



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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ABOUT WOMEN LAWYERS JOURNAL

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EDITORIAL POLICY

Women Lawyers Journal is published for NAWL members as a forum for the exchange of ideas and information. Views expressed in articles are those of the authors and do not necessarily reflect NAWL policies or official positions. Publication of an opinion is not an endorsement by NAWL. We reserve the right to edit all submissions.

ARTICLES

Book reviews or articles about current legal issues of general interest to women lawyers are accepted and may be edited based on the judgment of the editor. Editorial decisions are based upon potential interest to readers, timelines, goals, and objectives of the association and the quality of the writing. No material can be returned unless accompanied by a self-addressed, stamped envelope.

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NAWL Annual Meeting and Awards Luncheon photos taken by
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About NAWL

Founded in 1899, NAWL is a professional association of attorneys, judges and law students serving the educational, legal and practical interests of the organized bar and women worldwide. Both women and men are welcome to join. Women Lawyers Journal®, National Association of Women Lawyers®, NAWL, and the NAWL seal are registered trademarks.

By joining NAWL, you join women throughout the United States and overseas to advocate for women in the legal profession and women's rights. We boast a history of more than 100 years of action on behalf of women lawyers. For more information about membership and the work of NAWL, visit www.nawl.org.

BENEFITS OF MEMBERSHIP

- A voice on national and international issues affecting women through leadership in a national and historical organization
- Networking opportunities with women lawyers across the United States
- Access to programs specifically designed to assist women lawyers in their everyday practice and advancement in the profession
- A subscription to the quarterly Women Lawyers Journal and the ability to be kept up to date on cutting edge national legislation and legal issues affecting women
- The opportunity to demonstrate your commitment and the commitment of your firm or company to support diversity in the legal profession.

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EDITOR'S NOTE



In this issue, we celebrate NAWL's Annual Meeting and Awards Luncheon and its many well-deserving honorees. Please take a look at the pictures contained in this issue as well as those on our website at www.nawl.org. I highly recommend that you log onto the website and explore all that NAWL has to offer—committees, events, publications, articles of interest. Reach out to any of the committee chairs that you are interested in and get involved. It's a worthwhile experience.

We also explore the world beyond our borders and focus on the NAWL International Committee and NAWL's worldwide activities, including our first-ever International Women in Law Summit held in London in conjunction with The Law Society of England. It was a great success. You should also read the other articles in this issue relating to various international experiences and issues—from International Women's Day to women's rights in Iraq. One common thread throughout is that we all have more in common than things that set us apart. NAWL, as the voice of women in law, has a place throughout the world to shine the spotlight on injustice and fight for those who are unable to do so themselves. Fighting for those who are unable to do so also applies to our children and protecting them and our borders from child pornography.

NAWL continues to work hard on its various programs, surveys and conferences. I hope to see you at one in the near future. If you do, please come up and introduce yourself to me and I can tell you what a wonderful place NAWL can be.

I love hearing from our members and readers about what they like and don't like about the *Women Lawyers Journal*. If you have suggestions or want to write an article, please drop me an email. I hope you enjoy the issue!

Warm wishes,

Deborah S. Froling, Editor

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PRESIDENT'S LETTER



Just as the global practice of law expands and touches more and more lawyers in this country, so too does NAWL's commitment to address the state of women in and under the law abroad. Beginning in the Spring of 2012 with the International Women in Law Summit, which it co-sponsored, NAWL has expanded its reach to and focus on the international woman lawyer—both those who are U.S. born and bred, working in the U.S. and abroad, and those of diverse nationalities.

In this issue of the *Women Lawyers Journal*, we hear from women lawyers who live and work abroad. Surprising results from surveys of women lawyers in China reveal that gender seems to have less of an effect on the advancement of women lawyers and their careers than anecdotal evidence may have suggested. We learn about the impact NGOs can have, are provided with reports from the “front”—on the ground in Mexico, Iraq and Tanzania—and see how women lawyers are making a difference in the lives of women in the Middle East and in Africa. Selma Moidel Smith, honoree of NAWL's Selma Moidel Smith Law Student Writing Competition and author of NAWL's Centennial History, takes us through the rich heritage of NAWL's International Committee.

NAWL's work in the international arena will continue as we prepare for the second International Women in Law Summit, to be held in the Spring of 2014 and as we continue to solidify and expand NAWL's collaboration with its sister organizations and women lawyers around the globe, particularly those in Canada and Mexico, with whom we plan to collaborate on programs in the coming year.

Join us as we educate and learn from our sisters abroad and help to ensure that women lawyers everywhere have the opportunities and achieve the parity and equality to which we are all entitled.

Best regards,

Beth L. Kaufman

Schoeman Updike Kaufman Stern & Ascher LLP
NAWL President 2012-2013

EVENT HIGHLIGHTS

NAWL Annual Meeting and Awards Luncheon

July 19, 2012, New York, New York

At NAWL's Annual Meeting and Awards Luncheon in New York, New York, Judge Nancy Gertner, Professor at Harvard Law School was awarded the Arabella Babb Mansfield Award by NAWL Immediate Past President, Heather Giordanella. The award was given as part of NAWL's Annual Meeting and Awards Luncheon at the Waldorf Astoria on July 19, 2012. Other award winners included Sen. Olympia Snowe, the recipient of the NAWL Public Service Award; NAWL's President's Award winner, American Express Corp.'s Legal Department; Leslie Turner, General



Past General Counsel Institute Chair Elizabeth Levy, Siemens Corp. and NAWL Board member Anita Wallace Thomas of Nelson, Mullins, Scarborough and Riley catch up at the luncheon.



NAWL Vice President Lisa Passante, DuPont, and NAWL Outstanding Member and General Counsel Institute Chair, Karen Morris, USAA pose for the camera.



New York City Mayor Michael Bloomberg swears in the 2012-2013 NAWL Board at the Annual Meeting.



The peaceful transition of power—Immediate Past President Heather Giordanella, Drinker Biddle & Reath, and President Beth Kaufman, Schoeman Updike Kaufman Stern & Ascher LLP.

EVENT HIGHLIGHTS

NAWL Annual Meeting and Awards Luncheon

July 19, 2012, New York, New York

Counsel of The Hershey Company was the recipient of the M. Ashley Dickerson Award; and the NAWL Lead by Example Award was presented to David Boies, of Boies Schiller. In addition, NAWL Outstanding Member Awards were presented to Diane Ambler, K&L Gates and co-chair of the International Committee; Karen Morris, USAA, Chair of the NAWL General Counsel Institute; Kristin Bauer, Jackson Lewis; and Maureen Reid.



One of the panel presentations at the Annual Meeting, previewing NAWL's newest program entitled "Pipeline to Equity Partnership: The Skills, Strategies and Stumbling Blocks Senior Women Lawyers Encounter on their Path to Reach Equity Status" with moderator Maureen Reid and panelists Patrick Dunican, Gibbons P.C., Andrea Kramer, McDermott Will & Emery LLP, Maureen Sheehy, Kilpatrick Townsend & Stockton LLP and Kathleen Wu, Andrews Kurth LLP.



Immediate Past President Heather Giordanella presents the Arabella Babb Mansfield Award to The Honorable Nancy Gertner, currently at Harvard Law School.



Incoming President Beth Kaufman presents the M. Ashley Dickerson Award to Leslie M. Turner, Senior Vice President, General Counsel and Secretary of The Hershey Company



President's Award Winner, American Express Company presented to Louise M. Parent, Executive Vice President and General Counsel by NAWL Immediate Past President Heather Giordanella.

Introduction to Nawl’s International Committee

By Diane E. Ambler



Ms. Ambler is a partner in the Washington, DC office of K&L Gates practicing in the area of financial institution regulation under federal securities laws; she is a frequent speaker and writer in the area and has testified as an expert witness in her field. She focuses her practice on mutual fund governance, compliance activities of mutual funds, private funds and variable insurance product issuers and distributors, and activities of related service providers. She champions women’s leadership initiatives in the profession, including as a charter member of the K&L Gates Women in the Profession Committee.

The globalization of our legal markets and the expansion of rule-of-law economies have brought together lawyers from around the world with increasing frequency and encouraged discussion across an ever growing global platform. A natural consequence has been the development and growth of NAWL’s International Committee, which brings together women attorneys from across the globe who share experiences and compare opportunities and challenges. The International Committee has broadened NAWL’s commitment to advancing women in the law on an international scale.

On March 8, 2012, International Women’s Day, NAWL co-hosted, with The Law Society of England and Wales, its first International Women in Law Summit 2012—“Setting the agenda for change” held in London. The agenda for the Summit was based on the results of a global research review, conducted for this purpose, that examined current progress in gender diversity in the legal profession. The results of the survey, and the discussions during the Summit, demonstrated that

women lawyers—operating across different jurisdictions—encounter very similar challenges to their career development progress. The International Committee is planning a second Summit, to be held in Shanghai, that will continue to expand these discussions.

The International Committee also has leveraged NAWL’s position as an NGO representative to the UN to monitor UN activities related to women in the law and to expand relationships with other NGOs and interested persons. Through the International Committee, NAWL is expanding and strengthening relationships with other international organizations, and membership of non-US based attorneys is on the rise.

Among the initiatives of the International Committee has been the creation of this issue of the Women Lawyers Journal dedicated to NAWL’s expanding global interest and influence. We thank the authors of the articles that follow for their insights and for their interest in expanding the conversation globally.

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 cofounder 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.

1.

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Charlotte E. Gauer, “Minutes of the Forty-Sixth Convention,” *WLJ* 32:1 (March 1946), 38.

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Lula E. Bachman, “N. A. W. L. Observer at U. N.,” *WLJ* 32:2 (June-July 1946), 100.

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Annice Pearle Mount, “Luncheon Tribute to Women Representatives, United Nations General Assembly,” *WLJ* 33:1 (March 1947), 19.

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“Women Aides for U. N. Urged,” *New York Times* (June 28, 1947), 16.

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Marguerite Rawalt, “The U.N. Commission on the Status of Women Meeting 1976, in Geneva, Switzerland,” *WLJ* 63:1 (Winter 1977), 18.

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Convention on the Elimination of All Forms of Discrimination against Women (Ex. R, 96–2) : Hearing before the Committee on Foreign Relations, United States Senate, One Hundred Third Congress, Second Session, September 27, 1994 (U.S. Government Printing Office, 1995), 62.

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“International Women’s Community Challenges UN Accreditation Process for Fourth World Conference on Women,” *WLJ* 81:3 (June 1995), 9–10.

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Eva Herzer, “The Women Who Came to Beijing: Despite great obstacles, a consensus Platform for Action emerged,” *WLJ* 82:1 (December 1995), 6–11.

11.

Idem., Community Tackles Global Housing Issues & Policies: the UN World Conference on Human Settlements,” *WLJ* 82:4 (October 1996), 7–10.

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“‘Sex Tourism’ must be made trip to jail, committee chair says,” *WLJ* 83:3 (Fall 1997), 19–20.

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“Efforts to stop genital mutilation have NAWL backing,” *WLJ* 83:3 (Fall 1997), 20. See also, Eva Herzer, “Egypt responds to plea to end female mutilation,” *WLJ* 84:1 (Spring 1998), 23.

14.

Eva Herzer, “UN forum views women’s issues,” *WLJ* 84:2 (Summer 1998), 19–20.

15.

Idem., “An Alternative Strategy for Peace,” *WLJ* 84:3 (Fall 1998), 22–23.

16.

Idem., “Report from the U.N. Committee on Elimination of Discrimination Against Women,” *WLJ* 85:3–4 (Fall-Winter 1999–2000) 19–22.

17.

Idem., “Chair speaks out on Tibet abuse,” *WLJ* 85:1, 24.

18.

Idem., “Beijing + 5: The Uphill Struggle Continues,” *WLJ* 86:2 (Summer 2000), 23–26.

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Idem., “International Law Committee Report,” 88:3 (Spring 2003), 10.

20.

“NAWL writes letter to President Toumany Toure of Mali in support of criminalizing the practice of female genital mutilation,” *WLJ* 89:4 (Summer 2004), 12.

21.

Eva Herzer, “Nawl’s International Activism,” 90:3 (Spring 2005), 5–6.

22.

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International Women’s Day and World NGO Day: Celebration and Balance

By **Dr. Linda S. Spedding**
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Introduction

While reviewing the theme for this piece, I felt privileged to consider the contribution that can be made as a woman, both professionally and personally, nowadays. I believe that life has been good to me: my education has enabled me to open the horizons to a more international understanding, encompassing Europe, the United States and India in particular. My qualifications as an international lawyer qualified in the UK, the United States and India have granted me a passport to a way of life that enables self-sufficiency, flexibility and fulfilment; yet the real basis for my life has been my search for meaning, to which I will return further below. As a professional woman, I have also experienced the joy of a balanced home life.

It is with this in mind that I have attempted to draw together some key themes that I believe represent a source of celebration—and life balance. Having practised and written over the last 25 years or more as an international lawyer (specialising in Environmental Law, due diligence, risk management and governance, as well as relevant pro bono activities), I have been very aware of the need for human upliftment in the face of difficulty.

International Women’s Day is observed on March 8 throughout the world. As part of the celebration in the UK, the World NGO Day (WND) patron Sun-goo Kim rang the bell at the London Stock Exchange to honour this day in 2012. The information set out in this discussion is extracted from the site (www.internationalwomensday.com) which should be visited and referred to as a resource for international women. “Connecting Girls, Inspiring Futures” was the 2012 theme of the website and this has been adopted by many organisations including schools, universities, governments, women’s groups and the private sector. Many organisations develop their own themes that are more relevant to their local contexts. For example, the European Parliament’s 2012 theme was “Equal pay for work of equal value.” Each year the UN declares an International Women’s Day theme. Their 2012 theme was “Empower Rural Women—End Hunger and Poverty.”

Selected UN International Women’s Day themes have included:

2011: Equal access to education, training and science and technology

2010: Equal rights, equal opportunities: Progress for all

2009: Women and men united to end violence against women and girls

2008: Investing in Women and Girls

2007: Ending Impunity for Violence against Women and Girls

2006: Women in decision-making

2005: Gender Equality Beyond 2005: Building a More Secure Future

2004: Women and HIV/AIDS

2003: Gender Equality and the Millennium Development Goals

2002: Afghan Women Today: Realities and Opportunities

2001: Women and Peace: Women Managing Conflicts

2000: Women Uniting for Peace

1999: World Free of Violence against Women

1998: Women and Human Rights

1997: Women at the Peace Table

1996: Celebrating the Past, Planning for the Future

1975: First IWD celebrated by the United Nations

For centuries people have worked together to challenge injustices, overcome barriers and pursue equality.

International Women's Day honours the work of the Suffragettes, celebrates women's success, and reminds us of inequities still to be redressed. The first International Women's Day event was run in 1911.

International Women's Day 2012 Facts

When: Thursday, 8 March 2012

Where: Globally

What: International Women's Day is a global day celebrating the economic, political and social achievements of women past, present and future. In some places like China, Russia, Vietnam and Bulgaria, International Women's Day is a national holiday.

Why: Suffragettes campaigned for women's right to vote. The word "Suffragette" is derived from the word "suffrage" meaning the right to vote. International Women's Day honours the work of the Suffragettes, celebrates women's success, and reminds us of inequities still to be redressed. The first International Women's Day event was run in 1911.

The History

International Women's Day has been observed since the early 1900's, a time of great expansion and turbulence in the industrialized world that saw booming population growth and the rise of radical ideologies.

1908

Great unrest and critical debate was occurring amongst women. Women's oppression and inequality was spurring women to become more vocal and active in campaigning for change. Then, in 1908, 15,000 women marched through New York City demanding shorter hours, better pay and voting rights.

1909

In accordance with a declaration by the Socialist Party of America, the first National Woman's Day (NWD) was observed across the United States on 28 February. Women continued to celebrate NWD on the last Sunday of February until 1913.

1910

In 1910, a second International Conference of Working Women was held in Copenhagen. A woman named Clara Zetkin (Leader of the 'Women's Office' for the Social Democratic Party in Germany) tabled the idea of an International Women's Day. She proposed that every year in every country there should be a celebration on the same day - a Women's Day - to press for their demands. The conference of over 100 women from 17 countries, representing unions, socialist parties, working women's clubs, and including the first three women elected to the Finnish parliament, greeted Zetkin's suggestion with unanimous approval and International Women's Day was the result.

1911

Following the decision made in Copenhagen in 1911, International Women's Day (IWD) was honoured the first time in Austria, Denmark, Germany and Switzerland on 19 March. More than one million women and men attended IWD rallies campaigning for women's rights to work, vote, be trained, to hold public office and end discrimination. However, less than a week later, on 25 March, the tragic "Triangle Fire" in New York City took the lives of more than 140 working women, most of them Italian and Jewish immigrants. This disastrous event drew significant attention to working conditions and labour legislation in the United States that became a focus of subsequent International Women's Day events. Women's Bread and Roses campaign also began in 1911.

1913-1914

On the eve of World War I, campaigning for peace, Russian women observed their first International Women's Day on the last Sunday in February 1913. In 1913, International Women's Day was transferred to 8 March and this day has remained the global date for International Women's Day ever since. In 1914, additional women across Europe held rallies to campaign against the war and to express women's solidarity.

1917

On the last Sunday of February, Russian women began a strike for "bread and peace" in response to the death of over 2 million Russian soldiers in war. Opposed by political leaders, the women continued to strike until four days later the Czar was forced to abdicate and the provisional Government granted women the right to vote. The date the women's strike commenced was Sunday 23 February on the Julian calendar then in use in Russia. This day on the Gregorian calendar in use elsewhere was 8 March.

1918—1999

Since its birth in the socialist movement, International Women's Day has grown to become a global day of recognition and celebration across developed and developing countries alike. For decades, IWD has grown from strength to strength annually. For many years, the UN has held an annual IWD conference to coordinate international efforts for women's rights and participation in social, political and economic processes. 1975 was designated as 'International Women's Year' by the United Nations. Women's organisations and governments around the world have also observed IWD annually on 8 March by holding large-scale events that honour women's advancement and while diligently reminding of the continued vigilance and action required to ensure that women's equality is gained and maintained in all aspects of life.

2000 and Beyond

The new millennium has witnessed a significant change and attitudinal shift in women's and society's thoughts about equality and emancipation. While many younger women believe that "all the battles have been won for women," many older feminists know only too well the longevity and ingrained complexity of patriarchy. With more women in the boardroom, greater equality in legislative rights, and an increased critical mass of women's visibility as impressive role models in every aspect of life, it may seem that women have gained true equality. In fact:

- women are still not paid equally to that of their male counterparts;
- women still are not present in equal numbers in business or politics, and
- globally, women's education, health and the violence against them is worse than that of men.

However, great improvements have been made. We do have female astronauts and prime ministers, schoolgirls are welcomed into university, women can work and have a family, women have real choices. Therefore, the tone and nature of the IWD site has, for the past few years, moved to a celebration of the positives.

As mentioned on the website on 8 March thousands of events are held to inspire women and celebrate achievements. Diverse local activity connects women from all around the world ranging from political rallies, business conferences, government activities and networking events through to local women's craft markets, theatrical performances, fashion parades and more. Many global corporations have also started to more actively support IWD by running their own internal events and through supporting external ones.

World NGO Day

As part of my international work, I have been very involved in the initiative known as World NGO Day. The vision for this initiative is that the UN General Assembly will pass a resolution establishing a day where the contribution of all NGOs to society throughout the world will be celebrated through local events, global awards and projects. It is intended that such awareness will raise and further enhance the role of NGOs and develop their capacity to continue their vital activities and contributions to the world. For some time, the UN has recognised through much of its work that NGOs are a key partner to ensuring the success of development, relief, education, human rights and conflict prevention schemes pursued by the UN. A World NGO Day will highlight this contribution and raise the profile of NGOs and all that they do at the highest levels. In order to achieve the adoption of such a resolution, the General Assembly requires a considerable degree of development of the concept, lobbying of key decision makers and demonstration of how the concept will work through country and regional events etc. Members of the legal profession can assist in many respects, formally and informally.

Purpose

The key objective is that the UN General Assembly will pass a resolution establishing an international day where the contribution of all NGOs (charities, associations, non-profit organisations) throughout the world will be celebrated through local, regional and international events, awards and projects that will further enhance their role and develop their capacity to continue their vital activities and contribution.

Symbol

The intended symbol is the Symbol of Care for Humanity and the Planet. World NGO Day will be an internationally recognised symbol for all those organisations and bodies involved in developing the world’s economy in a sustainable manner and taking care of the environment, who respect:

- human life and human rights;
- the alleviation of peoples suffering;
- the development of nations;
- conservation of nature, all living creatures and sustainable development;
- the world heritage;
- humanitarian values and
- other activities aimed at developing a better world.

We hope to engage with individuals and organizations to support World NGO Day in the following manner:

With my signature I/We confirm that I/We support the International Declaration of International Celebrated Day for NGOs—“World NGO Day.”

Closing Comments

The key is to set our compass for where we would like to go before setting off on the journey. Establishing life principles and our goals can assist with a sound foundation, a road map for the journey. Then you can develop your life plan to support your overall life objectives.

For centuries people have worked together to challenge injustices, overcome barriers and pursue equality and just as International Women’s Day and World NGO Day provide the opportunity to commemorate these efforts, celebrate progress and call for commitment to rights, peace and equality so we should integrate such ideals in developing our priorities, as well as planning and achieving true fulfilment in our individual lives.

The United States and Women’s Rights in Iraq:
Legacy Interrupted

By Suaad Allami and George Phelan

Suaad Allami: A graduate of Baghdad University School of Law she practiced law in Iraqi family courts for seventeen years. In 2008 she was named by the Iraq Women’s Foundation as Female Lawyer of the Year. In 2009 she was one of eight women worldwide to receive from Secretary of State Hillary Clinton and U.S. First Lady Michelle Obama the International Women of Courage Award. Although she did not learn English until late 2007, as a Hubert Humphrey Fellow she earned her LLM (international law) from the University of Minnesota Law School in 2011. She leads a women’s center in Baghdad. Ms. Allami serves as a consultant to the UN Development Program in Iraq and is in charge of the Family Protection Centers project. Ms. Allami is a former member of the Baghdad Provincial Council and a lifelong resident of the Sadr City section of Baghdad.

George Phelan is a Massachusetts Probate and Family Court trial judge who spent twenty-six months in Iraq (2007-2009) as a Senior Rule of Law Advisor and Women’s Rights Advocate on a U.S. State Department Provincial Reconstruction Team which worked in Baghdad’s Adhamiyah and Sadr City areas. For his work empowering Iraqi women, he received in November 2009 from Secretary of State Hillary Clinton the State Department’s annual Swanee Hunt Award. Prior to becoming a judge, he practiced law for thirty years. Judge Phelan retired from the U.S. Army Reserve (JAG) at the rank of Colonel. His military awards include two Bronze Stars.

*****The opinions in this article belong solely to the authors as individuals and cannot be attributed to the Massachusetts judiciary, Massachusetts State government, US State Department, US Army, or United Nations Development Program.***

Introduction

As the last United States troops left Iraq on December 18, 2011, the rear view mirror of 4,485 military dead, \$60.18 billion spent and democratic ideals unleashed demands scrutiny. From the far flung and multiplicitious initiatives, prolific spending and humanitarianism spawned during the occupation of a nation, are women’s rights more likely to meld in the Iraqi ethos than hairstyles and American slang? There have been modest gains in the operating environment for women but there is little actual progress and even less protection for Iraqi women despite the gloss of legislated protections. More powerful and pervasive, existing cultural and religious influences continue to contravene women’s equality, are incompatible with international human rights principles, and dwarf the Rule of Law the US tried to instill. Corruption continues to bedevil Iraq. Almost a decade beyond the shock and awe of Operation Iraqi Freedom, what America accomplished and our legacy on women’s rights will still be unknown for years and perhaps decades.

Although quantifiable in costs, the benefits are nuanced and much less tangible. But there remain some promising indicators of democratization whose creation would be unimaginable without the US intervention in 2003: a national constitution, two national elections and 2009 provincial elections. Other demonstrable signs of democracy taking root, unthinkable in Saddam’s heyday, are the proliferation of political parties, media, civil society, and female judges.

Pre-2003 women’s political participation stood at 8% of the National Council’s 250 seats. United Nations Development Program (UNDP) rated Iraq 126 out of 174 on its 2002 Gender Development Index. After 2002, a 25% quota surfaced for Iraq’s Council of Representatives (National Congress) but there are no quotas for the sub-national level provincial, district and neighborhood councils. One look at the sub-national bodies bodes why only the presence of quotas will guarantee female participation in governance: from 2007 through 2009, of the 40 or so members of the Sadr City District Council, only two were women.

Even among women lawyers, lack of knowledge and acceptance of basic internationally recognized human rights notions remain formidable barriers to empowering women.

Early reconstruction efforts by the US-led Coalition Provisional Authority (CPA) did not include women in leadership or visible positions to serve as planners, an inexplicable omission given the brand of representative democracy the US was advocating. This template, whether intentional or gender-ignorant, served to solidify Iraq's patriarchal state of affairs post-Saddam when a window of opportunity existed. The few Iraqi women who were invited to join were mostly exiles, out of touch with on the ground suffering and solutions.

Seven women were among 28 deputy ministers later appointed by the CPA. Six women (including Allami) were among the first Baghdad Provincial Council. In June 2004, six out of 30 cabinet positions were given to women. The Minister of Women's Affairs was a newly created sub-ministry.

Northern Iraq's semi-autonomous Kurdistan far outpaced the rest of Iraq in the growth of women's consciousness before and after the US-led invasion. In Kurdistan, there is a different dynamic. There have been modest gains in the Kurdistan region of Iraq for women. In September 2011, Kurdistan passed a Family Protection Law ostensibly to hold perpetrators of "honor" crimes accountable.

Rule of Law: a cameo role in daily life:

Iraq is a male dominated, tribal culture with ideological divisions among political groups. Carving out rule of law as a way of life continues to be a struggle. Security challenges intimidate, sectarian politics persist, and women continue to be relegated to the junior varsity. Iraq's post-invasion acquiescence to rule of law as a mindset, backed by American guns and money, has ebbed with the departure of the American military muscle and dollars that fueled but did not instill it.

Rule of Law means little in practice for Iraq's women. Extrajudicial justice continues to abound in Iraq with family, tribes, and religious clerics adjudicating disputes with no thought to taking these to court. Enforcement of women's rights is first a political-religious-cultural issue, and last, if at all, a legal one. Given potentially lethal consequences, pariah status, increased victimization or death by honor crime (where restoration of the family name in the community's eye trumps equality), crimes tend not to be reported by female victims. Institutional protection or prosecution is rare. There is no sense to follow rule of law when rule by tribe, sect, militia, or political party are much more productive, timely and consumer friendly. In Iraq, justice can be analogized to a consumer product, warranted by clerics, tribes, politicians, and militia.

The Role of Religion: Skewed Interpretations of the Qur'an:

Principles of the Muslim holy book Qur'an actually reflect internationally accepted human rights norms even in gender contexts. The Qur'an recognizes that no man is superior to a woman by gender alone. But a gap between international norms and religious knowledge has evolved, and been deified over time in Iraq. Consequently, the Qur'an has been used in Iraq to justify ideological needs.

In 1959, the Iraq Personal Status Law replaced Shari'a courts with government personal status courts which ruled on the basis of codified government law. That 1959 law was regarded as the most progressive in the Middle East in its odes to women's equality. It is sect-neutral, much to the ire of religious people who believe their versions of religion should be determinative in family matters. Article 2 of the 2005 Iraq Constitution includes the paramounce of religion in Iraqi jurisprudence: "no laws shall be passed by Parliament to contradict Islam which shall remain the basis for legislation." Chaos would rein if different sects were to be treated differently, community by community, by clerics without heed to codified law. In undefined ways, Article 41 invites parties to determine their personal matters according to religious sect and belief. This uncertainty strengthens the social role and authority of religious people to parse the Qur'an to their liking. While Iraq legislative activity guarantees, on paper, the objective of ensuring justice and rights, there is a division of these rights along religious and patriarchal lines in the sand.

Nascent Civil Society.

Informed women welcome the proliferation of Non-Governmental Organizations (NGOs), many of them women-led, because they are the least susceptible to corruption, politics, and the demon of low expectations for women. This insidious recipe continues to throttle the progress of a nation of beleaguered Iraqi women.

There is a budding women's rights scene in Iraq. NGO registrations are more than 6,000 but some are illegitimate fronts for parties or militias. Civil society plays an important role because it promotes equality without reservation. There is a fierce competition among NGOs for international donor dollars, given that there is no Iraq government funding for NGOs.

Iraq's March 2010 NGO registration law officially legitimized and permitted operation of the equivalent of US non-profits, granting a legal status which will help demystify the role of NGOs and their interaction

with State institutions. Given that this NGO phenomenon did not exist until 2003, the registration law is important to women in developing lasting relationships between civil society and government.

The currency of democracy: Iraqi human rights knowledge and universal expectations.

Iraqi women provide a window into the pervasive ignorance of basic human rights at local levels. Even among women lawyers, lack of knowledge and acceptance of basic internationally recognized human rights notions remain formidable barriers to empowering women. Iraq's first all women's continuing legal education seminar in 2008 (Allami's four days of training to 99 women lawyers gathered in Baghdad) revealed a shocking lack of sophistication and knowledge of even the most rudimentary human rights axioms and gender issues.

Excluding the US imposed female quota Parliamentarians, the highest Iraqi female in government is the Women's Affairs sub-minister, relegated to a staff of less than two dozen and zero programming budget. The issue of power sharing among political blocs continues to block progress towards efficient and fair governance. The 2010 Iraq budget allocated \$25.4 million (US) to the Ministry of Human Rights, of which \$17.4 million was expended, a miniscule .004% of the national Iraq budget. After the two national elections since 2003, the government ministries, with their budgets, prestige and bodyguards, were divided up among the various political parties. The Women's Affairs Ministry, devoid of programming budget, authority and staff, was not a prized patronage plum for any party.

According to the November 17, 2008 bilateral Strategic Framework Agreement, periodic meetings are to take place between US and Iraq where political, economic, security, cultural relations assistance or requests would be exchanged. During the November 30, 2011 exchange among members of the responsible Higher Coordinating Committee, not one mentioned women.

Iraqi Women, the enemy is us

Iraq's Minister of Human Rights believes attempts to strengthen laws to protect women shall be rejected because these raise issues of Islamic law, tribal and traditional norms. Male and even female Parliamentarians will reject calls to repeal discriminatory provisions in the Iraqi criminal code. Despite a surge in their ranks, Iraq NGOs lack a common purpose.

For the most part, women in political parties are female in gender only: rarely do they see themselves as standard bearers of gender. Their cause is party, not gender-centric. There are no consensus principles or goals among the female Parliamentarians when it comes to women's rights: for most, that issue is defined or minimized by the male party leaders. There continues to be a divide between secular and religious women. Consequently, a consensus on objectives to advance women is impossible for the time being.

Some women in the Iraqi Parliament are holed up in the relative safety of the heavily protected Green Zone, distanced from the gender-neutral misery of their constituents. To be a high profile woman in Iraq should not be confused with fighting for women's rights. To be a female legislator does not evoke a default premise of advancing women's interests at the expense of or as a priority to party politics. Women "in power" continue to garner and use the limelight but the grassroots activists, beholden neither by sect nor political party, will determine the future of women in Iraq. International donors should pay attention to that fundamental axiom if they expect their objectives to be matched by results on the ground for average Iraqi women.

Women: public behavior, private life.

Gender-based violence is legitimized to control women's behavior. Domestic violence in Iraq is rooted in marriage rights and obligations. Women are regarded as property and men use religious and social norms to control her movements. Despite the paper legal protections found in Iraqi legislation, including the 2005 Constitution, clerics and tribal sheikhs interpret the Qur'an and women's role in the self-fulfilling and circular prophecy which serves Iraq's patriarchal society.

While international accords preach gender-neutrality as a human rights predicate, the implementation of this notion has proven a hard sell in Iraq across institutions, culture, tribes and politics. There is a gap between the international norms espoused in the various conventions like CEDAW and the religious knowledge deified and popularized over time in Iraq where gender-free human rights is typically viewed even by foreign-educated Iraqis as an academic notion, an international community buzzword.

Even among women lawyers, lack of knowledge and acceptance of basic internationally recognized human rights notions remain formidable barriers to empowering women.

Multi-level legitimization of violence against women: legislative, political, tribal, cultural, institutional.

Government reluctance to police domestic violence, especially in private relationships, is manifested by lack of legislation to punish this pervasive phenomenon. This creates a perception that domestic violence is acceptable. Iraq legislation applicable to criminal and family courts, customs, and religious tenets reinforce violence against women.

Women view police as a last resort. Courts suffer intimidation from outside forces such as militia, tribes, and criminal elements. Police lack forensic capabilities. A woman's testimony is reduced to less than a man's. There is only one female judge assigned to the Iraq family courts and would-be litigants lack free or affordable legal aid. The criminal code is 1969 vintage and still retains vestiges of Revolutionary Command Council (Saddam's regime) laws. Rape is a private offense: there is no State prosecution unless the victim or guardian requests it. The rapist can escape conviction or receive a mitigated sentence if he marries the victim.

Iraq's take on international human and women rights principles

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is an international treaty that became effective September 3, 1981 by UN Resolution and ratified by 186 UN Member States. Iraq is one of 30 countries with reservations on equal rights in marriage, family, religious codes, elimination of discrimination, and equality of nationality. Iraq's reservations to CEDAW gut its essence. Reservations include Article 2 which calls on states to modify or abolish existing laws and penal codes which discriminate against women

As for bright spots, at least symbolically, Iraq recently canceled its previous longstanding reservation on Article 9 (discrimination in marriage). Although as a UN member Iraq is bound by the UN Charter to follow Security Council resolutions and apply several international conventions to domestic law, it remains to be seen whether paper and lip service will be followed by consistent application. The restoration of family honor by marriage of the victim and rapist, an anathema by Western standards, holds considerable sway in Iraqi cultural thought and is codified in Article 128 of the penal code in a mitigated sentence of three years where a hus-

band who kills a wife caught in adultery. UN Security Council Resolution 1325 (adopted October 31, 2000), specifically denouncing gender based violence and requiring accountability, is binding on Iraq but this has no persuasive value to the many perpetrators (militia, roving criminals, religious conservatives, family members or an alphabet polyglot of insurgent groups).

Women's rights protections are mostly a paper tiger:

If paper guarantees were a barometer of success, women's rights in Iraq would be a tribute to modernity. Through the grim lens of reality, it is not. Gender justice remains elusive and illusory despite the paper protections liberally sprinkled throughout the Iraqi Constitution.

The Constitution promotes the status of women. Passed in 2005, it promises to pay attention to the rights of women and features two prominent safeguards: Article 14 mandates equality regardless of gender and Article 49 establishes that the Council of Representatives shall be composed of not less than 25% women, a quota compelled upon the Iraqi government not only by the US but also international actors. Article 16 guarantees equal opportunity to all. Article 37 prohibits forced labor, prostitution, slavery, and trafficking in women. Article 7 assures women the right to vote, hold public office and participate in civil society. The Constitution evoked hopes of retooling cultural mindsets and the cemented patriarchal thinking which grip all social strata in Iraq.

Viewed in the light of dispassion, there has been an overall lack of urgency of State institutions to execute these plentiful and cosmetic paper protections. A lack of political insistence on enforcement of the laws has relegated the rule of law to the sidelines and these purported protections have little or no impact on the day-to-day lives of women.

The Special Case of Domestic Violence: post-2003 legislative audacities of hope:

While traveling Iraqi streets between 2007 and 2009, it was puzzling but not unusual to have Iraqi women approach US military personnel to ask for help in resolving a domestic disturbance involving gender based violence. We faced the spectacle of twenty-something GIs lecturing Iraqi men, through interpreters, why it was wrong to beat women, a skill soldiers were not trained to carry out.

In late November 2011, at a conference hosted by the Ministry of Women's Affairs, Iraqi Prime Minister Nouri Al Maliki stated that fighting violence against women was a cultural issue and that media, politicians and religious men were responsible to carry that fight. Family violence was most insidious. Even he acknowledged one-fifth of women had suffered physical or psychological violence.

Despite that call, there has been no quantifiable increase in number of sex crimes or domestic violence cases reported to police since 2003. But this data is not tracked in any reliable and measurable way. Whether the available data suggest victimization depends on who gets to define the victims. Outside of the persistent anecdotal urban legends and broad stroke surveys which continue to be quoted, the extent of domestic violence in Iraqi society remains unknown and elusive to quantify on a broad and reliable scale. From 2006 to 2007, Government of Iraq Ministry data put the toll at 21% of Iraqi women aged 15-59 suffering physical abuse from their husbands. Security concerns and logistical challenges have thwarted American and international agents from collecting such data in a more methodical and reliable way. One notable exception was the domestic violence door-to-door survey conducted by Phelan in the summer of 2009 in central Baghdad within the Al Shaab and Adhamiyah areas. Carried out by "Daughters of Iraq" female checkpoint guards, several muhallas (rectangular areas comprising roughly several city blocks) were canvassed using a data questionnaire designed to capture 37 separate elements of control of women (physical, emotional or movement). Correlation of the 1,140 respondents' views revealed a startling prevalence in the percentages of women who reported having experienced between 10 and 15 of the control variables at least "a few" or "some of the time." The responses evidenced a pervasive level of controlling and abusive behavior by Iraqi men. The data were consistently high across religious sect, economic and educational levels, marital status, and age: 90% believed they were victims of some form of domestic violence; 84% believed domestic violence was wrong and criminal. The percentage of believers dropped to 75% among women with at least a bachelor's degree. Inexplicably, about 75% of women of all educational levels believed they were partly responsible for their victimization and 60% reported they could have prevented the abuse. Perhaps tellingly, none of women with a bachelor's degree

would seek the help of police. There is a strong desire (67%) for the availability of domestic violence shelters that would actually protect; otherwise the most popular protective measures were medical treatment and religious mediation (19%); 53% of married women reported wanting a divorce but only 12% had gone to court or consulted a lawyer. The least popular remedy along all strata was to go to the police (2%). The highest reported controlling behavior was men making all the decisions (87%), demands to know women's whereabouts (76%), prevention from work (61%), spying on women (51%). The most prevalent forms of physical abuse reported were throwing objects (55%), grabbing or shaking (55%), and pulling hair (45%). Women reported "a few times" of being bitten (16%), choked (19%), and burned (4%) by men. Friends and neighbors were the most often reported sources of emotional support for women (32%), mother or sister (20%), whereas fathers and brothers lagged far behind (about 4%). Chillingly, 21% of women reported that they were forced to have sex "all" or "almost all" the time.

US military efforts: replacing destruction with dollars.

According to the Special Inspector General for Iraq Reconstruction, US military forces spent billions on reconstruction projects. Monitoring and inspection proved difficult due to security challenges. The Commanders Emergency Response Program (CERP), designed to provide urgent humanitarian relief and reconstruction, represented a bricks and mortar approach to winning hearts and minds. CERP was intended to enable military commanders at a local level in Iraq to address urgent humanitarian needs. This was generally interpreted by military units as repair and construction to effect immediate essential service and infrastructure shortcomings with an eye to ultimate sustainability by the Iraqis. There was little room in the CERP regulations and interpretation for projects without structures. Intangible outputs were not so readily measureable. There was little appetite of local commanders, in-country generally for 12 to 15 months, to get involved in so-called "non-lethal" activities whose desired effect was long term changes in attitude about women. Although there was a bright line prohibition on paying CERP funds to non-State actors such as NGOs, exceptions were made when some benefit could be connected to the populace through coordination with nominal State actors such as

local district councils. The regulations presented a deterrent to committing military funds for women's projects because Iraqi women were overwhelmingly spoken for by NGOs. To its gender-bending credit, the US Army funded the first ever all female legal clinic in Baghdad. US Army Contracting Command spearheaded a project to stimulate women's ownership of business by carving out a significant fund for women-led businesses.

US military managed to spend \$3.73 billion out of the \$3.96 billion appropriated by Congress from 2003 to 2011. Army brigade commanders, armed with money as a weapons system mindset, set out to spend and build tangible reminders to the US presence while simultaneously providing jobs and alleviating Iraqi suffering.

Still unknown is what portion of this taxpayer largesse was directed at women-centric programs because this measure was not taken. Nor were women funded projects capable of being identified, other than having the word "women" in the project title. As for CERP rule of law efforts, that metric is available: a scant \$113.4 million spent out of almost \$4 billion expended, a miniscule .029%, not surprising given the emphasis on building things.

US State Department: diplomacy, soft power and other carrots to democracy.

According to the March 2008 US State Department Fact Sheet, State Department Provincial Reconstruction Teams (PRTs) were established in late 2005 by then Secretary of State Condoleezza Rice. The concept was interagency (DOD, DOS, DOJ, USAID, Department of Agriculture and occasional other federal government entities). The purpose: to pair PRTs directly with US and sometimes coalition military units at Brigade level and rely upon the units for logistics, transportation and life support. Their purpose was to bolster moderates, promote reconciliation, foster economic independence and build government capacity.

The embedded (live, ride, work) PRTs teamed with US Army combat brigades from 2007 through 2010. The PRTs promoted certain democratic pillars: good governance, economic development, infrastructure, rule of law and public diplomacy. There was no dedicated portfolio to women's rights; although it later became a focus of effort. In contrast with their military partners' infrastructure and jobs priorities, PRTs shot for long term results. At their zenith in 2008, there were 800 personnel in 31 PRTs, spread throughout Iraq, including as many as eight in Baghdad alone. The PRTs went in search of

women wanting to be liberated. Though constrained by the expected logistics, communication woes, IEDs, and insecurity, one self-imposed barrier was the convoluted funding regulations including a counterintuitive 2009 requirement that the Iraqis provide 50% match for programs benefitting branches of government, a near insurmountable obstacle for women-centric projects given the Iraqi government's disinclination to fund innovative projects for Iraqi women.

While there is no central repository of data from which conclusions could be made as to the amount of State Department funding devoted to women-centric projects in Iraq, we can state from being on the ground that significant money was so earmarked. Indeed, PRT members, at the cost of the lives of two civilian PRT members in Phelan's Baghdad PRT alone, would dedicate significant efforts and portions of allocated budgets to target problems, systemic and cultural, which inhibited a level playing field for women.

The US continues to pour aid into improving Iraqi capacity to self-govern: witness the June 2011 USAID administered "Tarabot" project, \$151 million to establish linkages between central government and Iraq's 18 provinces. Roughly 10% of this funding was reserved exclusively for women-centered projects. The USAID Access to Justice Project, aimed at putting legal services into underserved populations including women, has \$6 million earmarked, including \$1.2 million for NGO grants. The State Department's Bureau of International Narcotics and Law Enforcement Affairs (INL) continues to work with the Ministry of Interior and Higher Judicial Council (in charge of the judiciary) to improve court administration and impart policy skills while promoting women and human rights. The State Department's Bureau of Democracy, Human Rights and Labor (DRL) continues to support a national platform for Iraqi women to assist civil society and promote women's role in the political process. A total of \$2.21 billion was spent on what were described as rule of law infrastructure as well as "soft" projects.

We cooperated on a number of projects aimed at empowering women: establishing five comprehensive women's centers in Baghdad, three of which have managed to survive long after donor dollars left; a school uniforms project with a \$1.8 million budget employing 200 Iraqi women to produce 190,000 school uniforms distributed to 483 schools throughout Sadr City; a free surgeries project where a private hospital performed critical health care with the lucky recipients chosen by a committee of Iraqi women.

Systemic barriers:

While civil society activism represents the best hope for Iraqi women long term, there are no referral connections between police and civil society, an important shortcoming given the role played by ubiquitous local police, national police, and the Iraqi Army, all who perform the traditional policing activity such as checkpoints and government building security.

The Iraq Personal Status Law is the primary legal instrument addressing women's rights in the context of family issues: marriage, divorce, custody, alimony, inheritance. Adopted in 1959, it is a mixture of civil law and Islamic legal tradition. It guarantees women certain rights that were once considered unparalleled in the Arab world. It applies to Iraqi Muslims. But there are shortcomings: the current Personal Status Law affords relative superiority to a husband's rights upon divorce. Revisions in 2003 undermine women's rights and defer to Iraqi religious clerics. Forced marriage is illegal and punishable by prison sentence ranging from 3 to 10 years but is anyone counting? Polygamy continues to be legislatively blessed. The predominately Shi'ite practice of temporary marriage (Mut'ah, women "marrying" men, often already married, for brief time periods, for money or pleasure) had a resurgence after Saddam departed. Marriage by Muslim woman to a non-Muslim man is not recognized. Unilateral non-judicial divorce ("talaq") by husbands is still permitted. Iraq has its own brand of no-fault ("irreconcilable differences") divorce, but only after mandatory mediation for reconciliation. There is a maximum period of 3 months post-divorce alimony for the wife, a powerful disincentive to divorce given the lack of economic opportunities for women and the relatively fewer number of marriage age Iraqi men after years of war with the US and Iran. Males still enjoy a 2 to 1 inheritance advantage. Article 41 continues to pose a dilemma to judges in its application from case to case among marriages between sects: what law to apply; resulting in marriage dissolution left to unaccountable religious authorities and tribal leaders. There is still considerable taboo to unmarried women living alone or without male relatives for protection and dominance.

Article 49 of the 2005 Constitution indicates that the 25% women quota in the Parliament should be achieved. In a nearly impenetrable Iraqi electoral maze of candidates and regulations, it is possible for women on party lists to receive a far inferior number of the raw vote yet gain election over male candidates due to the quota. Indeed, more than a few female MPs in the 2010 election garnered less than 1,000 votes in a nation of 30

million yet sit in Parliament. However, it is exceedingly difficult if not impossible for an independent woman to be nationally electable without a party affiliation. The allocation of women rights remains along religious and political lines. There is no unified women caucus in the Parliament. Until this scenario changes, Iraqi women should not expect independent female voices in Parliament un beholden to follow the party line. The female quota is not imposed at the level of provincial elections but Law 21 of 2008 of Governorates and Regions does impose the same quota at the local level council. No women occupy any of the 18 provincial governorships. In Allami's Sadr City neighborhood, the local District Council (a US creation) presently has no women among its more than 40 members, a downturn from 2006 to 2008 where Allami was the sole female enjoying such a seat on that Council.

Except for staff salaries for about twenty employees, there is no Iraqi government funding for the Ministry of Women Affairs. Phelan was approached by Ministry employees even for rudimentary trappings of officialdom like copy paper and funds for handouts, posters and printing. According to a Reuters-Thomson article on March 6, 2012, Minister of Women's Affairs Ibtihal Al Zaidi believes that tribal norms dictate cultural affairs and it will be decades before Iraq has a female prime minister.

The Numbers: 2003 and beyond.

Muscling through the Parliamentary 25% quota, the Coalition Provisional Authority achieved at least superficial female representation. Women are 55% of the Iraqi population. The widowization of Iraq, brought on by years of war with Iran, the 1991 Gulf War, and 2003 US led invasion, yielded 1.5 million widows (Relief International estimate), and between 1 million (International Committee of the Red Cross estimate) to 2 million (Iraq Ministry of Women Affairs) female heads of household. According to the IRC, there are 1.3 million Iraqis displaced within their own country. According to the International Organization for Migration, only 20% of female heads of household are regularly employed. 39% rely on family or neighbors for help. Only 18% receive government aid. Since 2003, there has been a dramatic upsurge in divorces. According to the Ministry of Human Rights, in 1997 there were 28,800 divorces. There were 53,840 divorces in 2010, 52,649 in 2009, an almost two-fold increase which would be even greater if the male Family Court judiciary did not dismiss so

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many divorce cases where the wife is the plaintiff. According to the Director General for Judicial Affairs, of 1,589 judges nationally, only 68 (4.3%) are female as of March 2012. There are no female judges in the appellate courts. Still the post-2003 figures show a dramatic upward momentum: before 2003, there were only 23 female judges out of 993 nationally (.02%); since 2003, of 641 judges appointed, 45 have been women (7%). Of some concern are the present numbers in the two year Judicial Training Institute, the required predicate to a seat on the bench: according to the Deputy Executive Director of the Institute, in the present classes of 179 students, only 7 are women (4%).

In December 2010, Iraq's National Cabinet was finally formed, nine months after elections. None of the initial 42 cabinet ministries was headed by a woman, although the sub-minister level Ministry of Women's Affairs does enjoy a female leader. This is a setback from the previous Cabinet, which had four women ministers out of 37 Cabinet posts. While its creation is heavily touted as a breakthrough and it remains a darling of Western journalists, the Iraq Women's Affairs Ministry, despite its best efforts has not been inculcated into mainstream Iraqi institutional action with staff and program budget to reflect its important mission.

Still there are positives. The 25% CoR quota for women led to the March 2010 election of 82 women out of 325 seats, an increase from 73 in 2005, but the raw vote total for some women was miniscule nationally. In the 2010 Parliamentary elections, 62% of the eligible voting populace voted (12 million), an impressive statistic compared to the general ennui which sometimes envelopes US elections. In 2010, there were 1,816 women candidates for national office out of 6,292. In the 2009 Provincial elections, 27.5% of the candidates (almost 4,500 out of 14,500) were women. The 2011 student body of Baghdad University, Iraq's premier law school, is 68% female, holding steady to the 2005 figure of 73%. As of December 31, 2011, due to public outcry and with a wary eye to the Arab Spring uprisings in Tunisia, Egypt and Libya, the Iraqi Parliament reduced its salaries and benefits and downsized to 30 Ministers.

Women: wistfully recalling Saddam.

According to the BBC in October 2011, women of all religious stripes almost uniformly say they were freer and had more rights under the murderous Saddam Hussein,

a belief expressed uncountable times to us. How could it be, this perplexing byproduct of the forced democratization of Iraq? Before 2002, Iraqi women were relatively free to move about without the presence of a male family escort. During Saddam, gender discrimination was barred and women could walk, unaccosted and uncovered, on the street on most neighborhoods. But internal stability, as under Saddam, does not necessarily equate to women's rights and Rule of Law condition.

Not so flattering outsider views of Iraq:

According to various indices, Iraq fares badly in the international eye. But Iraqis in power seem indifferent. According to the Transparency International Corruption Perceptions Index December 1, 2011, of 183 countries ranked, Iraq is number 175, scoring a 1.8 out of 10 for 2011, close to its 2008 rating of 178 out of 180 (1.3 out of 10). According to the 2011 Quality of Living Report from New York based business consulting firm Mercer, Iraq's capital Baghdad was the most violent city in the world, rated last of 221 cities for quality of life and personal safety. According to the World Bank 2012 index of ease of doing business, Iraq ranked 164 out of 183 countries.

Slivers of hope. Family Protection Centers.

There are indicia of progress for women: the Family Justice Project, pending national Domestic Violence legislation, a new NGO law. According to Allami's March 2012 interview with the Director General for judicial affairs in the Higher Judicial Council (Iraq's Highest Court) there are, as of 2010, two female domestic violence court session judges although there is not a separate court dedicated just to cases of domestic violence. In a late April 2012 meeting, the Ministerial "Committee of 80" (for which Allami is legal advisor) authorized the Higher Judicial Council to appoint investigative judges in each of the 18 governorates to review domestic violence cases; it is unknown how many of these judges will be women. As of two years ago, there is one female judge in the Family Courts, in Diyala, thereby breaking that glass ceiling.

There is almost nothing in the way of physical facilities to receive and support gender based violence victims. To create a strategy of offering refuge and support to domestic violence victims, in February 2010, two Ministry of Interior- administered Family Protection Centers opened, Iraq's nascent answer to the still

culturally taboo notion of domestic violence shelter. There are reportedly four domestic violence shelters in Kurdistan. According to a UNDP - Iraq November 28, 2011 press release, Norway provided \$345,000 for what is called the Family Support, Justice and Security Program to enhance capacity of civil society to provide services to women and children victims of gender based violence by way of family protection centers. Related goals are to enhance the capacity of government institutions to establish these centers, to improve law enforcement's capacity to serve victims, and increase access to justice. With UN mentoring and encouragement, this culturally-less antagonistic version doggedly persists, but their utility and acceptance into the Iraqi social psyche remains a work in progress. The original rollout was rough: only two cases were referred to the two established Family Protection units in 2010, none that resulted in prosecution, attributable no doubt to the placement of these first two such family centers inside Baghdad police stations, a cultural oversight. There are now Family Protection Government Directorates in Baghdad and Kurdistan. The creation of a Family Protection Directorate within the Ministry of Interior lacks the support of domestic violence legislation. The Government of Iraq has yet to embrace the concept of these Family Protection Centers with money and resources to establish and staff these Centers.

There is a draft national domestic violence law (commented on by Allami) being circulated and shepherded by UN Women and UNDP with helpful comments from many international organizations and Iraq civil society. In a March 2012 interview with Allami, Iraq Chief Justice Medhat Al Mahmoud, pointing to existing legislation, believes the pending domestic violence legislation is not necessary. The proposed law has so far withstood parliamentary review and represents a bold effort at leveling the equality field. It is in line with international standards. The draft legislation proposes that violations of the domestic violence law be treated criminally and includes establishment of a Department for Protection from domestic violence, roughly analogous to our victim witness advocates operating within the district attorney's office. There is also provision for an "immediate protection ruling" akin to our ex parte restraining order. Bowing to cultural preference, there is a family reconciliation committee and mandatory reconciliation. But there are no concurrent child custody provisions, requiring a victim instead to seek Family Court intervention. There are no provisions for orders

to the abuser to vacate the marital home. Proposed penalties for committing acts of violence range from two weeks in a rehabilitation center (it is unclear what would be rehabilitated: the offensive behavior or the relationship) to community service for a repeat offender and a maximum fine of \$214. Obviously, these punishments must be increased to envision realistic opportunity for compliance and deterrence of future misbehavior.

Tourism as Activism.

Some of the self-styled activists quoted by international media arrive in Iraq for some meetings and local flavor, then continue their activities from the safer climes of other countries. While their efforts should not go unappreciated, few are taken seriously or looked to for leadership by mainstream or ordinary Iraqi women. There has been a counterproductive distance between the out-of-country elites trumpeting a vision of Iraq as alien as the society they exiled to and those Iraqi women who stayed, by choice or default, to chafe or capitulate. Iraqi women complain that many civil society groups were founded and led by exiles who could afford it, aristocrats who lack the nitty gritty of getting their hands dirty on behalf of Iraqi women at large. The Iraqi women watching these activists on television interviews generally view them with disdain. But the inclusiveness of what they preach offers inspiration: economic independence, legal knowledge, medical care, and political participation, all commodities useable by women of any or no political or sectarian stripe.

Post-conflict environment

Nowhere else in the world is the potential lethality of political outspokenness or gender equality more center stage than in the rule of gun milieu that is Iraq, where reprisal is plentiful and death is available for the taking. According to a Center for Strategic and International Studies February 6, 2012 report, Iraq continues to steadily become more divisive in its governmental Sunni-Shi'ite-Kurd power split. There are constant sectarian and ethnic struggles which have prevented effective efforts at economic development and have had a critical impact on security. The CIA estimates the Iraqi population to be 30.4 million and 97% Muslim. The sectarian split is 60-65% Shi'ia, 32-37% Sunni with Arabs forming 75-80% and Kurds 15-20 %. Baghdad's population stands at about 6.6 million according to the Ministry of Trade.

The US push and public rhetoric about women's rights may have created the unintended consequence of push-back from those who might otherwise be inclined to support women if the advocacy lost its outsider tone.

Post-conflict environment diminishes the legitimacy and authority of government to insist on standards. In contrast, under Saddam's dictatorship, life was stable but rule by law was almost non-existent. Women's rights face exponential challenges when more pedestrian priorities, like clean water and electricity, prevail. Security and economic survival in post-conflict Iraq take priority over novel and controversial notions like women's rights.

Violence and security continue to challenge the stability of the frayed public psyche. Security challenges are presented by Shiite militias, Sunni Al Qaeda, and random gangsters motivated by sheer greed. Although attacks may be lower profile, they are intermingled with the assassination of government officials, especially security forces, sticky bombs and roaming assassins using silenced weapons. In late November 2011, a suicide bomber penetrated the heavily fortified Green Zone, arguably the securest location in all Iraq, and exploded his vehicle less than 100 meters from the Iraqi Parliament. The Arab Spring has not translated well to Iraq. There have been some largely muted and sparsely attended demonstrations, not advocating the overthrow of government; instead, they protest the lack of essential services: water, sewer and especially electricity.

More than one year after the national election results were known, Iraq still does not have appointed Ministers of Defense and Interior. The Chief Judge of the Commission on Integrity resigned in September 2011, ominously citing interference from high government officials more powerful than the law or the Constitution.

Forty-three Iraqi judges have been murdered since 2003, an extraordinary reminder of the fragility of rule of law in Iraq. In November 2011, the Ministry of Interior fired 90% of the judges serving on the special courts investigating police misconduct. Despite their tenuous lifespan, judges have been unable to secure government permits to allow their bodyguards to carry weapons, an issue the US has worked on repeatedly. The lethality of the operating environment is further illustrated by the December 22, 2010 car bomb which killed 32 employees of Iraq's Commission on Integrity, the watchdog into government corruption. Without an existing war against a cognizable enemy, 609 Iraqi police and 458 Iraqi soldiers were killed in 2011. In December 2011, there were three attempted assassinations of judges. During October to December 2011, three Cabinet Ministers survived IED attacks.

The 2011 GOI Ministry of Planning data survey of more than 88,000 Iraqi homes revealed that 8 of 10 reported bad electric service, 6 of 10 report bad sanitation, 50% feel corruption has increased, and 57 % of adults reported they are not working or looking for work. According to the joint Government of Iraq and United Nations Assistance Mission in Iraq (UNAMI) Iraq Knowledge Network December 3, 2011 summary of a survey of 29,000 households across Iraq, the family, religion, community, tribe, village and ethnic group are social entities enjoying higher levels of public confidence. Religious leaders scored 8 out of 10. Twelve percent of Iraqis who came into contact with government employees gave a bribe. Females constitute only 13% of the labor force. Government provides 40% of the jobs and 60% of all working women are government employees.

According to Iraq's Ministry of Planning's Women Integrated Social and Health survey results released in March 2012 which queried 10,513 households all across Iraq in all 18 governorates (including the three in northern Kurdistan which comprised 27% of the respondents), female heads of household are 10.7% of the population ; 67% believed women had a right to participate in political elections. Only 3.5 % participated in community activities such as a center, union or social event. Reported perceptions of gender equality were a mix of resignation and skepticism of the roles of government and civil society. Reported violence against women was most highly expressed in terms of restricting a woman's movement and disobeying male relatives. As for reasons for violence, 68% saw it as family upbringing, 63% blamed the social values and only 32% blamed laws. Expectedly and consistent with Phelan's census of Baghdad women, 89% saw family members as the best place for refuge, while only 14% saw the police as a source of help. Unexpectedly (and we point out that the Ministry of Planning survey was gender-neutral), 49% indicated they trusted the police and 36% saw the police station as suitable shelter, again in stark contrast to Phelan's all-female respondent pool in his 2009 census of Baghdad women.

According to Reuters, whatever sense of normalcy imposed by the presence of up to 170,000 US troops at 505 posts throughout Iraq there was, it has vaporized into sectarian and general tensions stoked by parliamentary political jockeying. Not one day after the last US troops crossed into Kuwait on December 18, 2011,

Iraq's Prime Minister announced that Sunni vice-president Tariq Al Hashemi was wanted for allegedly ordering sectarian death squads to shut the lights on Shi'a of various stripes. Fleeting too was the hope for a functioning democratic non-sectarian government. The Iraq Parliament briefly suspended operation in late 2011 when the largest political block, Iraqiya, walked out. In 2011, there were 2,600 civilian deaths, a good number of them police according to Iraqi government figures, not always reliable.

The Ironic Sidestepping of Iraqi Women's Rights by the Human Rights Commission Selection Process

With much fanfare, a special selection committee, guided by the UN Human Rights Office in Iraq, vetted candidates for 11 positions on the Iraq National Human Rights Commission, trumpeted as an independent investigatory authority answerable only to Parliament. The latter descriptive proved prophetic. Women were supposed to occupy three commission slots. Observers had their fingers crossed that political and sectarian interests would not overwhelm this pristine process. Despite monitoring and mentoring by the United Nations, the process in the end mirrored political party scorekeeping. After the selectees were announced in April 2012, instead of the mandated three women on the eleven member commission, the final tally was two. Contrary to the painstaking and democratically-crafted selection procedure which evolved over several months including a country-wide solicitation attracting 3,085 applicants, among them Parliamentarians and Cabinet Ministers, the two highest scoring women (and some male candidates), as ranked by objective and agreed upon criteria, were not chosen. It remains to be seen whether this so-called human rights commission will be able to see, feel, investigate, prosecute and conduct business not through ideological lenses but on the basis of internationally accepted human rights principles. Civil society has protested the outcome.

CONCLUSION: Legacy Interrupted

In the post-conflict Iraqi context, gender mainstreaming has meant little more than enforced gender quotas, happy yet toothless legislation, and cosmetic appointments with little persuasiveness or monetary backing by the government. Though protective in written word, enforcement of Iraq's many legislative equality guarantees is ad hoc and not reinforced by the development of State institutions to deal with non-compliance. The US push and public rhetoric about women's rights may have created the unintended consequence of push-back from those who might otherwise be inclined to support women if the advocacy lost its outsider tone. The tortuously slow path to women's independence will be from the bottom up, as those in positions of power and media prominence have demonstrated bouquets but little soul for authentic women's rights, understandable considering the risks and the country's sectarian and political make-up. Female rank and file, spurred by a few charismatic leaders of civil society, represent the best but distant hope, with institutional change measureable in a timeline far beyond years. Helping women to be economically independent will raise awareness not only in men but in other women who can be the worst enemy to progress for women's rights in Iraq. The US invasion and occupation may have unleashed the theocratic genie who dared not surface during Saddam's murderous but secular rule where women paradoxically had more rights and could, to some degree and locations, travel freely, unmolested by the absence of covering hijab. But another genie also escaped, a small truly independent cadre representing everywoman who demand respect, undaunted by patriarchy and the conservative sectarian women who support it. Despite the importance of women to the resurrection of Iraqi society, violence, lack of security, religion, and pervasive politics continue to frustrate women's progress and those who support it. Seeds have been planted but the US legacy for women's rights remains decades away on the Iraqi horizon.

Use in prodding the Tanzanian government to address the pervasive subordinate status of women, increase community awareness on the state of the law, and provide a non-partisan tool that essentially served as a report card for the Tanzania government.

Pro Forma Ratifications: Tales of Incomplete Resolutions in Tanzania and the Role Women Lawyer Organizations Can Take to Combat Crimes Against Women

By Ya Marie Cham

As 186 of the 193 member states of the United Nations have ratified the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), women’s struggle may seem a thing of the past.¹ Presently, only Iran, Palau, Somalia, Sudan, South Sudan, Tonga and surprisingly the United States of America have yet to ratify CEDAW.²

Marked as an international bill of rights for women, CEDAW States Parties have a mandate to take all measures necessary to eradicate any form of discrimination against women and to protect all aspects of basic human rights of women.³ Under CEDAW, irrespective of whether the actor is a state or private individual, each State Party is required to combat discriminatory actions that seriously inhibit women’s ability to enjoy the same rights and freedoms as men. Thus, a country’s ratification goes beyond merely adopting endless legislation and becoming a State Party to any regional or international instrument that comes its way. States Parties have responsibilities to women from which they cannot withdraw, and to which it will be held accountable at the national and international levels and must demonstrate to the CEDAW committee, through periodic reports, that measures undertaken have the purpose and effect of complying with the CEDAW obligations. Thus, States Parties have an obligation of results and guaranteeing the practical realization of human rights.

CEDAW’s achievements have been touted and recognized globally. The convention inspired landmark legislations, led to the adoption of other international and regional agreements on rights of women and the implementation of local and national initiatives addressing rampant gender-based violence and other widespread inequities impeding on women’s ability to enjoy basic freedom and fundamental human rights. For example, Kenya used CEDAW to address inheritance rights and eliminated discriminating against widows and daugh-

ters of the deceased. In 2005, Kuwait voted to extend voting rights to women following the CEDAW committee’s recommendation to eradicate the discriminatory laws on the books. Because of CEDAW, all 32 Mexican states adopted a law to subvert the epidemic of violence against women. After ratifying CEDAW, Pakistan instituted measures to tackle gender inequality in education and noticed a sharp increase in girls’ enrollment.

Yet not all CEDAW concerns manifest into comprehensive and prideful resolutions, including in the case of Tanzania. While adopting legislation and other initiatives, such as Sexual Offences Special Provision Act (“SOSPA”), were steps in the right direction, these are incomplete efforts to elevate the subordinate status of women in Tanzania, eliminate discrimination against women and bring about equality between women and men. SOSPA, a landmark legislation enacted in 1998, purported to address the nation’s insidious gender-based violence. It outlawed human trafficking for the first time, imposed significantly harsher penalties for sexual assault, although marital rape is excluded unless the couple is separated, and criminalized the harmful practice of female genital mutilation (FGM) on girls under eighteen. In early October 2009, a group of six third-year law students from Washington and Lee University School of Law (“W&L”) (2010 graduates Cristina Buccina, Ya Marie Cham, Shannon Sherrill, Lena Golze-Desmond, John C. Lamont and Dennis Maxwell), accompanied by Professor Johanna Bond, Associate Dean for Academic Affairs and an Associate Professor of Law at Washington and Lee whose teaching and scholarship focuses on international human rights law and gender and the law and an advocate and veteran field researcher on international human rights and gender and the law, set out to investigate and assess Tanzania’s implementation of SOSPA.

Partnered with Women’s Legal Aid Centre (“WLAC”)⁴, a Tanzania-based non-governmental organization (“NGO”), the W&L group traveled to Dar Es Salaam and interviewed about sixty stakeholders including judges, lawyers, police officers, health care providers, and several human rights NGOs on the state of the law, its achievements and shortcomings, and ways to improve the status of women throughout the country. After the ten-day trip, they returned home and prepared a detailed human rights report on their findings which was mass produced and delivered not only to their in-country partner, but to other NGOs and government officials for their use in prodding the Tanzanian government to address the pervasive subordinate status of women, increase community awareness on the state of the law, and provide a non-partisan tool that essentially served as a report card for the Tanzania government.

Comprised of mainland Tanzania and the island of Zanzibar, the former British colony is plagued by women’s rights violations and cultural attitudes of gender inequality that significantly impede Tanzania’s measures to successfully combat women’s rights issues. A decade after SOSPA’s passage, the current state of the law remains unknown to many, especially to those in rural parts of Tanzania. Widespread unawareness of the law transpires into unchanged cultural attitudes toward women and exacerbates the tolerance of gender-based violence throughout the country. For instance, the few reported cases of rape and gender-based violence are still met with skepticism and victims are often held responsible for their unwelcomed encounters with perpetrators. More astonishingly, no victim of rape or sexual assault may be treated by any medical personnel—public or private—without evidence that the victim first stopped to report the incident and obtained a copy of a police report called PF3. On the off-chance that a victim pursues criminal prosecution, the case often results in disposal by the prosecutor because the whereabouts of the victim become unknown or the two families—victim’s and perpetrator’s—have reached a financial settlement to thwart criminal prosecution. And when the cases do make it to trial, physical proof of penetration is required before any conviction is allowed under the law.

In the case of FGM, the incidents are even more of a mystery because people are reluctant to discuss the practice and documentation of FGM incidents is even more sparse. But there is evidence that almost 18.5% of Tanzanian women had undergone FGM and government officials reported that 15% of women undergo the

procedure each year. Unchanged, certain tribes, most notably the Maasai, have a 100% female mutilation rate among its women. But the ban will not be successful and Tanzania cannot claim compliance with international law so long as SOSPA remains unchanged. It did not ban the practice on adult women and only imposed criminal sanctions on persons having custody or care of the mutilated girl, absolving those performing the procedure on the girls. Therefore, risk of criminal liability is easily circumvented so to allow the continued the harmful practice on girls and women, including either parents who compliantly wait until the girls reach the age of eighteen or others who secretly perform FGM on young, unsuspecting minors. A significant obstacle noted was that FGM is so deeply rooted in the cultures of its practitioners that even those charged with implementing the law either underwent the procedure themselves or had their daughters mutilated. Even some lawmakers dare not take part in the law’s implementation for fear of losing constituent votes and political backlash.

With respect to human trafficking, which carries varying meaning depending on who is reporting it, the pervasiveness of the problem is minimized. Several stakeholders interviewed believed that trafficking is limited to persons taken out of the country. Even so, a 2009 report by the United States Department of State found that Tanzania remains a country of origin, transit and destination of trafficked persons. Moreover, internal trafficking of humans from the rural parts to urban areas for use as human capital, child laborers and indentured servants remains widespread. In 2002, 4.1 million Tanzanian children between the ages of five and fourteen were forced into the agricultural, sex and drug industries. Seventy-three percent of victims were female between the ages of twelve and seventeen. In some cases, girls and women attempting to escape gender-based violence, unknowingly fell into the hands of traffickers pretending to be good Samaritans and eventually were forced in prostitution.

The “full and complete development of a country, the welfare of the world, and the cause of peace require the maximum participation of women on equal terms with men in all fields.”⁵ As such, we must aim to achieve integrated standards for women’s rights globally. Thus, this is a call to all women lawyer’s and their affinity groups to take action to improve the global welfare of women. Too often, because of limited resources and mounting issues threatening national security, NGOs are left with the task of effectuating and implement-

Widespread unawareness of the law transpires into unchanged cultural attitudes toward women and exacerbates the tolerance of gender-based violence throughout the country.

ing legislation and favorable change. Therefore, organizations, such as the National Association of Women Lawyers should continue to develop and strengthen women rights through collaborations and partnerships with NGOs and other stakeholders in other parts of the world. They must also undertake assessment research, facilitate community capacity building on women’s legal and human rights, undertake analysis of policies and laws to influence positive changes for protection of women’s rights. Heinous acts against women need to be eradicated and women’s status elevated.

Here at home in the United States, we can work to achieve CEDAW ratification by our very own federal government. Undeniably, the United States is a key

player on the global stage and many look to the United States as a leader in effectuating positive change on many global issues. Persistent discrimination against women is a systemic and global pandemic that requires global attention and all countries should be involved in the dialogue to standardize and improve the status of women and girls around the world. The United States, as a non-State Party to CEDAW, cannot get involved in the full implementation of the convention. The time for justice for women is now and we should aim for the United States government to ratify CEDAW, signaling to the rest of the world that we deem women’s human rights as a global priority and not for the discretion of any one nation.

1. CEDAW Ratification: Backseated Once Again, by Penny Wakefield, Vol. 37 No. 3, Human Rights Magazine, Summer 2010.
2. CEDAW Ratification: Backseated Once Again, *supra*.
3. CEDAW defines discrimination against women as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. United Nations, Div. for the Advancement of Women, Dep’t of Econ. and Soc. Affairs: Convention on the Elimination of All Forms of Discrimination against Women, <http://www.un.org/womenwatch/daw/cedaw/> (last visited Sept. 16, 2012).
4. WLAC is a voluntary, non-governmental, non-partisan and non-profit making organization that provides legal aid services to disadvantaged women and children, campaigns women land rights and the global eradication of violence against women, conducts awareness and educational trainings on women legal and human rights and establishes gender desks at nearly all police station in Tanzania to assist victims of crimes, their witnesses, and families in every step of the process by offering among other things, services such as counseling, legal and medical advice.
5. http://www.unicef.org/jordan/resources_722.html. (last visited on September 18, 2012).

Securing the U.S. Mexico Border: Case of Child Pornography

By Kerri Ann McLaughlin, J.D.

Kerri Ann McLaughlin, J.D. earned a B.A. in Political Science from Fordham University in 2006 and a J.D. from Stetson University College of Law in 2011 with a Certificate of Concentration in International Law. In her second semester of law school, Kerri traveled to Switzerland on a directed research project studying International Organizations. In 2009, Kerri studied abroad in Stetson’s Hague, Freiburg, and London programs. Kerri worked as Professor Luz Nagle’s research assistant and interned with the World Triathlon Corporation, the Tampa Police Department, the Federal Public Defender’s Office, and the U.S. Attorney’s office. In February 2012, Kerri started pursuing an M.A. in Intelligence Studies at American Public University. She is also a board member of Breaking Out Corporation, a non-profit working to fight human trafficking. Kerri currently lives in Ochang-eup, South Korea with her husband Jason Perez where they teach English as a Second Language.

More moves across the U.S. Mexico border than just guns, illegal immigrants, and drugs. It is Child Pornography!

Since early this year, Mexican lawmakers acknowledge Mexico’s place in the sexual exploitation of children. They rank Mexico as “the world’s No. 2 producer of child pornography.” Fox News Latino, *Mexico No. 2 Producer of Child Porn, Lawmakers Say*, January 26, 2012 [available at www.Latino.foxnews.com/latino/news/2012/01/26/mexico-no-2-producer-child-porn-lawmakers-say/] (accessed March 16, 2012). According to chairwoman of the Special Committee to Fight People Trafficking Rosi Orozco, the child pornography business in Mexico profits \$42 million each year. *Id.* In addition to transmitting child porn images on the internet, Mexico’s ranking in the business of producing child pornography heightens the threat level of child pornography along the Mexico-U.S. border.

Child Pornography is not something new along the Mexico U.S. border. *The Factbook on Global Sexual Exploitation* references two cases from the late 1990s in which one case involved 2000 clients of a child porn producer and another case implicated two Americans in producing pornographic videos “using children ranging in age from newborns to 18 year olds.” Donna M. Hughes, Laura Joy Sporcic, Nadine Z. Mendelsohn, Vanessa Chirgwin, Coalition Against Trafficking in Women. *The Factbook on Global Sexual Exploitation*, Mexico (1999) [available at <http://www.uri.edu/artsci/wms/hughes/mexico.htm>] (accessed March 16, 2012).

The United States continues to fight child pornography with 5 specific statutes: 18 U.S.C. §2251 criminalizes the production of child pornography as a form of “sexual exploitation of children;” 18 U.S.C. §2251A

criminalizes “the selling or buying of children” for sexual exploitation; Both 18 U.S.C. §2252 and §2252A criminalize those who knowingly possess, receive, and distribute child pornography; 18 U.S.C. §2260 criminalizes the production of child pornography for the purpose of importing it to the United States. Office of the Law Revision Counsel, *U.S. Code* [available at <http://uscode.house.gov/>] (accessed March 16, 2012). Considering the extent to which child pornography is produced in Mexico, U.S.C. §2260 is essential to eradicating the supply of child pornography to the United States.

The United States joins with the International Community in the fight against Child Pornography. Back in 2000, the United States signed the Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution, and Child Pornography. Office of the United Nations High Commissioner for Human Rights. *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography*, Volume 2171, A-27531 [available at <http://www2.ohchr.org/english/law/pdf/crc-sale.pdf>] (accessed March 16, 2012).

The United States and Mexico currently fight organized crime together under the Merida Initiative. While the Merida Initiative primarily concerns drug trafficking, the mission centers on securing the border from both drugs and arms trafficking. Refer to Clare Ribando Seelke and Kristin M. Finklea “*U.S.-Mexican Security Cooperation: the Merida Initiative and Beyond.*” July 29, 2010 CRS R41349, [available at Homeland Security Digital Library www.hsdl.org/?view&did=20074] (accessed March 16, 2012).

... child pornography is a security threat to the United States because of the involvement of organized criminals seeking profits and the geographical susceptibility to the trafficking of child porn along the U.S. shared border with Mexico, a leading producer in child pornography.

As such, child pornography is a security threat to the United States because of the involvement of organized criminals seeking profits and the geographical

wide (up from 170,000 in 2009 and 106,000 in 2006).⁴ Of those, it is estimated that roughly 22%, or 45,000 plus, are female.⁵ In addition to the many domestic PRC law firms of varying sizes, the vast majority of the Am-Law 100 firms have a presence in mainland China, many with offices in Shanghai and Beijing, along with Hong Kong (which still retains a separate legal system). As domestic and international companies have grown in China, there has also been a similar rise in the presence of in-house lawyers, many of whom are PRC nationals and not expatriate hires.

Notwithstanding the rigid gender roles assigned to women historically in China, here again, the newness of the society that has been built in the years since the founding of the People’s Republic may be significant. During the period from 1949 until arguably 1976, Chinese society faced a series of mass movements, most significant being the Great Proletarian Cultural Revolution which lasted from 1966 until 1976, aiming at destroying the conventions and expectations of China’s social order. A well-known Chinese maxim is that ‘women hold up half the sky’ and Mao Zedong, China’s leader during the 1949—1976 period, emphasized this point in his policies. Arguably, a Chinese person’s class background (peasant, worker, capitalist, intellectual), was far more significant during this period than gender in terms of one’s place

in society. At the same time, Chinese society historically emphasized, and continues to this day to stress, the importance of personal relationship networks.

These networks are complex and the subject of reams of research in their own right, but for purposes of this analysis, the key points are that (a) there is often a hierarchical element to them (teacher/student, elder classmate/younger classmate, superior/protégé) that is not tied to gender roles, and (b) they are a key aspect, not only of social or personal relationships, but also for business and professional relationships. In other words, there is a common and indeed favorable impression of doing business with one’s friends, and of becoming friends with one’s business or professional colleagues. As explained below, this may be distinctive as compared to common expectations in societies with Anglo-Saxon roots.

III. Sample / Interview Results

For this project, information was gathered by interviews and sampling of Chinese lawyers, most of whom work for domestic Chinese firms in Shanghai and Beijing.⁶ Certain of the interview subjects had also worked in international firms or for international clients.

The questions posed to the interview subjects and the percentage of responses in each category was as follows:

Does Gender Impact	Positive Impact	Little or No Impact	Negative Impact
Your career advancement	16%	50%	33%
The types of assignments you receive	15%	70%	8%
The way you conduct yourself in internal meetings	12%	88%	
Your compensation		83%	13%
Your ability to cultivate influential relationships (e.g., client relationships, relationships with superiors and potential mentors, etc.)	33%	38%	20%

Issue	Less impact than US/UK	More negative impact than US/UK	Equal impact
In the context of career advancement and success in the legal profession in China, do you think gender has ⁷	21%	38%	21%

In reviewing the responses, a striking point was the strength of the perception that gender does **not** impact issues that are frequently discussed as problematic in the US/UK profession, such as (1) assignments, (2) the way the subjects conduct themselves, or (3) compensation (83% responded that gender had little to no impact on their compensation!).

Yet, the strength of these replies is also juxtaposed against the fact that only 16% reported that their gender has a positive impact on their profession and 33% indicated that it has a negative impact. Thirty-eight percent of those interviewed also expressed the view that gender has a more negative impact in China on career advancement and success in the legal profession than exists in the US and UK. In other words, by several measures, the women we interviewed reported that they were doing well professionally, and yet they acknowledged that their position was negatively impacted by their gender. Some of the comments reflect this discomfort, e.g.:

- “I accepted the reality [of gender bias] and did nothing to change it.”
- “I did not take active actions. Just be patient to regain those opportunities I missed during the time of baby birth.”
- “Try not to let others noticed that you would need more time than a man to take care of family and kid(s). Try to keep the same work habits and keep fit during pregnancy and children born.”

This dichotomy between the absence of gender impacts in certain key areas, with the perception of an impact on career advancement, suggests that gender bias against female lawyers in China may manifest itself in different ways/areas than in the West. In this connection, it is interesting to compare the finding that just 16% of our representative panel of Chinese lawyers indicated that their gender had an affirmative positive impact on their career development. This contrasts with related findings from our Phase I survey in which 59% of respondents globally reported their gender having a positive impact on client relationships, with certain localities (i.e., Mexico) reporting out a positive impact at even higher rates (i.e., 79%).

On compensation, the sample indicates a very strong perception of parity. While there is little verifiable data in China on salary levels amongst Chinese lawyers and none that we know of that is broken down by gender, we do tend to view this finding as quite ro-

bust. Consider that in China there is little, if any, stigma or social mores against openly discussing/comparing compensation (meaning that Chinese females are, in fact, likely well aware of what their male colleagues/ counterparts are earning). The relative absence of discrepancy may be a result of the policy aims of promoting gender equality pursued in the past six decades.

One senior partner we interviewed who has been at both international firms and now a leading domestic firm commented that she thought that her compensation had previously been impacted negatively (when she was at international firms) but that was not the case now. She noted that domestic firms are by and large “eat what you kill” and thus, there are not necessarily as many uncontrollable variables impacting compensation as in the larger international firm environment. This same partner went on to comment that an interesting corollary to the “eat what you kill” model is that, in her experience, Chinese women are not necessarily looking for, nor do they need mentors to pull them up through the ranks: while alliances and strong internal relationships are still very beneficial, the key to promotion is, by and large, a strong business. And, again, this may be where the cultural factor regarding the importance in China of building personal relationship networks is vital. By contrast, in our Phase I research across a range of geographies, women reported less comfort in directly pursuing their personal contacts/friends/affinity circles for work as well as a sense that they were more likely to compartmentalize “work” contacts and “friend” contacts in their personal networks.

IV. Broad Themes From China

In reviewing the interview findings, we noted that the comments reflected various broad themes:

For example, comments from the sample group of Chinese lawyers included many references to “traditional” gender issues such as work/life balance challenges. In other words, notwithstanding socialist policy that women should be treated equally with men, women still faced challenges as a result of their childbearing role, e.g.,

“In the long run, due to factors of her body and the limitations stemming from her expected role in society, female lawyers experience difficulties in pursuing her legal career on equal terms with men, both in terms of the breadth and depth in the various practices of law. Therefore, it is a rational choice for female lawyers with limited physical strength and energy to learn as much as possible to

Consider that in China there is little, if any, stigma or social mores against openly discussing/ comparing compensation (meaning that Chinese females are, in fact, likely well aware of what their male colleagues/ counterparts are earning).

become a leading professional in a limited legal practice while keeping a healthy balance between life, family and career.”

The comments also reflected a strong undercurrent of pragmatism, and a practical focus on technical skills, hard work, etc., as a means of overcoming and mitigating challenges (i.e., working within rather than trying to change the system—an approach that is quite common within Chinese culture):

“Being proactive task handler, being careful and attentive (this is females’ advantage), being persuasive in a feminine way.”

“Once I was informed by a headhunter that the company chose another candidate because it preferred a male in-house counsel. I was happy that I wasn’t chosen because I would never want to work for a company like that.”

“Generally speaking, partners in international law firms usually dominated by male and the senior executives in MNCs are most male. As a woman, I just had to show that I can work as much as hard as the male colleagues without being interfered by domestic matters. Also, do not afraid to raise opinion and questions during the internal meetings.”

Many lawyers also commented on the importance of leveraging femininity, as well as women’s strong communication/listening skills. The recognized cultural stereotype in China of a fearless, relentlessly driven Shanghainese female lawyer perhaps reflects the quintessential embodiment of a strong and uniquely female professional. Comments regarding use of femininity in women’s professional roles include:

“At present, the more practical solution is to find a family-oriented man who will take on the role of a nursing dad, there by [sic] allowing female lawyers to focus their energy on their careers as much as male lawyers.”

“For example, it is more difficult for a female lawyer to entertain male clients. To mitigate this, we can keep good client relationship through better services.”

“I think being a woman has both advantages and disadvantages. It is indeed harder for women lawyers to build relationship with clients in the way men

would, but I actually think it’s easier for women to maintain clients because we listen better and thus can provide services that are closer to the real needs of the client. A decade ago, people would probably say that the key factor for success in the China legal profession would be network and connections. Now, it is still important to have those, but clients are starting to focus more on the professional skills and abilities, as the market is becoming more and more sophisticated. I would say in today’s market, the key factors to success would be both professional competence and networking abilities.”

This leveraging of femininity arguably is in contradiction to the recommendations on communication styles from noted experts and institutions in the US that women seek to learn the “rules” of gender communication (which in many instances are driven by typically male communication styles).⁸

“It’s easier to gain the confidence and respect of peers/clients because when they see me as a young, female partner, and most would immediately assume I must be very capable. Female lawyers have better communications skills and are more meticulous than male lawyers, hence more suited to the legal profession.”

We also note the success of Chinese lawyers in tapping relationships and the cultural acceptability of effectively tapping social and other relationships as a means of developing business, which may help women lawyers in China avoid some of the constraints perceived by other women we researched.

In China, gender also appears to impact practice selection at least with respect to litigation that is by and large cited as extremely dangerous and unsuited for women practitioners. For example, some women we interviewed (including one who used to be a prosecutor) indicated that litigation practice can involve threats of physical harm and thus, it was considered dangerous for women to be engaged in litigation practice.⁹ Additionally, litigators are expected to engage in extensive socializing of a type most Chinese women would find distasteful with members of the prosecutorial and judicial apparatus, as reflected in this comment,

“And from my opinion, the other concern for female lawyer reluctant to enter into litigation area is that litigation lawyers always need to socialize with judges and prosecutors (the majority of them are

male)—that’s something special in China where networks and resources are sometimes critical for winning the cases. Male lawyers can usually build up their network with such male judges and prosecutors through having meals, drinking, attending entertainment events or activities together (such as karaoke, mahjong, poker), but all such sociable events are not so proper or appropriate for Chinese female lawyers to join in...”

V. Conclusions: Looking Ahead

Global Challenges/Global Solutions?

In comparing and contrasting the information gleaned in Phase II with that developed in Phase I, as well as research from the UK, from Commonwealth jurisdictions⁰ and from the US on challenges facing women legal professionals, common global issues are identified, but globalized solutions seem unlikely, and indeed, may not be advisable. For example, in the US, the debate continues as to the effectiveness of women adopting male communication styles for certain purposes, while in some countries, such as Mexico and China, embracing femininity and some of the unique female qualities that women bring to the professional arena might be equally, if not more, effective. This seems to suggest that even in an increasingly globalized business environment, cultural and local norms will continue to impact communication styles and successful strategies for overcoming gender-based impediments women professionals face:

Recommendation: The Manifesto should acknowledge the global commonality of certain challenges women lawyers face in terms of career advancement and satisfaction (such as the fact that childbearing years coincide with important stages of career advancement), while advocating the importance of women’s refining or adapting strategies for overcoming challenges to reflect their specific local context.

Personal Networks/Alliance Building:

In the ‘positive deviance’ model, locally-derived solutions for a given problem are often more suitable than global solutions. That said, solutions derived in one context might offer insight and relevance to another. As indicated above, women we interviewed in Phase I expressed reservations about leveraging their personal

relationship networks to advance their career and professional interests. The experiences of Chinese women lawyers interviewed in Phase II suggests that their reliance on such networks is arguably a key factor in their financial success and in liberating them from dependence on mentors/sponsors, such as is common in Western law firms.¹¹

Recommendation: Women who are reluctant or ambivalent about leveraging their personal and social networks for professional advantage should seek to overcome this inhibition and learn how to do so in ways that are authentic and appropriate to their context. Apart from using personal networks to influence professional success, women should also utilize alliances with other women lawyers, both in their communities and internationally. The experiences of the women in India and China who participated in Phase I and who have maintained connections since then, suggests that forging alliances with other women lawyers, even competitors, can offer opportunity for cross-referrals and cross-promotion that can free women from dependence on male colleagues within their firms who may not be motivated or inclined to support visibility or marketing of women colleagues’ practices. For example, two participants from international law firms in Shanghai who joined in Phase I of the project are competitors in a common practice area. However, they subsequently collaborated by one referring a high-value engagement to the other when a conflict of interest arose; the recipient of the referral later arranged a webinar where the other lawyer was the presenter on issues in that practice. Leveraging off of ‘social capital’ is an important tool for women to utilize.¹²

Intelligent Risk-Taking:

The process of effecting improvement in women’s position in the legal profession will involve a push-me-pull-you dynamic over time. Some strategies will depend on advocating institutional change by law firms and companies’ in-house legal departments. Others will rely upon women’s personal, individual choices. In this connection, it’s important to recognize that awaiting institutional change—even as one is actively engaged in promoting and advocating such reform—involves a measure of dependence on employers to adopt and implement recommendations. In terms of more immediate change, the decisions that women control directly

are important. In this regard, we think it imperative to acknowledge and recommend explicitly the vital importance of intelligent risk taking. Intelligent risk taking involves engaging in active and thorough analysis of (a) a given goal, be it the need for budget to travel to speak at a conference or to craft a response to an RFP in a certain way, (b) the associated impediments to realization of the goal, and (c) options for overcoming them. Often, overcoming impediments to a woman’s advancement will involve in some concrete sense, opposing the position or views of a respected colleague, a practice group leader, marketing director or other

person in a position of authority. The decision to do so must involve the right risk, at the right time, and must be undertaken in the smartest way possible. Doing so involves skills in analysis and invoking of attitudes of resoluteness and bravery, which women can cultivate using a variety of resources (such as coaching, research, use of alliances) and they should be encouraged to do so. As Eleanor Roosevelt once said, “Do one thing every-day that scares you.” In addition to efforts to promote institutional changes, this willingness to push ourselves to take risks—albeit in informed and intelligent ways—must be part of women’s strategy for achieving career advancement.

1. See Hannah Hayes “*Building Client Relationships: International Survey Highlights Woman-Style Rainmaking*,” 20 Perspectives Magazine 8 (Fall 2011).
2. See Aric Press, “*The Whole World is Hiring*,” The American Lawyer (Feb. 1, 2012), <http://www.law.com/jsp/tal/PubArticleTAL.jsp?id=1202539446345&slreturn=1> (last visited on Feb. 21, 2012).
3. For example, the firm Bird & Bird dates its founding to 1846: see <http://www.twobirds.com/English/AboutUs/Pages/History.aspx> (last visited on Feb. 21, 2012).
4. The Ministry of Justice did not provide us official figures, so these are drawn from data posted by bar associations and media reports in China. See http://www.ahlawyer.org.cn/show_new.aspx?id=12534 (last visited Feb. 21, 2012).
5. See, e.g., <http://bbs.news.163.com/bbs/society/173702457.html> (last visited Feb. 21, 2012).
6. The authors would be interested in collaborating with certain of the lawyers’ associations in China, but such exchanges are subject to review and approval, so time limitations did not permit that collaboration to take place in time for the Summit.
7. Some of the respondents did not answer this question given that they were not familiar with the impact of gender in the legal profession outside of China.
8. See, e.g., Andrea S. Kramer, “*Professional Advancement and Gender Stereotypes: The “Rules” for Better Gender Communications*,” Women’s Bar Association of Illinois 22 (Fall 2011), <http://www.mwe.com/info/pubs/Kramer-WBAIFall2011.pdf> (last visited on Feb. 21, 2012), who very cogently argues this position.
9. Note, PRC regulations applicable to foreign law firms prevent them from practicing PRC law. The regulations are typically construed to mean that lawyers employed by foreign law firms may not appear as counsel of record in PRC-sited court and arbitration proceedings. To the extent that international law firms are engaged in dispute resolution practice in the PRC, they generally do so in coordination with local counsel. As such, these comments are applicable to the experience of counsel in local firms, who are on the ‘front lines’ of dispute resolution practice.
10. For example, the Thought Leadership 2011 report issued by Australia’s Law Society of New South Wales entitled “*Advancement of women in the profession: Report and Recommendations*,” <http://www.lawsociety.com.au/idc/groups/public/documents/internetcontent/579007.pdf> (last visited on Feb. 22, 2012).
11. The authors recognize that additional factors, such as smaller size of Chinese law firms and their relative newness may also play a role in Chinese women lawyers’ financial parity with their male counterparts, but a number of interview subjects placed strong emphasis on the vital role personal networks play in professional success.
12. See, e.g., Ellen Ostrow, “*The One Activity You Can’t Afford to Pass Up: Building Social Capital*,” 82 Wisconsin Lawyer 4 (April 2009). <http://www.lawyerslifecoach.com/article-archive/the-one-activity-you-cant-afford-to-pass-up-building-social-capital> (last visited on Feb. 22, 2012).

NAWL NEWS

Upcoming NAWL Meetings and Programs

JULY 25, 2013
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Join lawyers from across the country at the historic Waldorf Astoria New York Hotel in New York, New York for NAWL’s signature event, the Annual Meeting & Awards Luncheon. At this event, NAWL will honor those who have made significant contributions to diversifying the legal profession as well as NAWL members who have devoted their time and efforts to NAWL. In addition, you will have the opportunity to participate in interesting and timely CLE programs along with networking events.

This year’s awardees are:

President’s Award: New York Life Insurance Company, accepted by Sheila Kearney Davidson, Executive Vice President, Chief Legal Officer and General Counsel

Arabella Babb Mansfield Award: Professor Judith Resnik, Arthur Liman Professor of Law, Yale Law School

M. Ashley Dickerson Award: Michele Veta T. Richardson, President & CEO, Association of Corporate Counsel

Public Service Award: Catherine J. Douglass, Executive Director and President of inMotion

Lead by Example Award: Daniel J. Goldstein, Executive Vice President and Chief Legal & Compliance Officer, Pitney Bowes Inc.

Virginia S. Mueller Outstanding Member Awards: April Boyer, K&L Gates LLP, Sandra Ng Cassidy, Prudential; Jenny Champlin, Wal-Mart Stores Inc., Liz Levy, Massachusetts Institute of Technology

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NAWL NEWS

Member News

Hollis Salzman, a nationally recognized antitrust litigator, recently joined Robins, Kaplan, Miller & Ciresi L.L.P. as Co-Chair of the firm's Antitrust and Trade Regulation Practice Group. Ms. Salzman has over two decades of experience leading multi-district antitrust litigation. Her skills and accomplishments have been recognized by the theLawdragon, Legal500 and Benchmark Plaintiff. She has particular depth of experience prosecuting antitrust violations against international cartels and currently serves as Co-Lead Counsel in In re Automotive Parts Antitrust Litigation, a private civil action stemming from what has been described as the largest Department of Justice criminal investigation in United States history. Along with Hollis, Kellie Lerner joined the firm as a partner and Elizabeth Friedman and Meegan Hollywood joined the firm as Associates.

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NAWL congratulates the 2012 Outstanding Law Students. Selected by their law schools as the outstanding law students of their class, these talented and dedicated awardees are among the best and brightest.

Honored not only for academic achievements, these students were also chosen for the impact they made in areas beyond the classroom. The men and women listed below have worked to further the advancement of women in so- ciety and promoted issues and concerns of women in the legal profession with motivation, tenacity and enthusiasm that inspired both their fellow students and law professors.

NAWL is for women and men who want to change the world. We salute these individuals who have begun working early in their careers to promote justice for women, and we encourage them to continue making a difference as their careers blossom.

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PRACTICE AREA KEY			
ACC	Accounting	ENG	Energy
ADO	Adoption	ENT	Entertainment
ADR	Alt. Dispute Resolution	EPA	Environmental
ADV	Advertising	ERISA	ERISA
ANT	Antitrust	EST	Estate Planning
APP	Appeals	ETH	Ethics & Prof. Resp.
ARB	Arbitration	EXC	Executive Compensation
BDR	Broker Dealer	FAM	Family
BIO	Biotechnology	FIN	Finance
BKR	Bankruptcy	FRN	Franchising
BNK	Banking	GAM	Gaming
BSL	Commercial/ Bus. Lit.	GEN	Gender & Sex
CAS	Class Action Suits	GOV	Government Contracts
CCL	Compliance Counseling	GRD	Guardianship
CIV	Civil Rights	HCA	Health Care
CLT	Consultant	HOT	Hotel & Resort
CNS	Construction	ILP	Intellectual Property
COM	Complex Civil Litigation	IMM	Immigration
CON	Consumer	INS	Insurance
COR	Corporate	INT	International
CRM	Criminal	INV	Investment Services
CUS	Customs	IST	Information Tech/Systems
DOM	Domestic Violence	JUV	Juvenile Law
EDU	Education	LIT	Litigation
EEO	Employment & Labor	LND	Land Use
ELD	Elder Law	LOB	Lobby/Government Affairs
ELE	Election Law	MAR	Maritime Law

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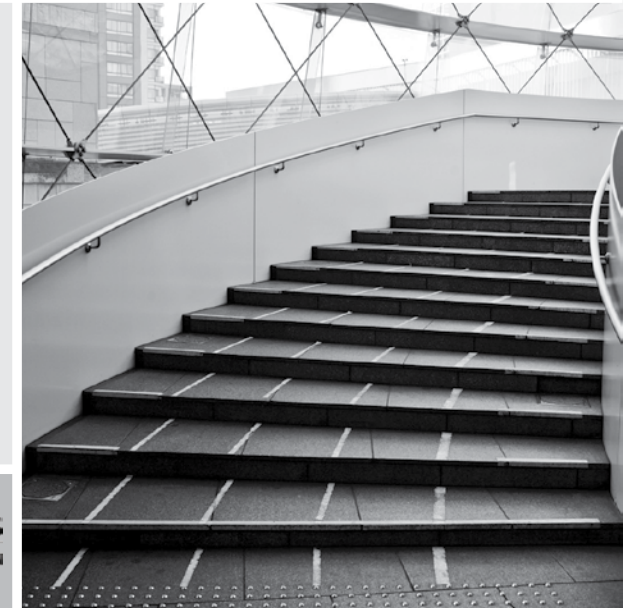
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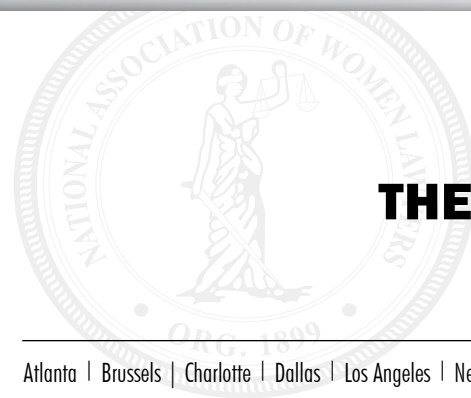
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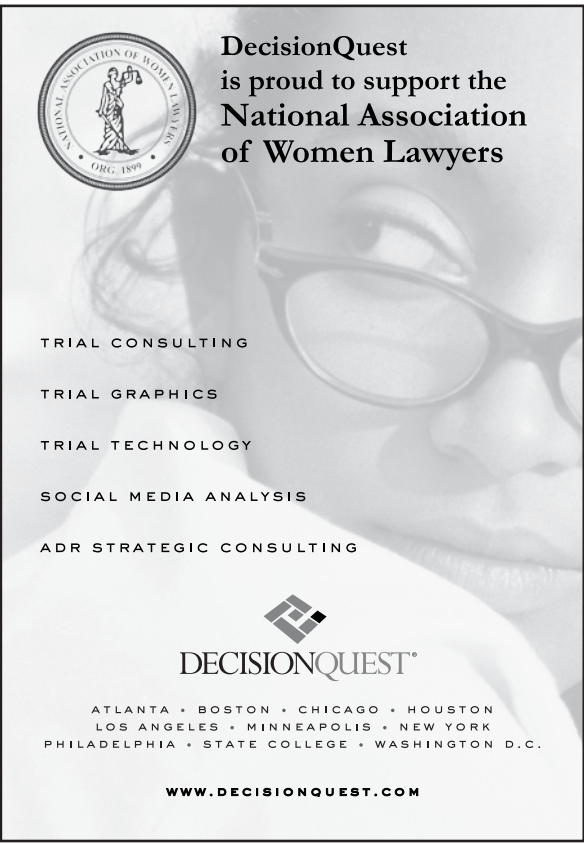



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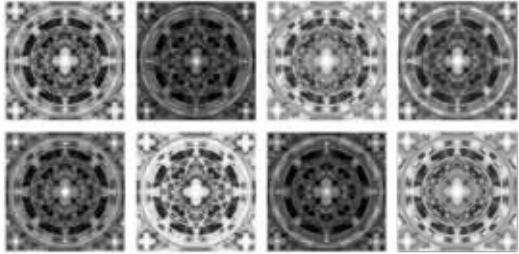


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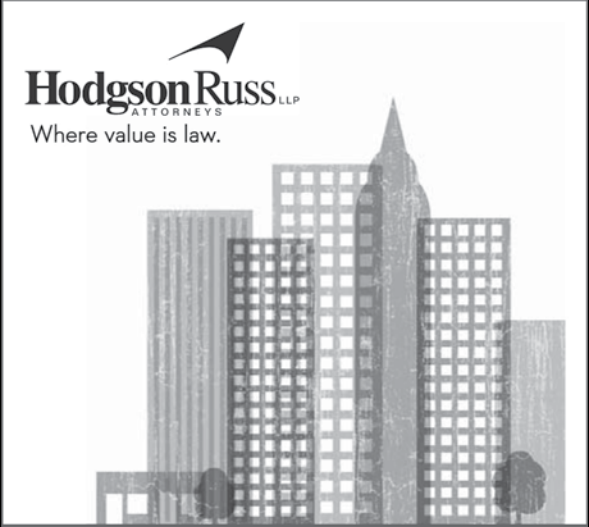
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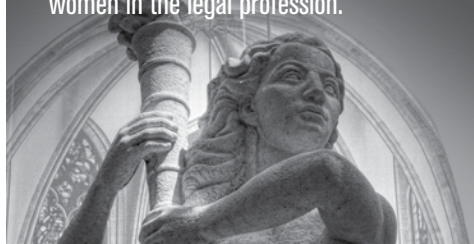
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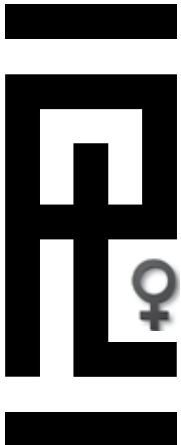
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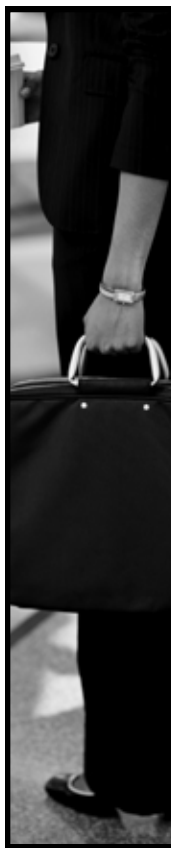
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