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Remarks of United States Senator Hillary Rodham Clinton November 10, 2005

Thank you, Karen. I can't think of a better person to introduce me because after all those much too generous comments it's only fair to say that Karen herself is a trailblazer for women in the law. And she has given a lot of time over the years very generously to smooth the way for women entering the law here and internationally.

I'm pleased that I could be here because as many of you know the Senate is in session and we had votes and it wasn't at all apparent until the very end that I could get here and, unfortunately, I'll have to speak and leave and go back to the Hill. But I want to commend the ABA for convening this International Rule of Law Symposium. I want to recognize Michael Greco, the ABA President and other elected heads of the various committees along with the House of Delegates and of course Bill Ide with whom I've worked over the years.

I also, before getting started, want publicly to express my condolences and sympathy to the people of Jordan because of the horrible attack which they endured yesterday with loss of life and casualties. Our thoughts and prayers are with them, particularly with those who perished, and their loved ones. It's a further brutal reminder of the importance of the rule of law and the necessity of our efforts to spread the rule of law and help to embed it in societies as a guarantee not only of freedom, but against violence.

Two years ago the Nobel Peace Prize was awarded to Shirin Ebadi, an Iranian lawyer, judge, and activist for the rights of women, children and the oppressed. In announcing her award the Nobel Committee wrote, "No country deserves to be labeled civilized unless the rights of women and children are respected." Malalai Joya would agree. She came of age in Afghanistan's twenty-year spiral of war, warlords, extremism, and repression. She had a different vision for her country – one where the law, not the gun, held sway for women and men alike. And she spoke out bravely against the warlords who still tyrannize too many Afghans and stand in the way of the rule of law and the spread of freedom. Two months ago she was a top vote getter in Parliamentary elections and today she sits with sixty-seven women colleagues in the Afghan National Assembly.

I've been asked to address briefly the rule of law as it affects the role of

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women and girls around the world. It obviously is part of a much broader agenda that you are discussing, but I commend you for coming to this conference with the important goal of creating an international rule of law movement, because you and many of us around the world know that without the rule of law we do not have a solid foundation for democratic freedom, for peace and stability, and for economic growth.

Women like Shirin and Malalai are living in the 21st century the words that John Locke wrote in the 17th century: "The end of law is not to abolish or restrain, but to preserve and enlarge freedom." Around the world today, women are struggling to gain access to those levers. They're using law to preserve and enlarge the freedoms that they, their families, and their entire societies enjoy. Their successes over the last decade form the strongest argument I can imagine for the law's power to end conflicts, lift lives, and transform societies. The ABA knows this, and your pioneering work on the rule of law in Central and Eastern Europe, as well as your support for women in the law here at home and around the world, has been an important part of that success.

But what do we do now to keep that movement going? How do we provide the education so that women and men together are empowered to understand their rights and to act on them? How do we provide better health care and law enforcement so that women and men have the resources they need to keep their families healthy and safe? How do we fight to end the scourge of human trafficking, a modern day form of human slavery?

When we talk about promoting the rule of law, especially when we talk about it in other places and recognize leaders who are fighting on behalf of the rule of law, we cannot forget that we, in the United States, have a special heritage and responsibility to uphold the rule of law. That heritage begins with our priceless Constitution and Bill of Rights. But equally important is our centuries-long journey toward applying the protection and dignity of those laws to every human being.

From our own civil rights and women's rights movement, we can see shining examples. People like Rosa Parks, who we honored in death for her life and legacy last week. Of those who used our tradition of the rule of law to right the wrongs of the law. We have inspired millions around the world to attempt to do the same. But with that inspiration comes responsibility, not to be perfect, for that is impossible, but to admit our mistakes and use the rule of law to mend them, not cover them up. When we fail that standard, we harm the ideals we most seek to promote and undermine the foundations of our own society and our influence around the world.

Showing the world that we hold ourselves to the rule of law, even when it is not easy to do, will do more to promote our common values than a dozen public diplomacy listening tours or rule of law speeches. When we show the world that our system is premised on the rule of law, that we do not fear transparency into the workings of our government, when we aim to hold every

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part of our government accountable, then we, much more than in words, but in deeds, promote the rule of law.

I certainly hope that as we debate these matters right now in the Congress, that the Congress and the Administration will demonstrate that commitment to the rule of law that has always been the hallmark of America. Because it becomes difficult when we promote the rule of law elsewhere if we do not abide by it at home. It makes it more challenging for us to show the world that we value the rule of law and be a catalyst for changes elsewhere. Today for example, I'm sending the President a letter urging him to raise the issue of the rule of law and human rights when he engages in critical summit meetings next week during his visit to the People's Republic of China. While there has been progress in China, too often laws are ignored with dire consequences for businesses, individuals, and families.

I am particularly concerned that twenty-six years after China repealed its repressive one-child policy, officials apparently continue to punish women and couples for bearing children. These abuses have reportedly included denial of social benefits, fines, detention, destruction of property, forced abortion and forced sterilization – everything that runs against our deepest feelings and values. I support the government of the United States speaking out strongly against these coercive measures and at the same time promoting non-coercive family planning programs that respect the rights and choices of women.

Strength and respect for the rule of law is a value that knows no national boundaries. And social and economic advances can only be lasting if they are built on a foundation of respect for human rights.

The rule of law may begin in law books and congressional or legislative debates and courtrooms. It doesn't end there. It finds its most vibrant expression in the actions of citizens – ordinary men and women who draw courage from the law to take a stand for their own rights and for those of others.

Over the past decade, an extraordinary global movement for women's rights has breathed new meaning into the rule of law, beginning as Karen pointed out, in a most unlikely place: The 1995 United Nations Fourth World Conference on Women in Beijing. Now many doubted that a United Nations conference on women and one held in Beijing would have any impact. And many of you may recall there was a good deal of grumbling about whether the United States should participate and certainly whether I, as First Lady at the time, should participate.

But I believed then, as I believe now, I don't think we promote our ideals and goals by disengaging from those with whom we disagree. I think it is especially important, in fact, to engage in a very assertive way; to make it clear that we stand for different values and ideals and to help bring a consensus into being around them.

I thought that this could be a historic conference that would shine a bright

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light on the issues that matter most in the lives of women and their families: access to education, health care, jobs and credit. The opportunity to enjoy the full range of political, legal, and human rights. Some of you were there. It was a gathering that lasted only a few days and it had a counterpart in Huairou that was the national nongovernmental organization meeting, and between the two of them it launched a campaign to change laws and change attitudes across our globe.

Here in the United States we also took a hard look at ourselves. The Clinton Administration became the first to both understand and publicly state that investments in women and girls should be an integral part of our foreign policy. We started the President's Interagency Council on Women, which I was honored to Chair, and we followed up on Beijing to make sure that if we were going around telling other countries what they should do to make sure they promoted the rule of law on behalf of women and girls, that we had done all we needed to do at home.

We launched the Vital Voices Democracy Initiative to help women build democratic institutions and market economies, to get the training they needed personally to participate in the economic and political life of their societies. And that continues as the independent nonprofit Vital Voices Global Partnership. Now it is widely accepted today that focusing on women as a key to building democracies, growing economies, ending conflicts, and strengthening the rule of law is understood. But just ten years ago that was news to a lot of people. And we have seen the results as that news has impacted on the political and economic structures of various countries. Nations from Mongolia to Indonesia to Tajikistan are passing better laws, protecting women from discrimination, abuse, and violence.

Worldwide, more women than ever are writing laws and enforcing them at the highest levels of government. The proportion of women legislators worldwide has grown every single year, and more women have become heads of state or government in the ten years since Beijing than in the previous twentyfive years.

I think it's worth noting that some of the fastest growth has come in post conflict countries, where anyone, man or woman, must be particularly brave to enter politics. Afghanistan has had its first woman presidential candidate, its first woman provincial governor. In this year's legislative elections, women made up ten percent of the candidates and forty-four percent of the voters. Female turnout actually rose since the 2004 presidential elections. When I was last in Afghanistan earlier this year, I met with many of these women, urban, rural, secular, religious, who are just anxious to take their place in rebuilding their country.

This is also true in Iraq, where women of every faith and ethnicity are braving the very dangerous security conditions to fight for change. Last week, I met with Iraqi women journalists who shared with me how the lack of personal

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security in the face of a violent, deadly insurgency affects everything they are trying to do - yet they keep trying. The number of voters who have braved that insurgency has continued to increase. They will have a new election on December 15th that will finally choose a legislature to write the rules that will determine women's rights, personal security, and so much else.

Now under Saddam Hussein, women, like all Iraqis, were brutally repressed, despite the fact they were given rights on paper in the Iraqi Civil Code. I am very alert to the fact that we must ensure that women have rights more than just on paper in Iraq. It would be a cruel irony if when there is an opportunity finally to have an elected government that writes the laws, the legal protections Iraqi women have are lessened or ignored.

So there's a lot to do. The agenda ahead of us, when it comes to women and girls, is full, in part because despite all these advances, and there are so many more that I could reference, women still comprise the majority of the world's poor, illiterate, and uneducated.

Many women lack the most basic rights and the ability to enforce even the rights they have. In Afghanistan, a beloved national poet was beaten to death by her husband after an argument as her own mother stood by. She was twenty-five.

I want to focus my calls to action on three areas particularly related to the rule of law. First, ending the scourge of human trafficking, second giving women legal and actual control over their health, and third, educating women and men to know and defend their rights.

We must prevent and punish violence against women. One of the great advances we made after Beijing was to underscore the point that domestic violence was not cultural, it was criminal. And there needed to be laws in every society against domestic violence.

We now face a new and growing form of violence against women: organized trafficking that enslaves and degrades hundreds of thousands a year. We've made progress in raising awareness about this new slavery, but not enough to break the criminal organizations that profit from it.

In recent years, first under the Clinton Administration and then the Bush Administration, we had passed laws against trafficking. We had made it a primary issue in international and bilateral negotiations, and I'm delighted that just this last week we deposited our ratification of the protocol to prevent, suppress, and punish trafficking in persons, especially women and children.

But we've got to do more to back up our rhetoric with actions. We need to fund the organizations that provide care and legal assistance to the victims of all forms of trafficking. We have to make sure that it is not viewed as a marginal crime to be ignored by law enforcement in countries where it is taking place.

We face a particularly horrific problem with re-trafficking. I've been to countries where there is a very high rate of trafficking of young girls into sexual

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slavery, brothels, legalized prostitution. And I've seen, in parts of Southeast Asia particularly, places where you can tell just by driving by which families have sold their daughters and which have resisted. Families who have sold their daughters often have a satellite with television reception or a new vehicle, maybe the first in their family. And I've met the girls who've been trafficked, sold by their fathers, sometimes escaping, making it back home only to be shunned, facing stigma, and sometimes sold again.

We need to do more to both raise the visibility of this issue, recognize that it happens even in the United States, and do more to provide the resources to combat it, and make it a primary objective of any rule of law initiative.

We also have to do more to get medical care and health information, particularly family planning information and prevention of HIV/AIDS to women and girls. We still face an unacceptably high level of maternal and child mortality in many places in the world.

The HIV/AIDS pandemic is one of the leading threats to women. In Africa, young women often have absolutely no authority to resist early marriage or sexual advances. In fact, they are three times as likely to contract the virus as young men. They try to protect themselves, but often do so without the full support of the law.

In too many places inheritance laws, for example, leave a widow nothing with which to support her children, often sending mothers or daughters into prostitution and continuing the cycle of HIV. Property and divorce laws often leave a woman little control over her situation within marriage and little ability to escape. The rule of law needs to recognize the rights of these women and girls. And although we've made some progress in some African countries, we have a long way to go.

We also need to ensure that women enjoy the fundamental right to plan their own families and have access to family planning services. Unfortunately in recent years, our government has not been making the commitment to this that I wish it would. We should be attempting to educate people about reproductive health and how to prevent unsafe and unwanted pregnancies.

It does not help that we had the Global Gag rule reinstated, which means that no U.S. support can go to local health providers who offer not only abortion or abortion counseling in circumstances that we often would believe is appropriate, but because these organizations often provide a range of services, the failure to fund them means that the full range is shut down. We know that one of the most effective ways to reduce the number of abortions is to empower women to make decisions about their own health.

We also need to ensure that the doors of education are open to every girl and boy in every country on every continent. Rule of law societies demand citizens prepare to know and defend their rights. Educating girls is one of the most important ways we can advance the rule of law. Not only are we likely to

produce healthier families and lower rates of mortality, malnutrition and disease, educating children, particularly girls, correlates to economic growth, and it is one of our best weapons against the spread of terrorism.

I introduced the Education for All Act in Congress last year because serving on the Armed Services Committee, I have had the opportunity to ask a number of officials in the current administration what else we could be doing to combat terrorism. And I recall very well the response that I received from Former Deputy Secretary Wolfowitz, who said the most important thing we could do would be to educate girls and women.

So I took that as perhaps a good sign we might actually do something about it and introduced legislation that calls for a clear global strategy to achieve universal global education by 2015. I think making the education of girls a top priority is one of the most important ways we can combat terrorism and advance the rule of law.

There is much work to be done, and I think that this conference and the initiative that the ABA has undertaken comes at a particularly timely moment. Not only because of what we see happening around the world as democratic governments such as our own and those in Europe grapple with civil unrest, grapple with the challenge of suicide bombers, and try to figure out how we can maintain open, free societies and provide security and stability to our people.

But we know the way forward. Keeping in mind the rule of law gives us the best example that we could have and debating these issues in sessions like the one you're holding here, using the combined intelligence and experience of people from our own country as well as around the world, is important and more likely to lead us to the appropriate conclusions.

Nelson Mandela said in 1989 when he saw a brave young man confronting a Chinese tank in Tiananmen Square he thought of Rosa Parks. He called it a "Rosa Parks moment." We've been thinking a lot about Rosa Parks, and I think that one of the reasons for the great outpouring of support for her, the unprecedented decision to allow her to lie in state, the first woman, the first African American to do so, is certainly a great tribute to her life and legacy, but it also demonstrates that at this moment in our own history we are looking for examples. We are searching for ways that peacefully, we could use the law to make changes here at home and around the world that will benefit ourselves and our children.

The rule of law is a powerful force. It has the potential not only to harness, but unleash human potential beyond our understanding, rooted in the drive for justice. Rosa Parks understood that. She did not come to that day on the bus as a tired seamstress who just decided not to move. She tried to vote three times and had to take literacy tests and was turned down until finally, local officials gave in and allowed her to register.

She joined the NAACP and learned about what it would take to be part of

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nonviolent, civil disobedience. She attended the Highland School, where with other likeminded advocates, she was instructed in ways to take a stand and to make it clear that in this country, that believes in the rule of law, we had a lot of work left undone. So on that day on the bus, it may have been a decision that she made in the spur of the moment, but it was a lifetime in making. And it could only have been made within the context of a conviction that the rule of law would finally triumph.

That's what sends people like Shirin Ebadi into Iran's courtrooms and Malalai Joya onto Afghanistan's campaign trail. That is what's driving women and men all over the world to change their societies for the better. And at this point, in American history and international history, it is more important than ever that they be joined by lawyers and judges across the world who are committed to furthering the rule of law and making it possible for every boy and girl to believe that they have the right to grow up and live up to their own Godgiven potential.

Thank you all very much.