or so-called honour cannot be relied upon as a justification for any of the offences covered.

¹²*Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)* (adopted 11 July 2003, entered into force 25 November 2005) CAB/LEG/66.6.

¹³Chaloka Beyani, 'Toward a More Effective Guarantee of Women's Rights in the African Human Rights System' in Rebecca Cook (ed), *Human Rights of Women: National and International Perspectives* (University of Pennsylvania Press 1994) 285.

¹⁴*Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)* (adopted 11 May 2011, entered into force 1 August 2014) CETS No 210.

Monitoring is conducted by GREVIO (Group of Experts on Action against Violence against Women and Domestic Violence), an independent expert body that assesses the implementation of the Convention by States Parties through country evaluation rounds.

Table 2: Comparative Overview of Regional Instruments on Violence Against Women

Regional Instrument	Geographic Scope	Distinctive Feature	Enforcement Body
Belem do Para (1994)	Americas (34 OAS states)	First binding regional treaty on VAW	IACHR / IACtHR
Maputo Protocol (2003)	Africa (AU member states)	Explicit reproductive rights; prohibition of FGM	African Commission & Court
Istanbul Convention (2011)	Europe (CoE members + EU)	Criminalises psychological violence & stalking	GREVIO
ASEAN Decl on VAW & Child	Southeast Asia	Non-binding; cooperation framework	ASEAN ACWC

IV. JUDICIAL AND QUASI-JUDICIAL DEVELOPMENTS

International and regional adjudicative bodies have done much to deepen and operationalise the protections found in treaty texts. Several landmark decisions merit close attention.

A. The Due Diligence Standard and State Responsibility

The due diligence standard, under which States may be held internationally responsible for failing to prevent, investigate, and punish private acts of violence against women and children, was given foundational expression in *Velasquez Rodriguez v Honduras* (1988). Although that case concerned a disappearance rather than gender-based violence specifically, the Inter-American Court's reasoning that the failure to exercise due diligence in preventing and responding to human rights violations by private actors engages State responsibility has been widely adopted.¹⁵

¹⁵*Velasquez Rodríguez v Honduras* (Merits) Inter-American Court of Human Rights Series C No 4 (29 July 1988).

The standard was applied with particular force in *Gonzalez and others (Cotton Field) v Mexico* (2009), concerning the murders of young women in Ciudad Juarez. The Court found that Mexico's failure to investigate femicides adequately amounted to a systemic violation of its obligations under *Belem do Para* and the American Convention, and that the pattern of violence reflected deep-seated gender discrimination condoned by the State.¹⁶

B. The European Court of Human Rights: *Opuz v Turkey*

In *Opuz v Turkey* (2009), the European Court of Human Rights held that Turkey's repeated failure to protect an applicant and her mother from a violent partner, despite numerous complaints and documented incidents of serious violence, violated Article 2 (right to life) and Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights. The Court went further to find a violation of Article 14 (prohibition of discrimination) read in conjunction with Articles 2 and 3, concluding that the general and discriminatory passivity of the Turkish authorities created a climate that was conducive to domestic violence.¹⁷

This represented the first occasion on which the Strasbourg Court held that domestic violence constituted discrimination within the meaning of Article 14, a significant development in European human rights jurisprudence.

C. UN Treaty Body General Recommendations

The CEDAW Committee's General Recommendation No 19 (1992) established that gender-based violence, which impairs or nullifies the enjoyment by women of human rights and fundamental freedoms, constitutes discrimination within the meaning of Article 1 of CEDAW.¹⁸

This position was updated and strengthened by General Recommendation No 35 (2017), which affirmed that the prohibition of gender-based violence against women has evolved into a

¹⁶*González and Others ('Cotton Field') v Mexico* (Preliminary Objection, Merits, Reparations and Costs) Inter-American Court of Human Rights Series C No 205 (16 November 2009).

¹⁷*Opuz v Turkey* (App No 33401/02) (2009) 50 EHRR 28.

¹⁸ UN Committee on the Elimination of Discrimination against Women, 'General Recommendation No 19: Violence against Women' (1992) UN Doc A/47/38, para 6.

principle of customary international law and reiterated the full range of State obligations including extraterritorial jurisdiction over trafficking offences and obligations in the context of armed conflict.¹⁹

The CRC Committee's General Comment No 13 (2011) on the right of the child to freedom from all forms of violence provides an authoritative framework for interpreting State obligations under Articles 19, 34, and 36 of the CRC, emphasising that children's vulnerability to violence is compounded by multiple and intersecting forms of discrimination based on age, sex, disability, ethnicity, and economic status.²⁰

Table 3: Key Jurisprudence on Women's and Children's Rights

Case	Forum / Year	Legal Significance
Velasquez Rodriguez v Honduras	IACtHR, 1988	Established State duty to prevent, investigate and punish private acts of violence (due diligence standard)
Cotton Field v Mexico	IACtHR, 2009	Femicide constitutes systematic State failure; structural discrimination must be remedied
Maria da Penha v Brazil	IACHR, 2001	First IACHR application of Belem do Para; led directly to Brazil's landmark domestic violence law
Opuz v Turkey	ECtHR, 2009	State failure to protect domestic violence victim engaged Art 2 and 3 ECHR; recognised gender-based discrimination as violation of Art 14
CEDAW GR 35 (2017)	UN CEDAW Committee	Updated definition of gender-based violence; clarified extraterritorial obligations of States in conflict settings

V. STATISTICAL DIMENSIONS AND EMPIRICAL CONTEXT

The legal frameworks described above exist against a backdrop of empirical realities that continue to demand urgent attention.

¹⁹CEDAW Committee, 'General Recommendation No 35 on Gender-Based Violence against Women, Updating General Recommendation No 19' (2017) UN Doc CEDAW/C/GC/35.

²⁰UN Committee on the Rights of the Child, 'General Comment No 13: The Right of the Child to Freedom from All Forms of Violence' (2011) UN Doc CRC/C/GC/13.

According to the World Health Organisation's 2021 global estimates, approximately one in three women worldwide has experienced physical or sexual violence, predominantly at the hands of an intimate partner. The prevalence is highest in low-income and conflict-affected settings, but it persists across all regions and income levels.²¹

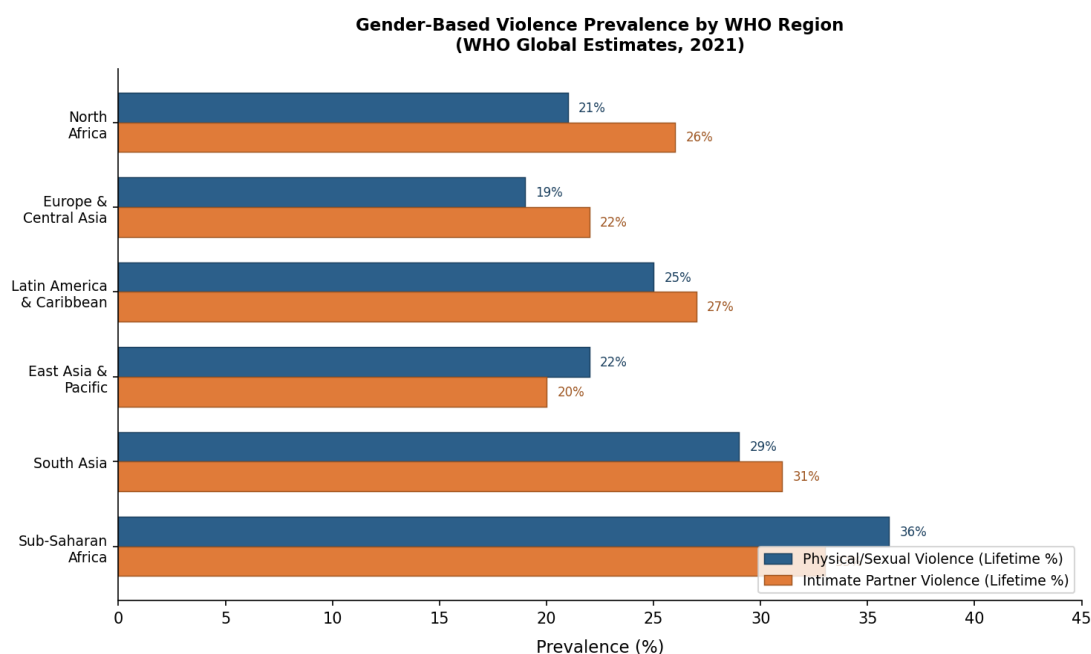


Figure 2: Gender-Based Violence Prevalence by WHO Region (WHO Global Estimates, 2021)

Child marriage remains widespread, particularly in South Asia and sub-Saharan Africa. Despite a gradual global decline from approximately 25 per cent in 2000 to around 19 per cent in 2022, the absolute numbers remain alarming: UNICEF estimates that around 640 million women alive today were married before the age of 18. The COVID-19 pandemic reversed several years of progress, with an estimated 10 million additional girls at risk of child marriage as a result of pandemic-related school closures and economic stress.²²

²¹World Health Organization, *Violence against Women Prevalence Estimates, 2018: Global, Regional and National Prevalence Estimates for Intimate Partner Violence against Women and Global and Regional Prevalence Estimates for Non-Partner Sexual Violence against Women* (WHO 2021).

²²UNICEF, *Child Marriage: Latest Trends and Future Prospects* (UNICEF 2018) <https://data.unicef.org/resources/child-marriage-latest-trends-and-future-prospects/> accessed 10 June 2026.

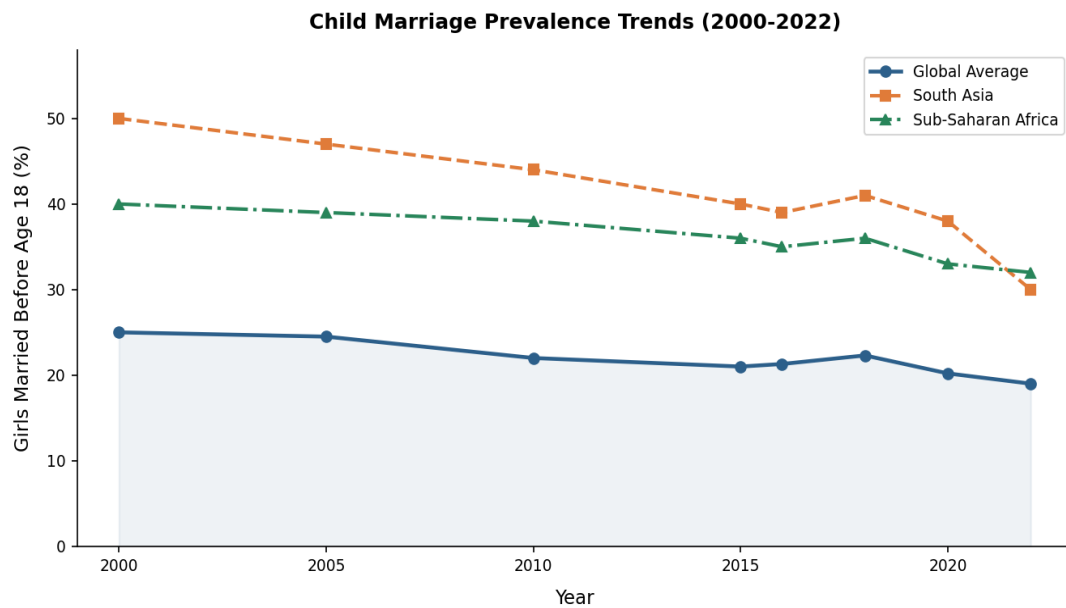


Figure 3: Child Marriage Prevalence Trends by Region (2000-2022)

The ILO's 2022 Global Estimates of Modern Slavery indicate that approximately 24.9 million people are in forced labour, with women and girls representing 54 per cent of all victims of forced labour in the private economy and 99 per cent of commercial sexual exploitation victims.²³

These figures carry important implications for legal analysis. They suggest that the challenge facing international frameworks is not primarily one of normative coverage but one of implementation, enforcement, and addressing the structural causes of vulnerability. They also underscore the observation made by several special rapporteurs that laws and treaties, however well-crafted, cannot substitute for political will, adequate resourcing, and genuine social transformation.²⁴

Table 1: Key Universal Instruments for the Protection of Women and Children

Instrument	Scope / Focus	Key Obligations on States
CEDAW (1979)	Women - eliminates sex discrimination across all domains	Legislate equality; remove discriminatory laws; provide remedies

²³ International Labour Organization, Walk Free and International Organization for Migration, *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage* (ILO 2022) 11–13.

²⁴ UN Human Rights Council, 'Report of the Special Rapporteur on Violence against Women, its Causes and Consequences' (2019) UN Doc A/HRC/41/42.

CRC (1989)	Children under 18 - survival, protection, participation	Best interests principle; prohibit exploitation & abuse
Palermo Protocol (2000)	Women & children in trafficking & organised crime	Criminalise trafficking; protect & reintegrate victims
ILO C182 (1999)	Children - worst forms of child labour	Immediate prohibition; time-bound programmes of action
Hague Abduction Conv (1980)	Children - cross-border parental abduction	Prompt return mechanism; central authority cooperation
OP-CRC-SC (2000)	Children - sale, prostitution & pornography	Criminalise; extraterritorial jurisdiction; victim compensation

VI. STRUCTURAL WEAKNESSES AND CONTEMPORARY CHALLENGES

A. Enforcement Deficits and the Limits of Treaty Bodies

A structural feature of the international human rights system is that its primary monitoring mechanisms, the treaty bodies established to oversee implementation of the core human rights conventions, lack direct enforcement power. The CEDAW Committee, the CRC Committee, and analogous bodies operate principally through periodic State reporting, the adoption of concluding observations, and where applicable, individual communications procedures. Their decisions and recommendations are not legally binding in the same manner as judgments of international courts.

The result is a system that depends heavily on the political willingness of States to implement recommendations, a dependency that can be exploited by States with poor compliance records. India, for instance, received concluding observations from the CRC Committee in 2014 that expressed concern about the persistence of child marriage, child labour, and sexual violence against girls; the follow-up to those observations has been partial at best.²⁵

B. Reservations and Cultural Relativism

CEDAW holds the unfortunate distinction of being among the most reserved human rights treaties. States have entered reservations to provisions on equality in marriage and family life,

²⁵Committee on the Rights of the Child, 'Concluding Observations on the Combined Third and Fourth Periodic Reports of India' (2014) UN Doc CRC/C/IND/CO/3-4.

arguing that such equality conflicts with religious law or customary practice. Similar reservations have been made to the CRC in relation to provisions on religion and cultural rights. The tension between the universalist ambitions of international human rights law and the relativist arguments advanced by States in defence of discriminatory practices remains a central and unresolved challenge.

The debate is not merely academic. Reservations to marriage provisions have been used to permit child marriage at the domestic level notwithstanding ratification of the CRC. The CEDAW Committee has consistently characterised reservations to Articles 2 and 16, which deal respectively with the core obligation of non-discrimination and with equality in marriage, as incompatible with the object and purpose of the Convention.²⁶

C. The Digital Dimension of Gender-Based Harm

The rapid growth of digital communications technologies has introduced new vectors of gender-based harm that existing international instruments were not designed to address. Online harassment, non-consensual distribution of intimate images, cyber-stalking, and the use of social media to facilitate trafficking are forms of violence that disproportionately affect women and girls.

The Istanbul Convention requires States to criminalise stalking, but its provisions do not explicitly contemplate online conduct. The CRC's Optional Protocol on the Sale of Children extends to child pornography, but the jurisdictional complexities of internet-based offences remain challenging. The Budapest Convention on Cybercrime addresses computer-related offences but does not have a specific gender or child protection focus. In this area, international law is visibly playing catch-up with technological reality.²⁷

D. Children in Armed Conflict

²⁶Ruth Rubio-Marin (ed), *The Gender of Reparations: Unsettling Sexual Hierarchies While Redressing Human Rights Violations* (Cambridge University Press 2009).

²⁷ Council of Europe, *Convention on Cybercrime* (adopted 23 November 2001, entered into force 1 July 2004) ETS No 185.

Despite the Optional Protocol on Children in Armed Conflict and the dedicated mandate of the UN Secretary-General's Special Representative for Children and Armed Conflict, the recruitment and use of child soldiers, sexual violence against children in conflict, and attacks on schools and hospitals continue to be documented in numerous conflict settings. The annual reports of the Secretary-General on children and armed conflict identify parties to conflict that persist on lists of violators despite formal commitments to action plans.

Women in conflict settings face compounding risks. Conflict-related sexual violence has been recognised as a war crime and crime against humanity under the Rome Statute of the International Criminal Court, and the ICC has prosecuted several individuals for these offences. However, conviction rates for conflict-related sexual violence remain low, and the practical obstacles to victim participation in proceedings are considerable.²⁸

E. The Sustainable Development Goals: Promise and Limitation

The adoption of the 2030 Agenda for Sustainable Development in 2015 incorporated important commitments on gender equality (SDG 5) and the wellbeing of children. SDG 5 specifically targets the elimination of child marriage, female genital mutilation, and all forms of violence against women. SDG 16 commits to ending abuse, exploitation, trafficking, and all forms of violence against children.²⁹

The SDGs provide a framework for accountability and data collection that complements the treaty system. However, they are not legally binding and their implementation is voluntary. The mid-term review of progress toward the 2030 Agenda, published in 2023, acknowledged that on gender equality and child protection, the world is critically off-track. Progress has been halted or reversed in several regions, particularly in conflict and post-conflict settings.³⁰

²⁸Rhonda Copelon, 'Intimate Terror: Understanding Domestic Violence as Torture' in Rebecca Cook (ed), *Human Rights of Women: National and International Perspectives* (University of Pennsylvania Press 1994) 116.

²⁹UN General Assembly, *Transforming Our World: The 2030 Agenda for Sustainable Development* (25 September 2015) UNGA Res 70/1.

³⁰*Beijing Declaration and Platform for Action* (Fourth World Conference on Women, Beijing, 4–15 September 1995) UN Doc A/CONF.177/20/Rev.1.

VII. CONCLUSION

The international legal framework for the protection of women and children is, by any measure, extensive. From the foundational CEDAW and CRC, through the specialist protocols addressing trafficking, child labour, and armed conflict, to the richly developed regional instruments of the Americas, Africa, and Europe, the normative landscape is both broad and, in its better moments, sophisticated.

Yet the gap between this formal architecture and the lived experience of millions of women and children around the world is not merely an implementation problem amenable to technical solutions. It reflects deeper structural tensions: between universalism and relativism; between State sovereignty and international accountability; between the formal equality promised by law and the substantive equality that genuine protection requires. It also reflects the fact that the primary victims of inadequate implementation are those whose vulnerability is compounded by poverty, displacement, conflict, and discrimination on multiple grounds.

The path forward requires sustained attention to at least three things. First, enforcement mechanisms need strengthening, including through greater use of individual complaints procedures, enhanced follow-up to treaty body recommendations, and the development of regional enforcement capacities, particularly in Asia. Second, the growing body of digital harms demands updated normative responses, whether through protocols to existing instruments or new frameworks that address online violence with the seriousness it deserves. Third, and perhaps most importantly, the implementation gap demands honest engagement with the political, economic, and cultural conditions that perpetuate violence and discrimination against women and children. Treaties provide the architecture; sustained political will and social transformation must supply the substance.

In the final analysis, the protection of women and children through international law is not simply a technical legal enterprise. It is a political and moral project, one that demands that the

promise of equal dignity found in the earliest postwar human rights documents be given genuine effect in the communities and households where vulnerability is most acutely felt.³¹

³¹*Declaration on the Elimination of Violence against Women* (20 December 1993) UNGA Res 48/104.