

Ambassador Melanne Vermeer

The Justice Ruth Bader Ginsburg Distinguished Lecture on Women and the Law

New York, NY – December 15, 2009

It is a privilege and an honor to be here tonight to deliver the Annual Justice Ruth Bader Ginsburg Distinguished Lecture on Women and the Law, and I thank the New York City Bar for inviting me.

I recently returned from a trip to four countries in Asia. In Seoul, South Korea, I was invited to give a talk in observance of International Human Rights Day. When I met with the South Korean Human Rights Commissioners, the first comment I got was about the significance of President Obama's signing of the Lilly Ledbetter Fair Pay Act, which overturned a Supreme Court decision that would have applied strict limits to acts of pay discrimination.

Now, it is noteworthy that in his first bill-signing as President of the United States, President Obama was upholding Justice Ginsburg's interpretation of the law in the dissent she filed in the 2007 decision. She once noted that "dissents speak to a future age...the greatest dissents do become the dominant view. So that's the dissenter's hope: that they are writing not for today but for tomorrow." And that's exactly what happened in this case!

I was serving as Chief of Staff to the First Lady in the Clinton Administration when President Clinton announced his nomination of Justice Ginsburg as only the second woman to the highest court. He said, at the time, that she was “brilliant, had a compelling life story, whose record was interesting, independent, and progressive,” but we were also cheering because she was a champion for women’s rights.

The Justice and I share a very dear friend, the NPR Supreme Court reporter Nina Totenberg. Nina reminded me that Justice Ginsburg began her crusade for gender equality in partnership with her husband Marty, with whom she shares a deep bond, perhaps in all things – except cooking! He’s a great cook.

Years ago, Marty spotted a report on a court ruling in a case involving a man named Charles Morris, who had claimed a dependent care deduction on his taxes for the money he spent caring for his elderly mother when he was on the road for his job. The IRS had disallowed the deduction, noting that Congress allowed it only for women and divorced or widowed men. Mr. Morris represented himself in the tax court, arguing that if he were a dutiful daughter instead of a son, he’d be allowed the deduction. The court concluded that the Internal Revenue Code was immune from constitutional challenge, a claim that Marty Ginsburg thought was preposterous.

He showed his wife the decision. She agreed that they had to take the case, and they concluded that the solution was not to invalidate the statute, but to apply it equally to both sexes. The Ginsburgs won in the lower courts, and the government appealed to the Supreme Court. The government said that the lower court's decision cast a cloud of unconstitutionality over literally hundreds of federal statutes, and, to prove its point, the government appended to its brief a list of hundreds of federal statutes. As Nina notes, "These were the very laws that Ruth Bader Ginsburg would litigate and challenge over the next decade."

By the 1970's, she had founded a special project on women's rights and was leading the battle in the courts against sex discrimination. And on the Court, she has continued to be a voice for justice and women's equality under the law.

It is therefore with great gratitude that I stand here now, as the U.S. Ambassador-at-Large for Global Women's Issues. The President's unprecedented creation of the position I now hold speaks volumes about the importance of women's issues in U.S. foreign policy – and the message we send to the world about the status of women.

Women in the United States have the opportunity and responsibility not only to raise our own voices against inequality and injustice, but also to empower others to raise theirs. Contributing to the advancement of women's rights and the rule of law frees those voices.

Next year, we will mark the 15th anniversary of the United Nations Fourth World Conference on women that took place in Beijing.

It was there that Hillary Clinton, in her role as First Lady, said, in an historic keynote address:

“I believe that it is time to break the silence. It is time for us to say here and for the world to hear, that it is no longer acceptable to discuss women’s rights as separate from human rights.”

She detailed a litany of abuses against women and girls, from dowry burnings to domestic violence to rape as a tool of war, and she punctuated all of this with the statement that each was a violation of human rights:

“It is a violation of human rights when babies are denied food or drowned or suffocated simply because they are born girls.

It is a violation of human rights when women and girls are sold into slavery”...and so forth, through all the violence and injustice that women confront at every point during their life-cycle.

And then she issued the statement that has echoed around the world:

“If there is one message that echoes forth from this conference, it is that human rights are women’s rights and women’s rights are human rights.”

The polite audience gradually rose in waves of applause – a crescendo, until the pounding sounded like an explosion – as the First Lady called these crimes,

with which they were all familiar, what they really were: violations of human rights.

I remember not long after that speech, the First Lady was doing an international radio call-in show. A male caller asked her what she meant when she said that women's rights are human rights, and she replied: "Close your eyes, sir, and think of all the rights you enjoy as a man. Well, women should have the same." It can be difficult, after nearly fifteen years, to appreciate how simple – and yet how revolutionary – it was to characterize women's rights in this way, as not something separate from human rights, but as part of them.

Beijing sparked a movement that made a call to action out of women's access to education, healthcare, jobs, credit, freedom from violence, and the opportunity to enjoy equal rights and participate fully in the political and economic lives of their societies. In all, 189 countries adopted the Platform for Action: an ambitious blueprint for women's equality.

As governments and civil society begin to ramp up to the worldwide events that will mark the 15th anniversary of Beijing, we need to recommit ourselves to action.

We need to assess our progress and to develop strategies and new ways to address the persistent obstacles that still hold back the advancement of girls and women. The Beijing agenda is an unfinished one.

All around the world, women are blazing new trails and triumphing over long-entrenched obstacles as they create a better world for all of us.

In evaluating our progress, I want to begin by focusing on an element of concern for international law, and one that is a prerequisite for so many of the other agenda items: security – **inclusive** security, because unless we include women in our discussions about security, and in our discussions of achieving security, there can be neither lasting peace nor stability.

During the last few months, the United Nations has taken an important step to strengthen the existing UN tools that we have had to address sexual violence as a tactic of war and to reassert the importance of women's roles in conflict resolution and peacebuilding. Two months ago, the Security Council unanimously adopted U.S.-sponsored Resolution 1888. Secretary Clinton spoke on the need to improve the UN's response to sexual violence committed during armed conflicts. The resolution recognizes that preventing and responding to sexual violence that deliberately targets civilians could significantly contribute to the maintenance of international peace and security.

Yesterday, in delivering an address on the human rights agenda for the 21st century, she expanded on this theme: “We have to remain focused on women – women's rights, women's roles, and women's responsibilities. As I said in Beijing in 1995, ‘human rights are women's rights and women's rights are human rights,’

but, oh, I wish it could be so easily translated into action and changes. That ideal is far from being realized in so many places around our world, but there is no place that so epitomizes the very difficult, tragic circumstances confronting women than in eastern Congo.”

She described her trip to Africa: “I was in Goma last August, the epicenter of one of the most violent and chaotic regions on earth. And when I was there, I met with victims of horrific gender and sexual violence, and I met with refugees driven from their homes by the many military forces operating there. I heard from those working to end the conflicts and to protect the victims in such dire circumstances. I saw the best and worst of humanity in a single day, the unspeakable acts of violence that have left women physically and emotionally brutalized, and the heroism of the women and men themselves, of the doctors, nurses, and volunteers working to repair bodies and spirits. They are on the front lines of the struggle for human rights. Seeing firsthand their courage and tenacity and the internal fortitude that keeps them going is not only humbling, but inspires me every day to keep working.”

Resolution 1888 calls for the appointment of a Special Representative to lead, coordinate, and advocate for efforts to end sexual violence and for the UN’s rapid deployment of a team of experts to conflict areas to work to strengthen the

rule of law, enhance accountability, and address impunity before these terrible kinds of situations can develop.

Sexual violence as a tool of conflict doesn't happen as an isolated phenomenon. The perpetrators deliberately target women because doing so is an efficient means of destroying entire communities: when women are attacked as part of a deliberate and coordinated strategy, large populations become not only displaced but destabilized.

A common thread that runs throughout the unfinished Beijing Agenda is that each area awaiting progress and improvement is, fundamentally, a manifestation of the low status of women and girls around the world. Whether it be working towards inclusive security – ending the violence in the DRC and elsewhere around the world, including women in peace negotiations – or whether it be ending dowry deaths and burnings, domestic violence, or exclusion from the political process – all these changes require that we elevate the status of women and girls and free their potential to be agents of change in their community.

As we look ahead to making progress on the Agenda items, there are five interconnected areas, particularly, we need to address in order to raise the status of women and work toward real security.

First: investing in education

Girls' education is the most effective development investment that a country can make. The benefits to girls and their families are well-documented, from better health and nutrition to delayed marriage and enhanced employment opportunities. Studies show that an extra year of education increases girls' income by 10 – 20 percent and is an important step in breaking the “cycle of poverty.”

Of the approximately 13 million illiterate young people in the world, 63 percent are female. We have our work cut out for us.

Though, to be sure, we have made strides – for example, compare the number of girls in school in Afghanistan in 2001 to the 2.6 million in school today. Yet, at the same time, the lingering global economic crisis has increased the number of girls dropping out of school and the number of families feeling the strains of keeping girls in school, foreshadowing potential problems down the road.

Every girl should be able to go to school. Otherwise, we not only shortchange them, we shortchange the world.

Second: investing in women's health

Healthcare is a bedrock issue. It is inconceivable that, in this 21st century, a woman dies every minute in childbirth and so many more are disabled for life. Moreover, these deaths are not occurring because the world lacks the medical knowledge and skills to prevent them; they are occurring because it is not a global political priority to avoid them. Too many women lack access to modern forms of

family planning services and information. In addition, the infection rate of HIV/AIDS grows at an alarming rate, mostly among adolescent girls. The AIDS pandemic has a woman's face.

Women who lack access to basic healthcare or who face the prospect of death from common life events like pregnancy and childbirth are not women who can participate fully, freely, and equally in the political and economic life of their country.

President Obama's Global Health Initiative, which we are focused on at State, provides significant new resources to combat the high rate of maternal and child mortality around the world and to prevent millions of new HIV infections, and this is an endeavor on which we continue to collaborate with the international community.

Third, investing in women's economic participation

Multiple studies have shown that women are key drivers of economic growth. As the Economist magazine has noted, "forget China, India, and the internet – it's women who drive GDP." Women invest up to 90 percent of their incomes in their families and communities; they are the best and most efficient investment in raising the standard of living around the world.

Over the last 15 years since Beijing, microcredit has lifted up tens of millions of women and their families out of poverty. Today, upwards of 80 percent of micro-borrowers are women. Microcredit, however – important as it is – is not enough. Women need education and training and the ability to grow their businesses beyond microenterprises into small- and medium-size businesses. Trade and economic policies that affect them rarely consider their needs. This needs to change if their potential for economic growth is to be unleashed.

Women's interests must be included in our overall economic policy initiatives. For example, the Obama Administration is advancing a major food security initiative to enhance agricultural productivity and end hunger, which Secretary Clinton unveiled at the time of the UN General Assembly opening. Women make up 60 to 80 percent of smallhold farmers in sub-Saharan Africa and much of Asia. Our Food Security Initiative will take into consideration the special needs of women farmers, who are critical to greater agricultural productivity – special needs for education and training, crop production, land tenure rights, and local decision-making.

Fourth – promoting women's political participation

Women are still underrepresented in the town councils, the parliaments, and on the courts of nearly every country on earth. Their voices need to be heard – not only because women have the right to participate in processes and decisions that

affect their lives, but also because the world needs to hear women's perspectives and experiences.

Fifth – investing in programs to combat violence against women

Violence against women and girls is a global pandemic. Its scope and scale make it simultaneously one of the largest and most entrenched human rights and development issues before us. Violence affects girls and women at every point in their lives. This violence cannot be explained away as “cultural;” it is criminal.

These kinds of abuses not only destroy the lives of individual girls and women but rob the world of the talent it urgently needs. Combating violence against women should be a policy imperative.

In the U.S. Congress, there have recently been groundbreaking hearings in the Senate Foreign Relations Committee on violence against women, as well as in the House of Representatives.

Since Beijing, more and more countries have passed laws criminalizing violence against women, yet violence continues to exact a toll on all societies. Laws are too often not implemented or enforced – there is too often too large a gap between the legal status of women *de jure* and *de facto*.

No country can prosper if half its population is left behind. Solving the complex and transnational security problems the world faces requires the full participation of women: as peacemakers and peacebuilders; as policy experts; as

decisionmakers; as leaders. Ensuring that women can reach these roles requires that they have safe access to education; that they are healthy; that they have economic opportunities; that they are able to participate in their countries' political processes; and that they can do all these things free from harassment, intimidation, and the ever-present threat of violence.

As I said at the outset, we have seen progress around the world. In many countries, the legal age for marriage has been raised, more girls are going to school, domestic violence has been criminalized, quotas and other allocation systems have been adopted to ensure women's political representation, and equitable divorce laws have been enacted. Often, these changes have come about because of the commitment and dedication of ordinary women who do extraordinary things.

In Morocco, family law reform has been achieved after years of struggle. Women have new rights with regard to divorce and child custody. Adjudication of such matters is no longer the jurisdiction of religious sharia courts, but, rather, civil courts.

There were powerful voices that tried to keep women from their rights by mis-applying religion to justify their opposition. The women in Morocco fought back by, in effect, reclaiming their religion. And when the King announced the new reforms, he cited Koranic verses to support the new law.

Today, the law is being taught to lawyers and judges so that it can be implemented and enforced, and to all Moroccan women so that they know about the remedies to which they are now entitled.

In Yemen, a young girl, Nujood, was married off at the age of 9 to a man her grandfather's age. He was violent and abused her physically. She found her way to the courthouse. Everyone towered over her. She was ignored. Eventually a female lawyer noticed her and asked her why she was there. She said she wanted a divorce. The lawyer took her case as well as those of several other girls in similar circumstances. She won, and the girls are back in school. And Yemen, in part due to the international attention these cases attracted, is having a national conversation about raising its legal age for marriage.

In Pakistan, Mukhtarin Mae had been gang raped by four men from a neighboring tribe in her remote village. In the ordinary course of things, the victim of an attack like this would be expected to kill herself. But Mukhtarin Mae was not an ordinary victim. Instead, this illiterate, brutalized, and shunned woman found the strength to take her case to court...and ultimately won. With her small settlement she created a center for victims of abuse, and she built 2 schools – one for boys and one for girls in which she enrolled herself. When asked why she did this, she said nothing in her village would ever change without education.

And this past year in Kuwait, women finally won seats in the Kuwaiti parliament. Kuwaiti women only won the right to vote and stand for office in 2005. It took them four more years to prevail in an election...but prevail they did, winning four seats in the Parliament.

In these and so many related ways, I'm proud that the United States has played a leading role, either through our government assistance programs or through the programs and example of our vibrant civil society. Attorneys and businesswomen have partnered with women around the world as mentors, trainers, and co-collaborators to share best practices, exchange experiences and provide support.

In addressing women's access to justice, we realize that raising our voices for equal rights and equal treatment under the law is necessary, but not sufficient, for reaching the goals we seek. Passing laws is important, but it is not nearly enough. Laws must be backed and enforced by effective and responsible governments.

Judges and legal practitioners are in critical positions not only to influence how laws are made, but to help ensure that they are enforced. There is much we all can do to support women who are changing the world for the better through the legal profession.

The Beijing Agenda can still be our roadmap, but we have our work cut out for us.

It was over 160 years ago that a group of women (and some supportive men) adopted a Declaration of Sentiments – a kind of very early Beijing Agenda, if you will. It called for women’s equal rights in America and was adopted at the first Women’s Rights Convention in Seneca Falls, NY. One of the brave women who participated was a 19-year-old glovemaker named Charlotte Woodward. She worked long hours with no hope of keeping her meager wages or owning property. Women couldn’t vote or get a divorce if they found themselves in a bad marriage. Charlotte decided to go to the first Women’s Rights Convention in hopes of securing a better life. She wrote of that day that she had set out, but feared no one would come.

At first, the road was empty, but then, at a crossroad, she saw women and men in carriages, wagons, and on foot. Gradually, they formed a long procession on the road to equality.

Thanks to people like Justice Ginsburg and so many others – ordinary and not-so-ordinary leaders – we’ve made changes and progress. But we’re still on that road to equality...women from every continent are still, together, on that road.

Thank you for walking the extra mile – for all you do to promote equal justice, international law, women’s progress, and human rights. Thank you, Justice Ginsburg. We owe you a debt of gratitude.

We need to continue our effort, and to push the agenda forward. To do otherwise is to hold back one of the most powerful, positive forces for shaping the globe. Women’s rights are human rights – we cannot settle for anything less.