

I need the
ERA because...

ONE IN THREE
WOMEN EXPERIENCE
VIOLENCE IN HER
LIFETIME

Gender-Based
Violence (GBV)

Gender-based violence (GBV) is both a human rights violation and an everyday reality for millions of people around the world. This violence can take many forms, including but not limited to rape, sexual abuse, intimate partner violence, and reproductive coercion. While anyone can be a victim of gender-based violence, structural misogyny and systemic inequality, **women and girls are much more likely to experience GBV** and much less likely to perpetrate it than men.

Over their lifetime, one in six American women will experience sexual violence. Data shows that marginalized communities, such as indigenous women, Black women, and young women will be disproportionately affected and have a harder time seeking and obtaining justice.

Despite the pervasiveness of these crimes, state and federal laws are often insufficient, inconsistent, and not systematically enforced, leaving women and girls vulnerable to GBV.

What could the ERA do?

When GBV cases are heard by the Supreme Court of the United States (SCOTUS) they often fail because the 14th amendment and other constitutional provisions do not provide sufficient protection to uphold women's equality. For example, the civil remedy of the Violence Against Women Act (VAWA) was struck down as unconstitutional as the Supreme Court held that Congress did not have the authority to include such a remedy.

The ERA would also write the protection of sex/gender equality into the Constitution and require the Supreme Court look at cases of GBV through the lens of gender discrimination and apply a higher level of scrutiny. For example, Jessica Lenahan (formerly Gonzales) brought a case against the town of Castle Rock for failing to enforce an order of protection against her abusive ex-husband, who then went on to tragically kill their three children. However, the Supreme Court ruled against Jessica, saying she did not have a constitutional "property interest" and therefore denying her justice.

Had the ERA been part of the Constitution, the Court could have analyzed how failing to prevent GBV and protect a victim and her children is a form of sex discrimination and inequality and thus a violation of her rights, as the Inter-American Commission on Human Rights found when Jessica Lenahan later brought her case before it.

While there are federal, state, and local laws that prohibit discrimination and seek to prevent GBV, such as the Violence Against Women Act, the ERA would write sex equality and the prevention of sex discrimination into the Constitution, offering protection that cannot be changed as easily as other laws that are not rooted in constitutional protection.