



2012 NAWL ANNUAL MEETING—NEW YORK, NEW YORK

At the 2012 NAWL Annual Luncheon where honorees, American Express Legal Department, Leslie M. Turner, The Honorable Nancy Gertner, Senator Olympia Snow and David Boies were recognized. Front row: NAWL Board Members Lisa Horowitz, McDermott Will & Emery, Leslie Richards-Yellen, Hinshaw & Culbertson and Marsha Anastasia, Pitney Bowes Inc. Back row: Wendy Wen Yun Chang, Hinshaw & Culbertson, Sandra Yamate, Chief Executive Officer of The Institute for Inclusion in the Legal Profession, NAWL Board Members Kristin Sostowski, Gibbons P.C. and Dorian Denburg, AT&T.

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The International Committee and NAWL's History of Involvement

By Selma Moidel Smith

Selma Moidel Smith is the author of NAWL's Centennial History, recipient of NAWL's Lifetime of Service Award, and honoree of NAWL's Annual Selma Moidel Smith Law Student Writing Competition.

The current issue of the *Women Lawyers Journal*, devoted to the theme of international involvement, is an opportunity to expand and bring to the present the history of NAWL's International Committee and outreach, as published in NAWL's Centennial History in 1999.¹

The Earlier Period

NAWL's International Committee has its origin in the International Relations Committee created at NAWL's annual convention on December 16, 1945.² This came in response to an increasing interest in international affairs at the end of World War II and the designation of NAWL by the U.S. Department of State as an official Observer at the United Nations.³ Today, NAWL continues to be an accredited Non-Governmental Organization, with permanent Observer status. (The author served as chair of NAWL's Committee on the Social Commission of the U.N., 1946–48, and later as Observer of the General Assembly on June 25, 1964.)

In December 1946, NAWL honored the women members of the U.N. General Assembly, including former First Lady Eleanor Roosevelt, with a tribute luncheon in New York City.⁴ NAWL's United Nations Division, meeting in New York in June 1947, adopted a resolution asking that more women be appointed to policy-making positions as delegates to the General Assembly and to committees and commissions.⁵ In its coverage of the event, the *New York Times* reported, "The American representative of the United Nations Budget and Finance Commission also was asked to approve an appropriation for the Commission on the Status of Women to make possible the holding of regional conferences throughout the world."⁶

NAWL's continuing commitment to the Commission on the Status of Women began in 1946 with the appointment of Judge Dorothy Kenyon of New York (chair of NAWL's then *Section* on International Law) as

U.S. Delegate to the Commission. Among NAWL's past U.N. Observers was Past President Marguerite Rawalt, who attended the Commission's 26th Session in Geneva, Switzerland, in 1976, and reported in the *Women Lawyers Journal* on preparations for the "Decade for Women" (1976–1985) declared by the General Assembly.⁷

In the 1980s, ratification by the United States of the U.N. Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) became a legislative priority for American women's organizations, including NAWL. Frances E. Scanlon, attorney and professor of law at Nassau Community College and John Jay College of Criminal Justice at CCNY, who served as NAWL's U.N. Observer from 1985 to 1994, testified on behalf of NAWL before the U.S. Senate Committee on Foreign Relations. Speaking 15 years after the Convention was first proposed, she said, "It is never too late to do the right thing, but it is becoming increasingly clear that this is an idea whose time has more than come."⁸

The Recent Past

The most recent period of activity for NAWL's International Law Committee (as it was renamed in 1952) began with the appointment of Eva Herzer, who served as NAWL's U.N. Observer from 1995 to 2005. She and Scanlon both attended and reported on the 39th Session of the U.N. Commission on the Status of Women, held in New York in March 1995, "at which controversy erupted over the issue of accreditation" of NGOs to the United Nation's upcoming Fourth World Conference on Women in Beijing, due to apparent Chinese objections.⁹ In September, Herzer attended the conference in Beijing, together with its parallel NGO Forum '95, and published a comprehensive first person account in the *Women Lawyers Journal*, indicating that only 23,000 of the 37,000 intended delegates were permitted to attend, but describing many of the women who were present

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from around the world and their local issues of women’s rights.¹⁰ The following year, she represented NAWL and reported on the U.N. Habitat II Conference in Istanbul on global housing issues, giving particular attention to women’s concerns such as “equality” versus “equitability” in housing issues and a putative “right to housing.”¹¹

In 1997, NAWL repeatedly protested international abuses of women. On the initiative of Veronica Boda, then editor of the *Women Lawyers Journal*, Herzer obtained NAWL Executive Board approval for Herzer and President Janice Sperow to send a joint letter to U.S. Attorney General Janet Reno, New York Attorney General Dennis Vacco, and Queens District Attorney Richard Brown regarding lax U.S. enforcement of laws against sex tourism. Responses were received from New York Assistant Attorney General Ronda C. Lustman, Acting Chief of the Child Exploitation and Obscenity Section of the Criminal Division of the U.S. Department of Justice Terry R. Lord, and Richard Brown, assuring NAWL of efforts being made in each of their jurisdictions.¹²

Herzer also obtained Executive Board approval for her and Sperow to send letters of protest on the subject of Female Genital Mutilation to the President of Gambia, the managing director of GAMTEL (the state broadcasting authority), Egypt’s Minister of Health and the President of the Egyptian Medical Syndicate. A sympathetic response was received from Egypt’s Minister of Health and Population, Prof. Ismail Sallam, commencing, “I applaud the concern you have shown in your letter . . .”¹³

Representing NAWL at the 42nd Session of the U.N. Commission on the Status of Women in New York, March 1998, Herzer reported that the major objective was to work on implementation measures for the Platform for Action adopted at the Beijing conference in 1995. In particular, she indicated that the meeting failed to overcome “obstacles met by women’s rights advocates in the development of an effective enforcement mechanism for CEDAW,¹⁴ but reported that progress was made on the issue creating protections in the area of “Women and Armed Conflict.”¹⁵

Simultaneously, Herzer served as president of the International Committee of Lawyers for Tibet, often combining her concern for the cause of occupied Tibet with that of women worldwide. Herzer reported that in January 1999, NAWL “endorsed and submitted a ‘Shadow Report’ on Violence and Discrimination against Tibetan Women to the U.N. Committee on Elimination of Discrimination against Women.”¹⁶ Also in January 1999, she was invited to speak at an NGO “briefing on China for CEDAW experts,” including representatives from Human Rights Watch and other organizations.

She recounted that, in Tibet, “women have followed me into dark hallways and alleys pleading for my support and that of the international community, scurrying away whenever someone else came into view.”¹⁷

The Special Session of the United Nations General Assembly of June 2000 to review implementation of the Beijing Platform for Action was reported by Herzer as “Beijing + 5: The Uphill Struggle Continues,” in which she provided a broad survey of women’s rights struggles in many countries.¹⁸

Ongoing Advocacy

Continuing NAWL’s political advocacy for women’s rights in other countries during the early 2000s, Herzer indicates that NAWL’s International Law Committee appealed to Nigeria’s president and ambassador to the U.S. regarding mitigation of the death penalty for adultery and other crimes in which women were punished inequitably; to Nepal’s king and prime minister to decriminalize abortion; to Jordan’s minister of justice to combat “honor killings” of women;¹⁹ to the president of Mali to support the criminalizing of Female Genital Mutilation;²⁰ to the U.S. Agency for International Development advocating direct aid to women raped in the Liberian civil conflict;²¹ to Secretary of State Condoleezza Rice for her public support of Pakistani violence victim Mukhtaran Mai;²² and to the president and prime minister of Pakistan regarding the violent abuse case of Dr. Shazia Khalid, the victim of multiple rapes, urging that their government must protect and not punish the victim and her family.²³

NAWL also sought contacts between American women lawyers and their counterparts abroad. In March 2001, NAWL members attended the “First World Women Lawyers Conference” in London, sponsored by Women’s Interest Group of the International Bar Association. Fellowships for NAWL members were arranged by IBA General Secretary Dianna Kempe, the first woman to hold this position, and members attending included past NAWL presidents Virginia Mueller and Sally Lee Foley (who was also a member of the IBA Council) and Cheryl Cesario, who prepared a report of the meeting for the *Women Lawyers Journal*. Cesario, at that time, general counsel for the Illinois Department of Children and Family Services (and currently an associate judge on the Illinois Cook Judicial Circuit Court) said, “On a personal level, meeting other attorneys from over 200 nations was an experience not easily duplicated.” She declared that the conference “was also an excellent opportunity to be a goodwill ambassador . . . I was

touched when a few women from developing nations told me that I had changed their perception of Americans in a positive way.”²⁴

Publicizing the Issues

Reversing the direction of travel, NAWL cosponsored—with the National Conference of Women’s Bar Associations—an August 2003 luncheon at which the featured speaker was Nigerian Barrister Stella A. Odife. As co-founder and national coordinator of the Women’s Organization for Gender Issues in Nigeria, she said that “even though the constitution is supreme and guarantees rights to all including women, women are denied such rights in traditional customary or religious communities,” and she explained, “It took the International Community to wake up the Nigerian community and its women to the vital issues involved in creating equality.”²⁵

The goal of informing American women lawyers about issues of women’s rights in other countries has been furthered by articles published in recent years by the *Women Lawyers Journal*. Some are reports by women abroad on conditions in their own countries. Examples include, “The Position of Women Under Criminal Law: An African Perspective,” in which Nigerian woman lawyer Hauwa Ibrahim provides a survey of women’s rights and abuses in various African countries;²⁶ three articles by Indian woman lawyer and university law lecturer Versha Sharma (also a member of NAWL’s International Law Committee) on issues ranging from the official policies toward women, and the status of women lawyers; to the disparity between official and actual rights enjoyed by women;²⁷ and the article, “In India, Domestic Violence Rises with Education,” by Indian investigative journalist Swapna Majumdar.²⁸

A different type of article includes those by American women lawyers intended to give exposure to issues affecting women abroad. One is Diane Farsetta’s report on war crimes committed against women in East Timor by members of the Indonesian military.²⁹ Another is the article by Susan Ann Koenig on her January 2002 visit to South Africa, as one of eleven women from People to People International, to exchange information about family law and culture through meetings with lawyers in law firms, law schools, and government.³⁰ Two further examples are Judge Delissa A. Ridgway’s address, “If Women Ran the World . . .,” which surveys women’s rights around the world,³¹ and Herzer’s report on the creation of the International Criminal Court as a “new venue for women’s rights violations.”³² Finally, one finds the series of five articles by Herzer on legal and social

conditions of women in Afghanistan, written between 1999 and 2004, covering conditions during and after the period of rule by the Taliban.³³

New Directions

A new approach to women’s rights in developing countries is found in the 2009 prizewinning article by Christine McIsaac (now Streatfeild), “A Call For Material Girls: Securing Property Rights For Women In Developing Countries.”³⁴ Commencing with the point that research in recent decades has shown land ownership, rather than employment opportunity, to be the key to women’s economic advancement, she explains, “The shift has radically reshaped our understanding of how women possibly produce more than half of the world’s food, earn about one-tenth of the world’s income, and receive less than one percent of all agricultural credit worldwide.” As a consequence, she proposes that developed countries “should lead the charge to secure women’s legal right to property through the preferential trade programs that they currently administer.” With that, she adds economic policy to the means available to NAWL for advocacy on behalf of women worldwide.

Col. Maritza Ryan, who is professor and head of the Department of Law at the U.S. Military Academy, offers the most recent example of NAWL’s outreach in the area of women’s rights in international settings. At her initiative, NAWL cosponsored the 2011 conference of the West Point Center for the Rule of Law, titled, “Gender Justice—Toward Achieving Equality,” held at West Point in April 2011. In a first for NAWL, the audience consisted of college-age students—Cadets, Midshipmen, and students from surrounding universities. Following her opening remarks, speakers at the two-day event discussed such topics as “Trafficking in Women—21st Century Slavery,” “Gender Justice as an Integral Part of International Law,” “The History of Violence Against Women in Afghanistan,” and “Violence Against Women in War,” as well as general subjects regarding women in the military.

Now, as NAWL’s recently renamed “International Committee” undertakes new projects, such as the March 2012 International Women in Law Summit in London, it is to be expected that NAWL will remain an advocate for women lawyers and the rights of women wherever NAWL’s efforts can be most effectively directed.

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