

Sexual Violence Against Women in Hollywood

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Women's Rights Team – July 2024



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ABBREVIATIONS

AFP: Agence France-Presse

ASEAN: Association of Southeast Asian Nations

CEDAW: Convention on the Elimination of All Forms of Discrimination against Women

VAW: Violence against women

INTRODUCTION

With the overturning of Harvey Weinstein’s conviction by the New York State Court of Appeal in April 2024, the words of hundreds of women who denounced the former film mogul for sex crimes are once again being questioned. In cases of violence against women, it is nothing new to discredit the testimonies of women victims of patriarchy, always favouring the perpetrator of the act who goes unpunished. In 2020, after the first verdict in the Weinstein case that found him guilty, it seemed that something had woken up globally, a collective consciousness about gender-based violence and its scope in every sphere of life. Four years later, however, there has been a return to protecting the perpetrator rather than standing on the side of women.

This report explores gender-based violence in the world of Hollywood starting with an outline of international laws on sexual violence against women and then delving into the Weinstein case and its implications on a global scale. In particular, the third chapter deals with the **MeToo** movement that has gained notoriety following the Weinstein case, while the fourth chapter investigates the implications of the 2020 verdict in the world of politics, demonstrating how violence against women is a widespread phenomenon that leaves no sphere of life untouched.

1. THE INTERNATIONAL LEGAL FRAMEWORK ON SEXUAL VIOLENCE AGAINST WOMEN

The establishment of international legal frameworks aimed at ending violence against women (VAW) is a significant achievement in human rights law, which resulted from decades of women's rights activism. To this day, they remain "important because they set out internationally agreed norms and standards on VAW prevention and response" (UN Women, 2020, p. 1). VAW was historically treated as a private issue that only family should be privy to, but by establishing international frameworks, VAW was acknowledged as being a public matter (Marotta, 2023). A significant implication of this was that VAW became framed "as a human rights violation requiring government and public action" (UN Women, 2020, p. 1). States that have signed and are party to these international frameworks are beholden to protect the rights of women and ensure they have a life free of violence. The international community additionally has an obligation to intervene on behalf of women when states refuse or fail to protect the rights of women. International legal frameworks, therefore, hold states and the international community accountable "for meeting their human rights obligations on VAW" (UN Women, 2020, p. 1).

1.1 KEY GLOBAL AND REGIONAL FRAMEWORKS

There are several key global and regional frameworks aimed at ending VAW. The five most prominent global frameworks include the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the 1993 Vienna Declaration and Platform for Action, the 1993 Declaration on the Elimination of Violence Against Women, the 1995 Beijing Platform and Declaration for Action, and the 2015 Agenda 2030 and Sustainable Development Goals (UN Women, 2020).

CEDAW is a legally binding international framework which prohibits discrimination against women under international law. VAW is not explicitly mentioned in CEDAW, but in their interpretation of the Convention, the CEDAW Committee identified VAW as a severe form of discrimination against women, equal to a human rights violation, punishable under international law (OHCHR, 2022). In prohibiting discrimination against women, CEDAW stresses that women can experience multiple forms of discrimination, including discrimination based on race, disability and migration status, amongst others. Adopted in 1979, CEDAW remains relevant today, with international and regional human rights mechanisms still relying on CEDAW to develop jurisprudence on more contemporary issues, such as cyberviolence against women and girls (OHCHR, 2022).

The Beijing Declaration on and Platform for Action, however, "is considered the most comprehensive global policy framework and progressive blueprint for action ever for advancing women's rights" (UN Women, 2020, p. 2). Developed in 1995 at the Fourth World Conference on Women in Beijing, China, the Beijing Declaration sought to overcome men's historic domination over women. Central to this was preventing VAW which was identified as "one of the crucial social mechanisms by which women are forced into a subordinate position compared with men" (OHCHR, 2024, p. 1). Fundamental to achieving equality of

the sexes, the Beijing Declaration promotes women's full and equal participation in all private and public spheres of decision-making, including economic, social, cultural and political spheres. Women's rights and freedoms are protected because the Beijing Declaration "affirms that equality between women and men is a matter of human rights and a condition for social justice" (UN Women, 2020, p. 2) necessary for peace and development. 189 states have adopted the Beijing Declaration, committing to take action against 12 critical areas of concern for women globally, including VAW (UN Women, 2020).

Regional frameworks on VAW are also important, and in some cases, can even be more important than global frameworks. States that are not party to international frameworks are sometimes agreeable to adopting regional frameworks, necessitating their development. Regional legal standards are sometimes also higher and regional courts are able to investigate, prosecute and punish perpetrators of VAW quicker than international courts (UN Women, 2020).

The Americas, Africa and Europe each have their own legally binding regional frameworks on VAW (OHCHR, 2022; UN Women, 2020):

- The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, is the regional framework of the Americas. Better known as the *Convención of Belém do Pará*, it was adopted in 1994 by the Organisation of American States.
- The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa is the regional framework of Africa. Commonly referred to as the Maputo Protocol, it was adopted in 2003 by the African Union.
- The Council of Europe Convention on preventing and combating violence against women and domestic violence is the regional framework of Europe. Also referred to as the Istanbul Convention, it was adopted in 2011 by the Council of Europe.

While the Maputo Protocol focuses on women's rights more broadly, the other two Conventions "focus exclusively on eliminating VAW" (UN Women, 2020, p. 3). To date, there are no pan-regional frameworks on human rights and VAW in the Asia Pacific or the Middle East. The Association of Southeast Asian Nations (ASEAN) did, however, develop a sub-regional framework for Southeast Asia. The Declaration on the Elimination of Violence Against Women in the ASEAN Region was adopted in 2004, but unlike the regional frameworks listed above, it is not legally binding (UN Women, 2020).

1.2 KEY MONITORING BODIES

In addition to establishing global and regional frameworks aimed at ending VAW, several international and regional monitoring bodies were also established to monitor the enforcement of these agreements. Key monitoring bodies include the Committee on the Elimination of Discrimination against Women, the CEDAW Committee. As the name suggests, this committee is dedicated to monitoring the enforcement of CEDAW (UN Women, 2020). Consisting of a body of independent experts, the CEDAW Committee

provides states with detailed guidance on how to address violence against girls and women (OHCHR, 2022). Every four years, states are then required to submit a national report to indicate their adoption of recommended actions. There are also several key judicial and quasi-judicial bodies of the United Nations (UN), including the Human Rights Council, UN Women, and the Commission on the Status of Women, which monitor member states' adherence to international frameworks. These UN bodies can legally require states to stop violations and even stipulate requirements that states make reparations (UN Women, 2020).

Another key monitoring body includes the Platform of Independent Expert Mechanisms on the Elimination of Discrimination and Violence against Women (EDVAW Platform). The EDVAW Platform calls on states to reaffirm existing legal frameworks and to commit more resources for their effective implementation, promoting accountability within the international community (OHCHR, 2022). The Special Rapporteur on VAW also plays a crucial role in monitoring the causes and consequences of VAW. Called for in the 1993 World Conference on Human Rights, the body was formed in 1994. The Special Rapporteur communicates with states, recommending measures to adopt as part of a comprehensive and universal strategy for eliminating VAW, and urgent appeals are sent to states that fail to address cases of VAW. Lastly, the media bears a great responsibility to expose and challenge actions “which condone or perpetuate VAW and underpin inequality between women and men” (UN Women, 2020, p. 8).

The achievement of societal change and the eradication of VAW, therefore, depends firstly on laws, the “social behaviour changers” which condemn VAW as an unlawful, public issue, and secondly on states, which are required to enforce those laws as “responsible actors” (Marotta, 2023). Societal change has already begun to be affected by these international and regional legal frameworks, as is reflected in the evolution of laws on sexual violence.

1.3 DEFINITIONS AND PERCEPTIONS OF SEXUAL VIOLENCE

The legal system's interpretation and enforcement of laws relating to sexual violence depends on how sexual violence is defined. The concept of sexual violence, however, lacks a singular, universally accepted definition (Muehlenhard et al., 2016), resulting in people consequently adhering to different definitions of sexual violence. For instance, whether or not a person will be perceived to be a perpetrator of rape depends on whether the law defines rape as engaging in sex without first obtaining a person's explicit agreement, or defining rape as engaging in sex until at some point their partner refuses sex (Fenner, 2017; Schulhofer, 2017). Haugen et al. (2018) reflects on how this may explain why some consider certain instances of rape to not be “real” rape, because what happened did not fit their perceived image of rape. A victim's understanding of sexual violence may, therefore, also influence whether or not they report the incident (Egan & Wilson, 2012; Sable et al., 2006).

Rape, sexual battery, and sexual assault are all acts of sexual violence, which all similarly lack universally accepted, singular definitions. The general consensus, however, is that “these terms refer to sexual acts that are obtained by force or threat of force or without the victim's consent” (Muehlenhard et al., 2016, p. 458). Certain distinctions do differentiate

these acts. Typically, definitions of sexual battery simply require that there has been sexual touching, as opposed to definitions of rape, which specifically require that there has been some degree of penetration, whether vaginally, anally or orally, by means of a penis, finger or object. Sexual assault serves as an umbrella term for acts inclusive of both sexual touching and sexual penetration (Cantor et al., 2015), but additionally includes non-contact sexual crimes (Koss & Achilles, 2008), such as unsolicited “exposure to sexual material” (Wignall et al., 2022, p. 474). More comprehensive definitions, such as that put forward by the World Health Organisation (2002), additionally state that all acts of sexual violence can be committed “by any person regardless of their relationship to the victim, in any setting” (p. 149).

Historically, definitions of sexual violence were much less comprehensive, as is reflected in the biases evident in historic sex crime laws, which were written to primarily protect men’s economic interests (Brownmiller, 1975). This is reflected in how “rape was a crime against property, not person” (Tracy et al., 2012, p. 4). In this context, marital rape was not recognised (Dripps, 2020; Gersen & Suk, 2016; Muehlenhard & Kimes, 1999), nor was rape recognised of any person other than biologically female women (Haugen et al., 2018; Tracy et al., 2012). Rape was only recognised when it entailed penile-vaginal penetration and a use of force that extended beyond the rape itself, against a woman’s will (Muehlenhard & Kimes, 1999; Powell, 2010; Schulhofer, 2017; Tracy et al., 2012). Tracy et al. (2012) reflect on how it was a woman’s burden to prove her lack of will. In all other assault crimes, the legal system focused on the actions of the accused, but in cases of sexual assault, the focus turned toward the victims and their “perceived influence upon and response to the perpetrator’s action” (Tracy et al., 2012, p. 5). Dripps (2020) concurs, stating that the legal system adhered to “peculiar, defence-favourable rules of evidence” (p. 123).

For women, primarily in Western countries, the 1960s and 1970s were an age of sexual revolution, liberation, and empowerment (Burkett & Hamilton, 2012; Powell, 2008), and a surge in feminist activism prompted widespread sex crime law reforms (Lira et al., 1999; Muehlenhard & Kimes, 1999; Schulhofer, 2017). These hard-won reforms included the elimination of “disparities based on gender and marital status ... [including] the requirements of resistance, corroboration, and reporting requirements and prohibited introduction of a woman’s past sexual history” (Tracy et al., 2012, p. 6). Dripps (2020) states that of these, the most pivotal point of reform was “the abolition of the resistance requirement” (p. 124). As a result, rather than only recognising overt physical force, elements of force instead came to be recognised as existing “on a continuum” (Schulhofer, 2017, p. 339), allowing for the additional inclusion of “intellectual, moral, emotional, or psychological force” (Gersen & Suk, 2016, p. 889). Thus, reforms have quite literally transformed what is considered rape (Koss et al., 1994).

The legal system has, therefore, begun to better reflect “that unwanted and unconsented to bodily invasion is the core wrong that sex crimes laws must address” (Tracy et al., 2012, p. 6). Gersen and Suk (2016), Dripps (2020), and Weiner (2013) all concur that a lack of consent has increasingly become the legal system’s point of focus when addressing

sexual violence, thereby shifting focus away from the victims of sexual violence and toward the perpetrators of sexual violence (Haugen et al., 2018; Muehlenhard & Kimes, 1999). The choice to judge sexual violence by the presence or absence of consent, as opposed to force, is most common among younger generations who grew up in an age when these reforms were already enacted (Graf & Johnson, 2021). While societal change is clearly occurring, it is not happening at a fast enough pace. Efforts are being made, however, to promote consensual sex and punish the perpetrators of sexual violence. A widely publicised example of this was the Weinstein case, where Harvey Weinstein was publicly accused and condemned for committing acts of sexual violence, as discussed in the following sections.

2. THE WEINSTEIN CASE, AN EMBLEMATIC CASE OF SEXUAL VIOLENCE IN HOLLYWOOD

October 5th, 2017. The New York Times reveals a series of testimonies from five women accusing Harvey Weinstein of “paid off sexual harassment” (Kantor & Twohey, 2017). This revelation was followed by a wave of accusations from actresses, aspiring actresses, and former collaborators against the former renowned Hollywood movie producer. These allegations of harassment, sexual assault and rape are often between 10 to 20 years old, and subject to the statute of limitations which makes them difficult to substantiate. The Huffpost retraced the chronology of the scandal and restored the accounts of 32 women. The point at which these stories converge reveals a sort of modus operandi in Weinstein’s behaviours. Indeed, the various testimonies mention at first a so-called professional meeting, where the victims were often put in a position of trust. They are asked to meet Harvey Weinstein in his hotel room, where he often waits for them either in his dressing gown or directly in the bathroom, asking them to join him (Jort, 2017). Melissa Sagemiller told her story that does not appear to be isolated:

[...]At the time, I was 24 (...) I went to his hotel room. The script was on a work surface in the kitchen. He was in his dressing gown. He asked me 'Could you give me a massage?' I replied, 'Harvey, I'm here to talk about the script. I'm not going to give you a massage or anything. (...) I'm going to leave, we were supposed to discuss the script'. (...) He said: 'You're not leaving until you've kissed me'. He stepped back and blocked the door with his hand, before saying, 'Renée did it, Charlize did it and that other actress did it. Do you want your career to be limited to this little teen movie? (Jacobs, 2017)

It seemed that Weinstein's reputation had been well known in Hollywood for decades. For instance, already on **March 27th, 2015**, the New York Times revealed,

[...]prosecutors in Manhattan decline to prosecute Harvey Weinstein after a Filipino Italian model, Ambra Battilana Gutierrez, tells the police that Mr. Weinstein groped her breast and slid his hand up her skirt during a business meeting at his office in Manhattan. The Manhattan district attorney at the time, Cyrus R. Vance Jr., reaches the decision despite a secret recording obtained by Ms. Battilana Gutierrez in which Mr. Weinstein can be heard apologising and offering what seems like an admission (Ransom, 2024).

This event highlights the intensity of the impunity and the workings of Weinstein's machinery for buying the silence of his victims all these years.

May 25th, 2018. Manhattan’s prosecutor charges the now 72 years old Harvey Weinstein before the penal jurisdiction of New York for the rape of Jessica Mann in New York in 2013, along with a forced fellation in 2004 including the former aspiring actress Lucia Evans. In July, a third accuser, Mimi Haleyi, one of Weinstein’s ex production assistants, added three new charges corresponding to a new “forced sexual act” which happened in July 2006. Furthermore, he is charged with predatory sexual assault in August

2019. From now on, he faces six charges and risks a perpetuity sentence in the New York State. The trial is postponed until January 6th, 2020 (Agence France-Presse (AFP), 2018).

February 24th and March 11th, 2020. The popular jury of the New York State - five women and seven men selected by the New York Supreme Court under supervision of Judge Burke - condemned Harvey Weinstein for rape and sexual assault after a month-long trial and five days of deliberations. The French penalist lawyer Matthew Galluzzo emphasises: “It should be remembered that this trial concerned only those charges that fell within the jurisdiction of the State of New York. The case was therefore dealt with exclusively in application of New York State law and criminal procedure” (Galluzzo, 2020).

In application of New York law, the jury has to rule unanimously on each charge, they have to forge their conviction on guilt “beyond all reasonable doubt” and only based on legally admissible proof presented during the trial.

According to the ruling:

[...]The twelve jurors unanimously found Harvey Weinstein guilty beyond a reasonable doubt of third-degree rape and first-degree sexual assault. However, Harvey Weinstein was acquitted of the more serious charge of ‘predatory sexual assault’, for which he risked life imprisonment. (Galluzzo, 2020)

The dropping of this last charge of "predatory sexual assault" highlights the problem faced by the majority of accounts of rape or sexual assault at the complaint stage, because,

[...] Although other women accused Harvey Weinstein of rape during this trial, the facts were systematically time-barred or took place outside the jurisdiction of Manhattan. Therefore, the facts could not legally lead to any conviction, which explains why the jury ultimately rejected the charge of predatory sexual behaviour as insufficient. (Galluzzo, 2020).

Nevertheless, it should be noted that, “although these women were not recognised as victims, they were nevertheless heard as witnesses, which undoubtedly facilitated their conviction on the other two charges” (Galluzzo, 2020). After this verdict, the final sentence of 23 years of imprisonment was pronounced on March 11th, 2020, by a panel of five judges.

December 19th, 2022. Weinstein was found guilty by a Los Angeles jury “of rape and two sexual assault charges involving an accuser, known as Jane Doe 1 to protect her anonymity” (Granville, 2022). He originally faced 11 counts of alleged rape and sexual assault against five women at hotels in Beverly Hills and Los Angeles between 2004 and 2013. “The jury of eight men and four women spent nine days deliberating on three charges of rape and four other sexual assault counts” (Granville, 2022). More than a year after the jury’s decision, the Los Angeles Superior Court ruled an additional 16 years in prison for Weinstein for the rape and sexual assault of “Jane Doe 1” by sexual penetration by a foreign object and forcible oral

copulation. As noted in the Guardian: “Unlike New York, California law permits ‘propensity evidence in sexual assault cases subject to the judge’s discretion’, which allowed prosecutors to use evidence of Weinstein’s sexual assaults in other jurisdictions, the LA district attorney’s office said in a statement” (Anguiano, 2024).

According to Deadline, “not long afterwards, the on-and-off ailing Weinstein was sent back to the medium security Mohawk Correctional Facility in upstate New York to serve out his 2020 sentence” (Patten, 2024). During all of his trials, Weinstein never recognised the charges against him and always claimed his innocence.

April 25th, 2024. The New York Court of Appeal cancelled the 2020 condemnation in a 4-against-3 decision. They considered that “Weinstein’s 2020 conviction prejudiced the ex-movie mogul with ‘egregious’ improper rulings and was mistaken in allowing other women whose accusations were not a part of the 2020 case to testify” (Oladipo, 2024). Judge Burke’s bold procedural choice in 2020 of calling several women to testify to the bar has undermined Weinstein’s presumption of innocence and his right to a fair trial, according to the new ruling.

On the one hand, in the United States (US), the idea prevails that the accused must answer only for the facts for which he or she is being prosecuted, according to a historical ruling of 1901 called *People v. Molineux* (168 NY 264). On the other hand, the New York Court of Appeal found that Harvey Weinstein had been effectively prevented from using his right to testify, for fear of being subjected to a cross-examination on facts that were not the subject of the proceedings (Fiorini, 2024). Among the three judges who placed themselves against the cancellation of Weinstein’s 2020 condemnation, Judges Singas explained in her dissenting opinion that the Molineux case law is tempered by the fact that evidence of crimes not being prosecuted may exceptionally be admitted at trial, provided that it tends to show the defendant’s “intention” or “state of mind” (*People v. Cass*, 18NY3d, § 560). She considered that the testimony of Weinstein’s other alleged victims could be admitted on this basis (Fiorini, 2024).

Between the majority decision and this dissenting opinion, a dividing line emerges between the advocates of a classic (and rigid) conception of the main principles of the trial, and the supporters of a new conception in which the scope of these principles would be tempered by taking into account the sociological and criminological realities specific to sexual violence (Fiorini, 2024). Nevertheless, Assistant District Attorney Nicole Blumberg told Manhattan Supreme Court Justice Curtis Farber on May 29th that prosecutors are “actively investigating” the claims by new accusers (Casarez, 2024), which could possibly lead to a challenging retrial in the next months (Levenson & del Valle, 2024). Weinstein’s victims are therefore back to square one. Douglas H. Wigdor, an attorney who has represented eight of Weinstein’s accusers, including two of the “prior bad acts” witnesses at his New York criminal trial, stated that this decision,

[...] is a major step back in holding those accountable for acts of sexual violence [as] courts routinely admit evidence of other uncharged acts where they assist juries in understanding issues concerning the intent, modus operandi or scheme of the defendant. The jury was instructed on the relevance of this testimony and overturning the verdict is tragic in that it will require the victims to endure yet another trial. (Levenson, 2024)

June 7th, 2024. Weinstein submitted his appeal filing before California's Second District Court of Appeal just six weeks after his landmark 2020 conviction was overturned by New York's highest court. (Dalton, 2024).

As for the civil complaints, most of Weinstein's victims have agreed to compensation payments in exchange for the closure of the civil case, as this is common practice in the US. French university lecturer and specialist in comparative law Claire Joachim explained to newspaper *Le Monde* that the American system "encourages litigants to resort to out-of-court settlements". The aim of such a settlement is to reach the best possible agreement, the plaintiffs fearing in particular that the defendant would be insolvent at the end of a very costly trial (Bellier, 2019). For instance, in 2021, a civil settlement awarded 17 million dollars to several dozen women accusing the former producer of sexual offences (Le Figaro, 2023). The most recent civil complaint was filed in February 2023, just after the Los Angeles 2022 trial, as a victim lodged a complaint with a Los Angeles court seeking civil damages. Consulted by *Agence France-Presse* (AFP), the complaint does not specify the amount claimed (Le Figaro, 2023). According to CBS News,

Weinstein's attorneys previously filed an answer to the plaintiff's civil complaint maintaining that Weinstein's accuser's claims are barred by the statute of limitations, that her request for punitive damages is unconstitutional and that her lawsuit should be dismissed (Radin, 2024).

3. THE METOO MOVEMENT'S RESPONSE TO THE WEINSTEIN CASE

In the wake of the Weinstein scandal, the hashtag #MeToo has become a widely recognised symbol of solidarity against sexual violence. Contrary to popular belief, the origins of " #MeToo" predate 2017. Tarana Burke, a social worker from New York, coined the phrase in 2006 when she launched a campaign to support victims of sexual abuse in underserved communities. Burke, a survivor of sexual violence herself, created "#MeToo" to emphasise solidarity and provide a platform for survivors to connect and support each other. Reflecting on her past experiences, Burke noted that "#MeToo" encapsulated the words she regretted not being able to say as a 13-year-old girl enduring sexual abuse by her stepfather. Little did she know that a decade later, "#MeToo" would inspire tens of thousands of women to share their stories and evolve into a global social movement (Le Monde, 2018).

The Weinstein scandal erupted on October 5th, 2017, propelling the "#MeToo" movement into the global spotlight. Revelations by The New York Times and The New Yorker about allegations of assault, rape, and violence against Harvey Weinstein quickly spread worldwide via social media, particularly on Twitter. On the night of October 14-15th, actress Alyssa Milano posted a message on Twitter encouraging women to share their experiences of sexual harassment using the hashtag #MeToo. Within 24 hours, the hashtag was shared in over 12 million messages on Facebook. Milano's tweet garnered 60,000 responses within days, with women from various backgrounds recounting their experiences of being harassed, assaulted, and raped in different settings, including workplaces, families, universities, and public spaces (Radio Ovest, 2018).



Alyssa Milano ✓
@Alyssa_Milano · Follow



If you've been sexually harassed or assaulted write 'me too' as a reply to this tweet.

Me too.

Suggested by a friend: "If all the women who have been sexually harassed or assaulted wrote 'Me too.' as a status, we might give people a sense of the magnitude of the problem."

10:21 PM · Oct 15, 2017



43.4K



Reply



Share

Read 53.9K replies

Media coverage often presents sexual violence as rare and isolated incidents, but the widespread responses to the #MeToo movement demonstrated that such violence is far more common than generally perceived. Over time, voices from all sectors of society, including the music industry, politics, media, sports, publishing, theatre, medicine, and the tattoo industry, spoke out, revealing the systemic nature and scale of sexist and sexual violence. The thousands of testimonies that emerged underscored the global prevalence of sexual harassment and violence, illustrating that Hollywood was not an exception but rather a reflection of broader societal issues (Le Monde, 2018).

The Weinstein case, as a high-profile example, contributed to the international dissemination of the "#MeToo" movement. Various hashtags emerged in different languages and contexts, joining the fight against sexual violence in the film industry and beyond. Examples include *#keineKleinigkeit* ('not nothing' in German), *#YoTambien* ('me too' in Spanish), *#YesAllWomen*, *#WhatWereYouWearing*, *#TimesUp*, and *#BeenRapedNeverReported*. The courage and solidarity fostered by the "Me Too" movement resonated worldwide, inspiring other initiatives such as the French hashtag *#Balancetonporc* launched by journalist Sandra Muller on Twitter to continue supporting the fight against sexual violence (Le Monde, 2018).

Within days, thousands of tweets were shared, detailing the sexual harassment experienced by women in Brazil. The movement quickly spread throughout Latin America under the name *#MiPrimerAcoso*. In recent years, numerous examples around the world have propelled the issue into public debate in countries such as China, the UK, and India. For instance, in South Africa, the hashtags *#AmINext* and *#MenAreTrash* became rallying cries to condemn violence against women following the rape and murder of 19-year-old student Uyinene Mrwetyana (BBC News, 2022).

The international resonance of the movement was so significant that specialists described it as a "21st-century women's social movement that uses the technological tools of the time to bring to light a perspective often overlooked in its massive and tragic reality" (Le Monde, 2018). This point of view is understandable when considering that from October to January, more than 38,000 tweets referred to sexual harassment each week. In a single year, *#BalanceTonPorc* accounted for 930,000 tweets, while *#MeToo* had 17.2 million. The movement is now recognised as a social feminist phenomenon that continues to inspire and empower women (Le Monde, 2018).

However, the "#MeToo" movement has faced significant criticism over the years. Some have accused it of initiating a new kind of "witch-hunt," denouncing an atmosphere of denunciation, while others have warned against false testimony in the face of the feminist mantra of "believing the victims" (Le NouvelObs, 2022). Despite this, the impact of #MeToo on women's voices remains undeniable. In January 2019, just over a year after the movement's launch, the Ministry of the Interior's statistical review of insecurity and crime in 2018 showed a "sharp rise" in complaints of sexual violence, attributed to the collective awareness sparked by the Weinstein affair and the #MeToo movement. This rise in

complaints has opened a new debate in France about the treatment of victims of gender-based and sexual violence in police stations and the judicial handling of these cases (Le NouvelObs, 2022).

The movement's goal was to counter prominent social expectations and change the narrative of acceptable female expression. Globally, women released personal statements on sexual harassment and violence at protests, on social media, and in the news. They sought to increase awareness, change societal perspectives, hold perpetrators accountable, and eventually prevent sexual violence. The movement mobilised rapidly, going viral in over 85 nations. Many women expressed the need to share their past traumatic experiences and validate others who had similar experiences, with survivors feeling empowered by participating in the movement (Havard, 2024).

While survivors worldwide have sought to redefine femininity through storytelling, the #MeToo movement's impact remains uncertain and varied. In 2018, Washington state Senator Karen Keiser expressed doubts about the movement's long-term effectiveness. The movement has had a significant impact in the US, but progress has been slower in other countries. In Italy, responses to survivors have been troubling, with judges dismissing cases based on the victim's appearance or the duration of harassment. These incidents highlight deep-rooted sexism and the devaluation of women's experiences. In China, #MeToo led to efforts to redefine "sexual harassment" and some legal revisions, but enforcement remains weak. Cultural and systemic challenges continue to hinder progress. In South Asia, cultural taboos and purity culture impede discussions on sexual harassment. Legal enforcement is often ineffective, despite a rise in complaints. The movement has highlighted these issues, but concrete solutions are still lacking. In contrast, the US has seen significant changes. The Weinstein scandal prompted political action, leading to efforts like ending the backlog of rape kits and establishing the \$22 million Time's Up Legal Defense Fund, which has helped thousands of women access legal services. New legislation and initiatives have resulted in tangible progress in preventing sexual violence in the US (Harvard, 2024).

Overall, the "#MeToo" movement has brought about substantial global awareness and solidarity against sexual violence. While progress has been uneven across different regions, the movement has undeniably changed the conversation and continues to inspire activism and legislative change worldwide.

4. THE IMPACT OF THE WEINSTEIN CASE AND THE METOO MOVEMENT IN INTERNATIONAL POLITICS

The allegations of sexual violence and harassment against Harvey Weinstein have expanded and invested in other spheres beyond film and entertainment, marking relevant implications, starting with the #MeToo movement and reaching politics. In fact, even in this sphere numerous women have reported that they have been sexually assaulted and/or harassed by fellow members of political parties from around the world. In addition, political figures such as Barack Obama and Donald Trump have made comments on the case causing controversy. The following chapter will address these issues, inherent in the repercussions that the Weinstein case has had in politics, marking its reach into every aspect of society.

The Weinstein case, as well as the ensuing #MeToo movement, sharing personal stories of abuse and harassment by men against women, triggered a worldwide awareness about this too frequent but underreported phenomenon. However, the episode has led to a wave of reactions, revealing many stories of sexual assault experienced by women in international politics as well as policewomen, financial advisors, and doctors. Notably, many female politicians have come forward publicly denouncing their abusers and the acts they committed.

On November 4th, 2017, the French newspaper *Le Monde* published an investigation starting with an incident in July 2016, when a former aide of the Front National party, the far-right party led by Marine Le Pen, denounced regional councillor Axel Loustau for months of threats and blackmail (Faye, 2017). Axel Loustau served as treasurer of the Front National chairwoman's small movement and, as the investigation reported, was a man she trusted. According to *Le Monde*, "several women recurrently [stated they were] being victims of assault, harassment, or threats by members of the Front National" (Faye, 2017). In fact, another complaint was advanced by Front National regional councilwoman Aurelie Vournet, who denounced her former lover for beating her after a party session (Faye, 2017). The councilwoman appealed to party President Marine Le Pen who, however, took no direct action and invited Aurelie Vournet to make a complaint. The charges against Axel Loustau were also met with the same indifference: despite police intervention, there were no repercussions. In an investigation carried out by *Le Monde*, it reported that these problematic behaviours in the party were essentially covered up because of the cult of manhood and the indulgence of Gallic behaviour that therefore left victims of abuse silenced (Faye, 2017).

A few days before the publication of the French inquiry, the BBC reported the resignation of UK Defence Secretary Sir Michael Fallon following allegations of sexual harassment and improper behaviour involving him along with other Conservatives and members of Theresa May's government (BBC, 2017). In the resignation letter shared in the BBC article, Sir Michael Fallon admitted that his behaviour in the past has been

“below the high standards” required of a man in his position and also of military personnel subject to his department (BBC, 2017).

Indeed, the former Defence Secretary’s name was mentioned in connection with harassment dating back to 2002, when he insistently placed his hands on the knee of a well-known journalist, Julia Hartley-Brewer, while on social media his name appeared in the High libido MPs dossier (Sky tg24, 2017). This was a spreadsheet created by a group of Westminster researchers that was published in the aftermath of the #MeToo movement, exposing unverified anonymous allegations of harassment and inappropriate behaviour of men and women in the UK Parliament (Chorley, 2017). 40 Conservative MPs were listed in the Westminster harasser’s dossier, including 15 members of the government (Sky tg24, 2017). Sir Michael Fallon was among the names mentioned, as well as some others that had already emerged, such as the British government’s Undersecretary for Trade Mark Garnier. In October 2017, Mark Garnier confessed in an interview with the British newspaper “Mail on Sunday” that he made his former assistant Caroline Edmondson buy two sex toys and called her “sugar tits” in front of witnesses (Walters, 2017). Garnier then stated, “I’m not going to deny it, because I’m not going to be dishonest,” while at the same time denying that the facts constituted sexual harassment, putting it down to goliardery instead (Walters, 2017). At the same time, the British government opened an investigation into the allegations against Garnier (Stewart & Siddique, 2017).

Regarding the increasing number of revelations and allegations against members of British political parties, Prime Minister at the time Theresa May called what was happening “intolerable” and reiterated the need to act as soon as possible in a letter sent to the Speaker of the House of Commons, John Bercow. In the letter, May also announced plans to introduce a more restrictive internal code of conduct and launch stricter investigative proceedings (The Week, 2017). However, there were accusations against her about her indifference to incidents of this nature, such as those made by the British newspaper Sunday Times. The newspaper claimed that, according to a number of her aides, May was aware of sexual abuses in Westminster, and was constantly updated in special meetings about rumours and allegations about the Tories MPs, which increased doubts about why action was not taken earlier (Sky tg24, 2017).

This scenario shows that although Hollywood is in the crosshairs due to a high density of reported cases of harassment and sexual violence against women, indecent sentences, unwelcome advances and other attitudes are common in situations of power imbalance between men and women that also involve politics, even though they do not receive the same attention. Not surprisingly, an article in the Italian newspaper *la Repubblica* points out that women who accused Donald Trump of harassment during the election campaign for the White House wondered why Weinstein was found guilty and Trump was not (la Repubblica, 2017).

In 2020, Donald Trump, then president of the United States, called Weinstein’s conviction a “great victory” for women that sent a very strong message (Hutchinson,

2020). The former president distanced himself from Weinstein, condemning him and tying the disgraced movie mogul to his political opponents, the Democrats, to whom Weinstein donated a lot of funds (Watkins & Merica, 2017). Data from the Centre for Responsive Politics estimated that from 1990 to 2016 Weinstein raised about 1.5 million dollars for Democrat Hillary Clinton (OpenSecrets, 2016), while CPR's OpenSecrets website reported that he also raised money for Barack Obama (OpenSecrets, 2012). Moreover, the reaction from the Democrats with respect to Weinstein's conduct was not as immediate as Trump's. In fact, a New York Times editorial pointed out that silence, imploring the Clintons and Obama to disavow Weinstein and make sure that the former movie mogul's position as a major party donor was no reason to ignore the allegations against him, even calling on them to return the money (The Editorial Board, 2017). Essentially, the Republicans, and Trump in particular, seized on the close ties between Weinstein and the Democratic Party in those years, exploiting the affair to discredit the Democratic Party, yet ignoring the allegations about their behaviour toward women.

In the midst of Donald Trump's 2016 run for the White House, a tape emerged dating back to 2005 of a conversation between the Republican candidate and the TV host Billy Bush, in which Trump bragged about using his fame to "fuck" women and grope them without waiting for their consent (Jacobs, Siddiqui & Bixby, 2016). This recording featured Trump bragging, "When you're a star they let you do it... You can do anything. Grab them by the pussy. You can do anything" (Hutchinson, 2020). This was not the only time the former Republican president made obscene and controversial statements about women. A 2016 article in the British newspaper *The Guardian* listed a number of occasions when Trump made misogynistic comments. One example dates back to 2015, when Trump insinuated that Fox News anchor Megyn Kelly was menstruating because he thought she asked him tough questions during the first primary debate (Jacobs, 2015). In the same year, he attacked his political rival, Carly Fiorina, challenging her governing abilities based on her appearance, declaring, "look at that face. Would anyone vote for that? Can you imagine that? The face of our next president?" (Woolf & Siddiqui, 2015). Regarding the allegations made against him about his sexual misconduct, Trump always denied the women's complaints, dismissing them as lies or fabrications to gain fame or even a strategy orchestrated by the Clinton campaign (Jamieson, Jeffery & Puglise, 2016). In 2016, *The Guardian* publicised a timeline of allegations of Donald Trump's inappropriate behaviour toward women from the 1980s to 2013 (Jamieson, Jeffery & Puglise, 2016). 26 charges of groping, rape, misogynistic comments, kissing without consent, and other forms of harassment were counted, but Trump and his spokesmen denied all incidents (Jamieson, Jeffery & Puglise, 2016).

While Harvey Weinstein's abuses against women were brought to light in 2017, the same was not true for those concerning Donald Trump. However, more recently one of the complainants not listed in *The Guardian* found justice. In 2023, the jury in Manhattan's federal civil court sentenced the tycoon to pay a \$5 million settlement for

sexually assaulting writer Jean Carroll in 1996 in the dressing rooms of a department store and then defaming her via a post on his social media platform Truth (Il Sole 24 Ore, 2023). For the first time, a former US president was found guilty of a sexual offence.

To date, with the questioning of Weinstein's conviction for sex crimes by the New York State Court and the case against Trump for falsifying corporate records to cover up a secret money payment to a porn star (Del Vecchio, 2024), one can reason about the similarities between the two figures. Such reasoning was advanced in 2020 by British journalist Laurie Penny in her article titled, "Is Patriarchy Too Big to End?" in which she called the two "the white capitalist male[s] supremacy's largest and most untouchable adult sons" (Penny, 2020). Both are rich and powerful enough to have the privilege of being able to act and abuse freely without being held accountable, this is because that same system of privilege is robust enough to tolerate corruption, violence, sexual abuse, and the compulsion to silence. As Penny points out, the possibility of being able to get away with it translates into a test and a demonstration of how much power one has, stemming from the lack of political will to enforce existing laws, which would send men like Trump and Weinstein to prison (Penny, 2020). "The system was always designed to smooth the path to power for men with enough wealth and guile to grab it" (Penny, 2020). Thus, if in the world of entertainment men at the top can afford to assault women without impunity, the same can happen in the world of politics, which is based on the same system placing women in a position of inferiority and subordination to men.

In conclusion, this report has demonstrated that the Harvey Weinstein case marks a very relevant demonstration of sexual violence in Hollywood, which has set in motion a movement to expose structural violence against women that affects all aspects of life, including politics, in response to the failure of justice to protect women from male violence.

CONCLUSION

At the international and regional levels, there are several instruments that protect women from gender-based violence. These include the CEDAW, and the Beijing Declaration and Platform for Action at the international level, and the *Convenção of Belém do Pará*, the Maputo Protocol, and the Istanbul Convention at the regional level. There are also several international regional monitoring bodies that oversee the enforcement of legal instruments, which are the first fundamental aspect for the eradication of violence against women. However, their success is impeded by the lack of an agreed definition of sexual violence, which results in legal instruments failing to offer a unified approach, particularly on the inclusion of the concept of consent in definitions of sexual violence. These are the legislative frameworks that women can refer to in cases of sexual violence.

The Harvey Weinstein case deals precisely with sexual violence against women in the film industry. It began in 2017 when the New York Times published complaints lodged by five women against the former film mogul, which started a wave of testimonies that revealed Weinstein's reputation in Hollywood, that had already been known for decades in the milieu. In 2020, the New York State People's Jury found Weinstein guilty of rape and sexual assault and sentenced him to 23 years in prison. A subsequent 2022 verdict by the Los Angeles jury also found him guilty of additional sexual offences, adding another 16 years to his prison sentence. In 2024, however, these decisions were challenged by New York's highest court.

The first allegations against Weinstein in 2017 turned the spotlight on cases of sexual violence against women, also involving social media where, through the hashtag #MeToo, 60,000 women who had suffered some form of sexual violence released their testimonies. The movement mobilised quickly, going viral in over 85 countries, with protests and digital activism aimed at making perpetrators accountable for their crimes against women. This was a clear message of how violence against women is a worldwide and structural phenomenon that affects not only the world of Hollywood, but every sector of life up to and including politics.

In the wake of the Weinstein case, a series of allegations made by women in France to the newspaper *Le Monde* revealed multiple cases of sexual assault by well-known members of Marine Le Pen's party. The same situation happened in Westminster concerning British political party members. The verdict also reached the top of US politics, where the Democrats did not immediately expose themselves, triggering several controversies, considering that Weinstein himself was a big donor to the party. Former President Donald Trump, on the contrary, immediately considered Weinstein's conviction a victory for women, however, being hypocritical since he, like Weinstein, has been accused of sexual assault countless times and proven his misconduct toward women. Indeed, the figures share more than meets the eye, both rich, white and powerful, and both privileged within a patriarchal system that protects sex offenders.

This report, therefore, sets out the scope of the Weinstein case by reporting on the legislative context within which it is situated. Violence against women remains a social problem that transcends the areas of life examined, and even after a ruling in favour of women, the facts show how their word can always be challenged. Therefore, achievements can never be taken for granted and there is a constant need to reaffirm their importance.

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