

# Women lawyers JOURNAL



Vol. 87 No. 3

FALL 2002



## Women & International Issues

- Afghanistan
- International Criminal Court
- South Africa



cover photos courtesy Kristi Laughlin

also . . . Outstanding Women Law Students

— Save the Date —

**National Association of  
Women Lawyers®**

**Invites you to attend the  
2003 Midyear Luncheon  
with**

**Judy Clarke  
“The Bill of Rights: Post 9/11”**

**Friday, February 7, 2003  
12:30-2:00 p.m.  
Seattle, Washington**

(Location to be announced)



In her almost 25 years of practice, most of which has been in federal court, she has represented clients accused of a wide range of federal criminal offenses, at both trial and on appeal. Currently the Capital Resource Counsel for all federal defenders, she has also served as Executive Director of Federal Defenders of Eastern Washington and Idaho. Ms. Clarke has represented a number of clients accused of capital offenses. She served as appointed co-counsel for Susan Smith in Union, South Carolina, and for Theodore Kaczynski, charged as the Unabomber in federal court in Sacramento, California. At this time, Ms. Clarke is representing Zacarias Moussaoui, who has been charged with alleged involvement in the September 11th terrorist attacks.

Ms. Clarke is a Past President of the National Association of Criminal Defense Lawyers. She is also a fellow in the American College of Trial Lawyers, and was selected by the National Law Journal in 1998 as one of the top 50 women lawyers in the United States and in 2001 as one of the top women litigators in the U.S.

For more information contact NAW L  
(312) 988-6186    [nawl@nawl.org](mailto:nawl@nawl.org)

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About NAW L

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How to contact NAW L

By mail: 750 N. Lake Shore Drive 12.4, Chicago, IL 60611-4497; by telephone: (312) 988-6186; by fax: (312) 988-6281; by e-mail: [nawl@nawl.org](mailto:nawl@nawl.org).

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**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, timeliness, goals and objectives of the association and quality of writing. No material can be returned unless accompanied by a self-addressed, stamped envelope.

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## Focus on Outstanding Women Law Students: *Meet Judge Feeney*

by Elizabeth K. Bransdorfer

Judge Kathleen Feeney was the Outstanding Woman Law Graduate at the University of Illinois Law School in 1987. Thirteen years later, she was the first woman chosen to sit on the 17th Judicial Circuit Court in Kent County, Michigan. Judge Feeney has fulfilled the promise that her law school peers saw in her when they nominated her and that the faculty recognized when they selected her Outstanding Woman Law Graduate. Her natural intelligence,

exceptional people skills and willingness to work very hard have been the foundation of her career, and bode well for the people who come before her looking for justice.

The National Association of Women Lawyers began a program to help ABA accredited law schools recognize their outstanding women graduates in 1989. Each school is invited to select an award winner each year. The schools choose their own method of selection. At the University of Illinois, in the late 1980's, the students had the opportunity to nominate one of their own and the faculty

choose from among the nominees. This selection process is one reason Kathleen Feeney was so honored to receive the award. She notes that she was not the best student in the class, but is glad for the friends she made and proud of the leadership she displayed at the law school as a member of the Student Bar Association. A program called "Class Action" was initiated during her tenure.

Nine teams, three from each class, competed in various athletic activities, mostly for the fun of it. These activities not only made the law school experience more pleasant, but also built comradery and improved the health and fitness of the participants. During law school, Kathleen also was a member of the ABA negotiations competition team that reached the national finals in Chicago.

After law school, Kathleen Feeney began her legal career at the Lansing, Michigan firm of Foster, Swift, Collins and Smith, where her practice included labor litigation and employment law work. Three years later, she moved to Mika, Meyers, Beckett & Jones, a Grand Rapids, Michigan law firm where she represented clients in various types of litigation matters, including condemnation, and met her husband John Stuve. This is also where I met Kathleen, and where I enjoyed working with her for the three years. Her next position was as a research attorney for the Michigan Court of Appeals, a job she held only briefly, after which she became the Judicial Assistant to Court of Appeals Judge Jane Markey. While working for Judge Markey, Kathleen and John's daughter Anna Evaleen Stuve was born. Anna was a big, beautiful baby who, after a few short months, was diagnosed with "failure to thrive", a diagnosis quickly followed by the much more rare and much more serious "Leigh's Syndrome" an inherited neurometabolic disorder characterized by degeneration of the central nervous system.

During the months following discovery of Anna's illness, Kathleen and John learned as much as they could about the Syndrome, traveled to various medical centers in search of options and contemplated how best to deal with the hand



Judge Kathleen Feeney

they had been dealt. In the midst of it all, a Circuit Judge announced he was resigning and creating an opening on the 17th Judicial Circuit Court bench.

Because of then-recent changes in the structure of Michigan Circuit Courts, and decisions made by the Chief Judge and other sitting Circuit Judges in Grand Rapids, the judge filling this seat would be dedicated to the Family Division of the Circuit Court. While Kathleen Feeney had long wanted to be a judge, and knew from her years at the Court of Appeals what it would take to be a good trial court judge hearing family law (divorce, child abuse and neglect, juvenile delinquency and adoption) matters, this was not the perfect time to contemplate a significant career move and enter the "political" arena that was involved in securing a Gubernatorial appointment to the bench.

Kathleen has many admirable qualities, and one of the best is her ability to look beyond the short term toward the longer-range consequences and opportunities inherent in the choices presented. Her decision to seek the judgeship was not made hastily, or rashly. It was consistent with her philosophy to get involved with people and the processes of your craft, and to be open to different possibilities. She and John spent many hours talking with each other and Anna about the possibility and what it could mean to their family and to the other families "Judge Feeney" might be able to impact. Her Outstanding Woman Law Graduate award had consistently been on Kathleen Feeney's resume and it stayed there when that resume was submitted to the Governor's office so she could be considered for appointment to the bench. The Outstanding Woman Law Graduate award was noted prominently in the report of her appointment in the Grand Rapids Press in March, 2000. The certificate now has a prominent place in her chambers on the 10th floor of the new Kent County Courthouse.

Since her appointment to the bench, Judge Feeney has suffered the loss of her daughter, on Thanksgiving Day, 2000. This tragedy would cripple some, perhaps embitter others, but has seemed to

inspire the Judge to fully appreciate that a large part of her responsibility as a Judge in the Family Division of Circuit Court is to make decisions that are in the best interest of the children in the families that come before her. Judge Feeney believes that the challenges presented by her job have helped her deal with the loss of her daughter, keeping busy and knowing that her work has been helping families. Her approach on the bench is to give her full attention to the case before her, make the best decision she can and, then, move on to give the next case her full attention and best judgment. Approaching her work this way, Judge Feeney has begun to fulfill the promise she talked about with her daughter in deciding to apply to be a judge. She works hard, comes to court prepared, listens respectfully to the lawyers and unrepresented litigants who come before her and renders a clear decision – taking the time to explain why she is ruling the way she is in terms that are geared to the sophistication of her audience and obviously choosing words that are designed to encourage the individuals before her to work together as best they can for the sake of their children, rather than to prolong or increase the tension and conflict.

When NAWL began the Outstanding Woman Law Graduate program, the goal was to recognize and encourage women with the potential to be great lawyers and contributors to our profession and justice system. The University of Illinois made a great decision in its choice in 1987. Our profession and our justice system are better for the contributions of Judge Kathleen Feeney.

*2001-2002 NAWL President Elizabeth K. Bransdorfer is a member of the Grand Rapids, Michigan law firm of Mika, Meyers, Beckett & Jones, where Judge Feeney was employed as an associate from 1990 to 1993. If you are or know a recipient of the Outstanding Woman Law Student Award who, like Judge Feeney, has fulfilled the promise that led to her receiving that award, please let us know about her. We hope to feature one recipient in each issue of the Women Lawyers Journal.*



# 2001 & 2002 Outstanding Law Students

NAWL congratulates the 2001 and the 2002 Outstanding Law Students. Selected by their law schools as the outstanding female law students of their class, these talented and dedicated women are among the best and the brightest.

Honored not only for their academic achievement, these honorees were also chosen for the impact they made on areas beyond the classroom. The women listed below have worked to further the advancement of women in society

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 who want to change the world and for the men who want to help them. We salute the women who have begun working early in their careers to promote justice for women in the profession — and encourage them to continue making a difference as their careers blossom.

Cecilia Aguayo Chapman University Law School San Bernadino, CA	H. Holden Brooks Cornell Law School Silver Spring, MD	Ronni Allyson Cox University of Louisville Louisville, KY	Elizabeth Graybill Vanderbilt University Law School Nashville, TN
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Elizabeth Baker Franklin Pierce Law Center Canterbury, GA	Lisa Marie Bruderly Pennsylvania State University Canterbury, PA	Erin P. Drew Pennsylvania State University Camp Hill, PA	Kara Elizabeth Hardin Stetson College of Law Zephyrhillis, FL
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# Afghan Women:

## A Time of Great Hope and Uncertainty

by Eva Herzer

Since my winter update for this Journal, women in Afghanistan have made great strides toward reclaiming their fundamental rights. On March 8, in Kabul, women celebrated international women's day in the presence of UN High Commissioner Mary Robinson and Hamid Karzai, the chairman of the interim government of Afghanistan. On March 22, Afghan women celebrated the lunar New Year's holiday by removing their burqas in public, still a rare occurrence in Kabul, and moving freely in the sunshine. The Washington Post reported that a spirit of religious, seasonal and political renewal filled the streets. On March 25, Afghan girls and women teachers returned to public schools, for the first time since 1996. The illiteracy rate for women is now 80 percent. Most girls enter many grades behind, having been banned from school for 5 years. Those who can afford it take cram courses to make up for time lost; others were lucky enough to have been taught at home by their mothers.

On April 4, the first issue of ROZ (The Day), a women's magazine went to press. The magazine will initially be distributed free of charge in Kabul. It is funded by the French magazine Elle. 16 journalists, 14 of them women, are employed to produce this magazine, which will feature articles on society, law and cooking. The editor in chief, Lailoma Ahmadi hopes to help educate women and teach them how to help themselves. She was a newscaster for Afghan Radio for 18 years before the Taliban rose to



Children sit beneath a RAWA poster stating Afghan Women Can't Be Enslaved. It is dangerous for women to publicize slogans like these in Afghan society.

power. The magazine will be published in Dari, Pashto, English and French.

The Afghan Women's Ministry has started to function, with nothing more than a few typewriters and carbon paper. USAID granted the ministry \$64,000 to rebuild its offices and to establish some programs. This grant is the only one received by the ministry so far, despite many more international pledges of support. Increased funding is crucial if the ministry is to be effective. Afghan



NGOs are starting to go public again. The Revolutionary Association of Afghan Women (RAWA), which has operated clandestinely under the Taliban, held a press conference and is starting to work more openly again, though so far hesitantly and inconsistently, for fear of reprisals. Similarly Ariana, an Afghan NGO which provides training to women and girls, is seeking funds and received a small grant of \$13,000 from USAID.

Women are still at tremendous risk when advocating for themselves, because many of the forces, which suppressed their voices, are included in the current government, which includes war lords and fundamentalists, hostile to women's rights (see interview on page 13). Most women have not removed their burqas in public in order to protect themselves against an uncertain future. The political winds could shift any day, the interim government could collapse, an even more repressive government could be formed or a new civil war could erupt. Because of their precarious situation, women have been limited in their ability to demand restoration of their fundamental human rights. Much of the progress, so far, is the result of a synergetic process between Afghan women and their international supporters, who have lobbied hard to gain political support for Afghan women internationally. These efforts were particularly successful at the United Nations, where the UN Commission on the Status of Women, during its 46th session in March, reached a consensus resolution on women and girls in Afghanistan. The resolution, issued on March 25, urges the transitional government and future government of Afghanistan to:

fully respect the equal rights of women and girls;

give priority to ratifying the UN

women's convention;

consider ratifying the optional protocol to the convention which allows for individual complaints;

repeal all discriminatory legislation;

fully enable equal and effective participation of women and girls in civil, cultural, economic, political and social life throughout the country and at all levels; and

to ensure equal right for women and girls in education.

The resolution also calls on the government to bring those responsible for violence against women and girls to justice. It urges the United Nations and its agencies to

fully support the Afghan government regarding women's participation;

support ministries to develop their capacity to mainstream a gender perspective;

support capacity-building for Afghan women;

assist the judicial system to adhere to international human rights standards; and

to develop a human rights education program.

The resolution also, very importantly, calls on multi-lateral and bi-lateral donors to ensure the full and effective participation of Afghan women in all stages of humanitarian aid, recovery, reconstruction and development. In effect, this resolution sets the international standard for foreign aid and the approach to women's rights and their inclusion in international political support for Afghanistan. Political support is of course very important to those who seek power in Afghanistan today because with that support they will not have the financial resources to reconstruct their country. It is probably safe to say that very few members of the current government,

Women are still at risk when advocating for themselves, because many of the forces, which suppressed their voices, are included in the current government.

Fights over territory, opium fields, money and power take place every day and politicians are assassinated.

whether they come from Northern Alliance, fundamentalist or war lord circles, would do much to restore women's rights without an international mandate to this effect.

What Afghan women are requesting from the international community is three-fold and fundamentally interconnected. They seek international political support for their rights, funding for their ministry and projects and, very importantly, political support for increased peacekeeping forces. Currently the international peacekeeping force consists of approximately 4,000 troops, which is utterly inadequate in light of the continued internal strife and fighting. The interim government is distrusted by segments of the population because it includes some of the war lords, whose support, it was hoped, would bring national unity. On the other hand, some of the war lords still do not accept the jurisdiction of the interim government. Fights over territory, opium fields, money and power take place everyday and politicians are assassinated. The US has opposed increasing the peacekeeping force, arguing Afghans should locally control and secure their country. This ignores the fact that an effective police force and army can not be created overnight, and especially not in a country that has been war-torn for more than 20 years. The UN Secretary General recommends increasing the force to 30,000, a number requested by the chair of the interim Afghan government. The US State Department recommended an increase to 25,000, but did not prevail with the Bush administration. What motivates the Bush administration, which has announced a Marshall-like plan for Afghanistan, is up for speculation. One possible explanation is that the administration seeks to minimize the international presence in Afghanistan in order to set the stage for a predominant

strategic US presence in Afghanistan and throughout the region. This goal is likely to backfire just as much as US support for the Taliban has come to haunt us terribly.

The next step for Afghanistan is the Loya Jirga, set for June of this year. In the Loya Jirga process, a very small segment of the population, namely village elders, all men, will select delegates to the Loya Jirga which will in turn select a government for the next 18 months. The great majority of the population will thus not have a say in the selection of the next government.

It is interesting that internationals have supported this traditional process for selecting a government. The problem with this process, from an international law perspective, is that it does not provide for a democratic way of selecting a government. Article 21 of the Universal Declaration of Human Rights provides everyone has the right to take part in the government of his country, directly or through freely chosen representatives.....the will of the people shall be the basis of authority of government.....this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage.

However, the internationally backed negotiations for the creation of the current interim government resulted in an agreement that women would be included in the Loya Jirga. In keeping with this promise Hamid Karzai announced plans on April 1, that 11% of the seats at the Loya Jirga will be reserved for women. RAWA opposes this process as undemocratic and is therefore not seeking inclusion in the Loya Jirga. The 1500 member Loya Jirga is scheduled to meet in mid-June. Although terrorists and other criminals are theoretically not eligible for a seat in this gathering, there is great fear that Taliban and other Islamic fundamentalists

may be selected and gain significant influence. With the instability of the country, the opposing fundamentalist and secular forces, the lack of security forces and the huge number of delegates, there is much uncertainty as what this Loya Jirga will bring for Afghanistan, and particularly for its women.

No matter what the outcome, it is quite certain that Afghan women will continue to need substantial backing from women worldwide to realize their rights and dreams. Donations for humanitarian aid can be sent and earmarked for particular projects, to RAWA c/o The Afghan Women's Mission, 260 S. Lane Avenue, PMB165, Pasadena, CA 91101.

More information on RAWA can be found at <http://rawa.fancymarketing.net>. The easiest way to join the efforts of the international women's network to influence US and international policy on women in Afghanistan is through the website of the Feminist Majority at: [www.feminist.org/afghanistan/intro.asp](http://www.feminist.org/afghanistan/intro.asp). Sisterhood is powerful is not just a slogan of times past, it still works!



The author: Eva Herzer is a mediator and attorney in Kensington and Berkeley, California. She is chair of NAWLs International Law Committee and is a former president of the International Committee of Lawyers for Tibet. E-mail her at [eva@igc.org](mailto:eva@igc.org)

## LIVE from Afghanistan

On April 14, 2002, Eva Herzer, NAWLs UN Observer and International Law Committee Chair, interviewed Melody Ermachild Chavis and Latifa Popal, who spent two weeks in Afghanistan and Pakistan in early March. Latifa was born and raised in Afghanistan. She fled her homeland, together with her family in 1985, at the age of 17. She now lives in the San Francisco Bay Area, home to approximately 100,000 Afghans. She works as a financial manager for a software company. Melody is a private investigator who for the past 22 years has specialized in death penalty cases. She is also an author and active member of the Buddhist Peace Fellowship. She is currently writing a biography of Meena, who was murdered at the age of 33 by the Afghanistan branch of the KGB and who is the founder of the Revolutionary Association of the Women of Afghanistan (RAWA). Melody and Latifa traveled together to Afghanistan to research Meena's biography. The author's royalties from Meena's book will go to RAWA. This interview does not focus on the subject of Melody's book, but rather, more generally, on the situation of women in

Afghanistan and the personal insights and impressions gained by Latifa and Melody during their trip in March.

Eva Herzer: Latifa, what motivated your family to leave Afghanistan in 1985?

Latifa Popal: My family were landowners, you could say they were the feudals or bourgeoisie of that

time. When the communist regime took over Afghanistan [after the Soviet invasion in 1979] they took our land away. Each owner could only keep 5 acres and the rest of the land was distributed to whoever was working on it. My brothers joined the resistance, which fought along side all the different factions fighting the Russians. But things were getting

interview

The Russians bombed and destroyed our village and cut off the heads of all our animals. Many Afghans had great hopes when the Taliban took over.

really difficult. At one of the battles over our land, 75 of my brothers friends died; they were the only ones who survived. So they left for Pakistan. My mother sent one of my brothers to Germany saying that if one of them died, this way one of them would still be alive. Things got extremely hard, many of our family members also left and many of our servants became spies. We were left without any help, so my mom decided that we had to leave. We went to one of our farms, took some donkeys, and with 15 armed people, we walked for 6 days over Tora Bora in harsh winter time. We had just the clothes we wore. After 3 days we had no more food. We slept in caves. It was freezing cold. We warmed ourselves at night with fires. My tennis shoes were all burnt and I had huge blisters all over my feet when we arrived in Pakistan. For the next 2 years I worked as a teacher in a Red Cross refugee camp. The conditions there were very poor. There was no water and no electricity. Then I got a visa for the US.

EH: How have you stayed connected with your country over the past years and how did you feel when the Taliban came to power?

LP: Over the years we always wanted to be involved and do things for our country and we wanted to go back. One of my cousins stayed in Afghanistan and through him we got information. We found out that after we had left, the Russians bombed and destroyed our village and cut off the heads of all of our animals. Many Afghans, who felt betrayed by the communist regime, had great

hopes when the Taliban took over because they promised peace and stability. I felt terrible because that hope was very false. My cousin's wife, for example, was unable to leave her house for 6 years. Then I saw a video made by an Afghan man that showed women being stoned to death in a public stadium. When we saw this we were outraged. So, we, the Afghans in Concord and Walnut



Melody Ermachild Chavis (right) and translator Latifa Popal (left) interview Afghan women during their research trip in Afghanistan. The women did not feel safe having their faces photographed.

Creek [California], petitioned the Taliban. Along with our signatures we sent pictures of each one of us so they would see we were Afghans. We got no response. Later, again, we petitioned the Taliban not to blow up the Buddhas. We have been very active but we have very few resources.

EH: Melody, what motivated you to write a book about Meena and devote so much time to this issue?

Melody Ermachild Chavis: I am one of those many Americans who was not paying attention to Afghanistan. I had seen the petitions about Afghan women. It was one issue among so many human rights issues. I felt helpless. I was writing a completely

different book, a memoir about my work on the death penalty, my clients on death row.

After September 11, I was really traumatized and the idea that once again we would have bombing as our solution, our only answer, really upset me. My father was an American bombardier in World War II. He believed that he should give his life, if need be, to stop Hitler and for democracy. He was willing to kill civilians and that is what he was doing, bombing German cities, perhaps killing women and children. And then he was shot down and killed. I was left with the question of what does it all mean. So I have a big reaction to war. I started to realize that the women in the Afghan situation are really the answer. They are so oppressed that their freedom could undo a great many oppressions in Afghanistan. I heard about RAWA on the radio and looked up their website. At the same time I was having a lot of intense conversations with my literary agent in Manhattan, whose office is not far from the World Trade Center. She experienced all this trauma and her little children were really traumatized. We read about Meena and wondered whether there was a book about her and discovered that there was none. So my agent suggested that I write a book about her. I hopped on a plane to meet with a member of RAWA who was then in Ohio. RAWA's leadership in Pakistan then considered my proposal and accepted it. They had always dreamed about this book. I met Latifa and she offered to help me and we realized we needed to go to Afghanistan to research the book. The author's royalties from Meena's book will go to RAWA.

EH: You both have had the opportunity to speak to dozens of Afghan women. The American war on the Taliban has, on the one hand, lead to a historic turning point in the lives of Afghan women. On the other hand, it has caused tremendous loss-

es and hardships. What reactions did you hear from Afghan women to this war?

LP: I think in a way they were happy, yet not happy, because such a huge tragedy had to happen in the United States for the American government to realize that it had made a big mistake. The Taliban were installed by the US during the cold war and were US puppets. Even though the Afghan people are against bombing, they would still sacrifice their lives just to have peace. They were so sick of the Taliban.

ME: A perspective that is hard to get in the US, that was very obvious there, one we heard over and over from virtually everyone we spoke to in Afghanistan and Pakistan, is that America sent the Taliban and sent Al Qaeda and Arabs from all over the place to Afghanistan. They call them America's children. From their point of view, the father came and disciplined his children. Their perspective is that they did not have the power to throw the Taliban out, that the only ones who could do that were the people who created them, their father, the United States. I had never heard this before, but since I came back, I looked much more deeply at the history, and it makes sense to me now. Long before all of this started, our allies, the Saudis, along with the CIA, completely funded the Taliban, in Pakistan first, as part of their anti-communist strategy to strike up into the soft under-belly, they would say, of the Soviet Union. It was a cold war strategy, at least as far back as the Carter administration. They had the idea of bringing them into Afghanistan, then go on to the other Soviet Asian republics, causing Muslim fundamentalists uprisings in every country to throw out communism. This unleashed a terrible force that has come back to attack us now.

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The Saudis and the CIA funded the Taliban as part of their anti-communist strategy.

# Help!

## Letting in Support

by Susan Ann Koenig

Would you like your life to be a little easier? I can't think of single woman attorney who wouldn't opt for making life a little less hard.

We face demands from clients, family members, and organizations to be here, do this, go there, remember that. Sometimes the lists seem endless. Sometimes there are so many lists you can't keep track of them.

Despite the pressures we feel on a daily basis, we often refuse to ask for help. We even turn it down when it is offered.

Taking a look at our willingness to let in help can give us great insight into how we have been making our lives so much harder than they need to be.

Are you willing to let others help? Ask yourself these questions to examine your willingness to let others support you in life:

The last time you entertained, did your refuse offers of others to contribute food?

When was the last time you asked another parent to help transport your child to an event?

Do you feel the adult you live with is carrying an equal share of household duties?

Have others suggested you pay for help but you decline?

Do your school age children have regular household chores?

Are you fully delegating work responsibilities to others?

Every day we have opportunities to ask for and receive support. Yet we are often unconscious to the countless ways we could make our own lives easier.

Even when we are aware that help is there for the asking, we might still resist. Too often we insist upon making life more difficult than it needs to be, and then com-

plain that we are feeling overwhelmed.

Often the assistance can come from others who would love to be asked and who would benefit from supporting us. Still, we resist.

What are some of the reasons for our resistance to help? There are many reasons, both conscious and unconscious, why we sometimes resist support.

We think others will think less of us if we need help.

We believe we can do the job better.

We don't want to owe the other person anything.

We've asked for help before and have been turned down or let down.

We think we ought to be able to do it on our own.

We love the acknowledgment we get by accomplishing projects on our own.

Consider your attitudes about accepting help. When we stop to examine the thoughts that drive our choice to keep help out, we realize why we are resistant. These include:

Only weak or incompetent people ask for help.

I can do things better than anybody else.

If I accept a gift, I am indebted to the giver.

People don't change.

I don't need or deserve any help.

I'll have to share the credit if someone else helps me.

If I don't do it, it won't get done.

By examining the attitudes that underlie our thoughts about letting in help, we become clearer about how it is really our ego that saying no to making our lives

easier.

Are you secretly proud of people referring to you as Wonder Woman? Do you really believe that you can be all things to all people at all times? Are you willing to give up those attitudes in order to struggle less and enjoy life more?

Think about a truly great person whom you admire. Consider Mother Theresa, Ghandi, Susan B. Anthony, or Nelson Mandela. Not a one of these great humans accomplished their goals without the help of others. Surely we can permit ourselves to be as humble as these amazing leaders.

We can produce something greater with the help of others. By others joining us in completing a project, we get more than the gift of time. Additional skills, new ideas, experience, and support are all a result of letting others in. By allowing supporters to be a part of our work, we can produce something greater than if we had done it alone. We just need to be willing.

We can avoid frustration and burnout. When we feel unsupported in our lives over long periods of time, frustration builds. We begin to feel unappreciated and resentful. Over time, we can feel burned out. We lose the energy to continue to do the work that we once felt passionately about. Letting in support can give a huge boost to our energy that allows us to sustain our good work over time.

Look for others who enjoy doing what needs to be done. You can turn a dreaded duty into a time of fun. Have a friend help you reorganize your basement and let her take home some treasures. Throw a work party the next time you need help for a home improvement project.

The laughter of friends can turn even the dullest tasks into fun.

Consider the gift that you are giving to others by allowing them to help you. Remember the wonderful feeling you get when you are able to help a colleague or a family member? Such sweet satisfaction comes from having done just one small thing that eased life for another. There is no reason we should deprive others of this great feeling, especially when it

will make our lives easier at the same time.

Look for help in unexpected places. Sometimes our limited thinking prevents us from seeking support in new ways. Rather than producing a long list of reasons why no one else will help you, brainstorm a list of people who might be willing. Don't assume that others are too busy, uninterested or unwilling to support you. Instead of sabotaging yourself by failing to ask, take a risk by reaching out.

Practice asking for assistance. Consider beginning with some small steps like these:

Ask your sibling to host the next family gathering, even though you are the one who does it traditionally.

Talk to another parent about car pooling for your child's practices.

Ask your loved one to take care of the household for one full day so you can have a rest.

One day a week delegate at work as though you were leaving on vacation the next day.

Celebrate your child's birthday by giving her one new chore each year in recognition of her increased maturity.

Choose one form of paid help that fits your budget and set it up this week.

By practicing getting support, we learn to live life realizing that we are never alone in facing the challenges of life, be it a malpractice claim or a conflict with your child's baseball practice schedule. We begin to realize that we are fully supported in all that we do. All we have to do is say Yes.

When we feel unsupported in our lives frustration builds. Over time, we can feel burned

Susan Ann Koenig is an attorney in Omaha, Nebraska where she practices family law, estate planning, and gay and lesbian rights. She teaches Women and the Law at Creighton University School of Law. Susan writes and lectures on spirituality and the law.



## Interview

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It is just not safe in Afghanistan or Pakistan to have an open women s organization. Everything they advocate was a death sentence in Afghanistan.

So now the Afghans are saying, they came and got their own people out of here, and yet thousands of Afghans died in the process or were terribly traumatized.

EH: You spoke particularly to RAW A members. I understand that RAW A was founded by Meena in 1977 to fight both the Soviets and the fundamentalists forces within the Afghan society. What are RAW A s objectives today?

ME: RAW A was founded in 1977, before the Soviets invaded and at that time RAW A was a feminist organization for women s rights. In 1979, when the Soviets invaded they joined the national liberation struggle against this invader. We brought back with us a video tape of Meena, speaking in 1981. On this 21 year old tape, she talked about the national liberation struggle and said our national unity is fracturing because of the creation in Pakistan in the refugee community of some fanatical Islamists. They are a danger. She started to warn then and she always said if they come to power it will be very terrible. She did not see the Soviets leave in 1989. She was assassinated in 1987. She was always fighting the two fronts, the fundamentalism which she knew was the enemy of women and the Soviet occupation. RAW A still has as its enemy these fundamentalists, these misogynists, which are everywhere. We went to a RAW A press conference in Pakistan. There they were carrying out the warning function they have had all of these years, saying that safety and security are the number one issues today. They called for more international peace keepers, in line with what the UN Security Council has asked for, to increase the numbers from 4,000 to 30,000. Interim president Hamid Karzai has asked for this. The US is

opposing it. It will take 3-4 years before a local security force is trained; in the meantime Afghanistan could easily slip back into civil war and there are many signs of that. They are warning that war lords are still a huge danger and RAW A is pointing out that many of these war lords are in the interim government. They are saying that the Northern Alliance leaders have a history of violence and massacres. RAW A refuses to join in with these criminal elements in the current government. They call for the arrest of these war lords whom they see as war criminals. They want to see them tried like Milosevic and are encouraged by the development of international law in that respect. They have actually received the active support of officials of the Basque government who pledged to call on the EU for the prosecution of these war criminals. RAW A is at a crucial turning point, waiting to see whether they can take their burqas off in public and take part in the government. They did go to the Brussels women s conference and also were in Bonn, as part of the Shah s (king s) delegation. They support the Shah because he promotes a secular democracy.

EH: How large is RAW A?

ME: They say they have about 2,000 members. The membership is very diverse. We met illiterate, poor women, as well as university educated women, young and old women.

LP: They have women from all levels of the society and are very diverse ethnically. At the same time RAW A is not very well known in Afghanistan.

ME: They are clandestine and have only a few public spokeswomen, mostly abroad. It is just not safe in Afghanistan or Pakistan to have an open women s organization. Everything they advocate was a death sentence in Afghanistan. Recently a woman in Pakistan who



advocated for beaten women was criminally charged and faces many years in prison. RAW A can operate some in the more liberal UN run refugee camps in Pakistan to teach literacy, help orphans and provide health services. Organizing in Afghanistan was also very difficult because women could not go out without a male escort, there was no mail, no phone system, no newspapers, no internet under the Taliban. Now sometimes the phone works in Kabul, and the mail is starting up again. RAW A seems to be in a tran-

Afghanistan. They documented human rights abuses and filmed executions during the Taliban years. Now, they bring medicines to their members, most recently to earthquake victims. It is almost impossible to get medicine in Afghanistan, not even Tylenol. They run schools for girls. They organize themselves in friendship groups for moral and practical support. Since 9/11, RAW A has received significant contributions from around the world. With those funds they recently opened a new hospital in Pakistan for refugee

women and children and a new children's home. Their goals are very far reaching, a secular democracy, which is so far from the status quo. Their situation as women is still so oppressed. We experienced it ourselves. Everywhere we went we were asked where our husbands were. On the official forms in Pakistan it always asked for our father's and husband's

names and status. So I put for my husband: In US, attorney, can not accompany due to court. They want to know why is he not with you, they literally asked us at every turn. We did not see women driving a car in Pakistan, nor did we see women working in an office or restaurant and we ourselves were accompanied by a male driver at all times. Part of that was for our security, being American, we were afraid of being taken. Daniel Pearl had just been killed. One woman we interviewed, who is a RAW A member, was in charge of a school in the Islamabad area. She said an Afghan man

Everywhere we went we were asked where our husbands were. They want to know why he is not with you.



RAW A took contributions from around the world and opened up a new hospital for refugee women and children and a new children's home. (photo courtesy Kristi Laughlin)

sition to operating more above board. For example, at their press conference in March in Afghanistan, though they asked not to be photographed, when the press did take pictures, the women did not cover their faces. Similarly, we saw women at the women's day celebration in Kabul in western dress [also attended by UN High Commissioner for Human Rights Mary Robinson], yet when they left they covered themselves in their burqas.

EH: So how does RAW A operate in Afghanistan today?

ME: They have cells all around

I want healing, acceptance and reconciliation among our people. I am hoping to start with my own village. It is a start, it is never too late.

approached her and told her to get away from the school and not to return. When she did return, men threw stones at her. She is now trying to figure out what to do. That is the kind of thing women have to put up with in both Pakistan and Afghanistan.

LP: Even in the Afghan community in exile women are facing huge obstacles. A woman I know was recently admitted to Stanford University Medical School with a scholarship, but her father told her she graduated from high school and that was enough. She will not be able to go. Many things stop the Afghan community, one of them is ignorance, another is corruption. So education is very very important, here and in Afghanistan.

EH: How do you think women assess their future?

ME: Women are clearly uncertain about the future. Latifa's cousin's wife, for example, went back to teach, after 6 years at home, but she wears her burqa, unsure what the future will bring. Afghanistan could go right back to civil war and opium growing (there are strong signs in that direction), or it can emerge as a modern nation. The Loya Jirga which will meet in June to select the next government was not democratically chosen, it is a feudal process. No one knows how this will work out. But there are also great things happening and there is much hope. Meena's school, for example, which had been closed down and had been damaged by Al Qaeda, which housed 4,000 men there, was being feverishly rebuilt, while we were there, by a crew of 200 men. We met the person in charge of the reconstruction a woman engineer! Many schools have reopened and women teachers are back at work. We met doctors who are working again, some of them had been trained secretly during the Taliban years. The new minister of health is

a woman doctor who was allowed to work during the Taliban. She secretly ran a medical school and trained all the nurses and assistants working under her as doctors. We met three of them, on Women's Day, in the ladies room, where, as women know, some of the best meetings always take place. Their heroism is overwhelming.

EH: What do you think is the most crucial next step for women in Afghanistan?

ME: Peacekeepers are absolutely essential, to establish police and security and control over the whole country. That is the first thing many women we spoke to said, it is also what Mary Robinson said. You also need the commitment to human rights, which has to go hand in hand with safety and reconstruction, it can not come later. Right now, Afghans are depending on the good will of these war lords, literally, they themselves would have to feel like enough is enough, it's time for us to stop fighting each other and have a nation. Think how thin that is to depend on former war criminals saying, I am not going to get as much for myself as I can, opium fields, money and power.

EH: Latifa, with all of this uncertainty in Afghanistan today, do you consider returning home?

LP: I have waited all this time, and I want to return. I have a mission. People have pointed fingers at each other long enough. My own belief is that all the Afghans, no matter where we came from, are guilty. I am guilty because I left my people and came to the US. Others are guilty of genocide, or of doing nothing about it. I want healing, acceptance and reconciliation among our people. I want us to come together and rebuild one nation, Afghanistan.

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# Women & Law in India

By Versha Sharma

india

In India, in spite of special constitutional and legislative guarantees in place to protect women, crimes against women are rampant and on the increase. The Constitution imposes a fundamental duty on every citizen through Article 51A(e) to renounce the practices derogatory to the dignity of women. How many of us are aware of this Fundamental Duty? Not many, I suppose. But the question is: Have the women of India been able to reap the benefits provided for them under their Constitution? There is still a long way to go to achieve the goals enshrined in the Constitution.

In tune with various provisions of the Constitution, the State has enacted many pieces of legislation to protect women against social discrimination, violence and atrocities and to prevent social evils such as child marriages, dowry rape, and the practice of Sati. The problem is that these laws are neither implemented nor enforced. Patriarchy, the domination of women economically, sexually and culturally, is the standard in the home. Women are forced to exchange their unpaid domestic services for their room and board. In this perspective, marriage becomes essentially a labor contract through which the husband controls his wife. Patriarchal social order is also responsible for discrimination and violence against women, including domestic violence, beating, torture, harassment and dowry death. The social order based on putative qualities of "maleness" and "femaleness" needs to be changed. Women have the same rights as men to be treated as people, not statistics.

The constitution has authorized the legislatures to pass special protective laws in favor of women to undo the injustices done to them for ages. A large number of such laws have actually been

passed, but their language is easily manipulated and can be misleading. They create an illusion that women enjoy a privileged position in our society and have special rights at the cost of men. The illusion falls quickly when one confronts the facts. In reality, the bulk of this protective legislation is a modest attempt to combat the deep-rooted and all pervasive evil of horrendous crimes that are committed against women every day. These atrocities are a part of our past and have not ceased to be committed even today. There seems to be no end to man's brutality towards woman in spite of the protective laws.

Who is responsible for the lapse between the illusion and reality of these protective laws? Is it the people of India and our religious beliefs, poverty, superstitions or die-hard traditions? Or is it the patriarchal structure of society or the low social status of women that is to be blamed? Perhaps it is the weakness of our laws, or that the protection provided by the laws is so flimsy that any person can indulge in crimes with impunity? Are the women helpless to fight the atrocities because there are no laws to provide quick relief? Or, are there so many loopholes in these laws that the culprits can manage to remain unscathed?

One cause of this discrepancy is that Indian laws are biased in favor of men. The attitude of the society is totally pro-male. Not only are the laws biased, but the judicial system makes it impossible for women to seek justice. The system is prohibitively long and extremely expensive. The trauma that a woman undergoes in fighting for her legal rights is highly demoralizing. The creation of the protective laws raised initial hopes of quick justice for women, making their subsequent failure more difficult to bear.

The only  
role  
women  
aren't  
allowed  
to play is  
as a  
human  
being on  
par with a  
male  
partner.

Crimes against women are committed within the four walls of her house, outside the house in lonely places and at public places right in the glare of the public. Until the late seventies dowry deaths were camouflaged as accidental deaths and the culprits could not be punished. It was very difficult to get legally accepted proofs of this heinous crime. The culprits planned the brutal murders meticulously in the privacy of their homes. Quite often husbands created conditions where the bride was left with no other option but to commit suicide, leaving the husband free to marry again. Wife beating is another extreme act of cruelty that is highly demoralizing for women but still has not been declared an independent crime. Wife beating was once viewed as a crime of the lower class, but now this crime knows no barriers of caste, class, religion or socio-economic strata. Professionals like doctors, judges, executives and lawyers have been found to beat their wives yet the police are reluctant to register cases against the husbands unless this crime is compounded with demands of dowry or is in some way connected with property.

In order to convert the equality of women in India from de jure to de facto, it is essential to promote education of females. Most of the women in our country are illiterate and, especially in comparison to males, are unfamiliar with the laws and how to use them to protect themselves. Most of the time they do not register a case against those persons who commit crimes against them. Lack of awareness and political participation, poverty, and traditional oppression and customs place an Indian women at a disadvantage. Though violence stalks women everywhere, the law can do little unless present cultural and social perceptions change. As regards the education of women, according to the census of 1991, the general literacy rate was 52.11 per cent. The female literacy rate was 39.42 per cent, as compared to the male literacy rate of 63.86 per cent. These figures indicate that 60 per cent of our female population, i.e., six out of every ten females, still remain illiterate. So long as there is a great disparity between male and female education lev-

els, the gap between the position of men and women will continue to exist. It is unfortunately true that a woman has, even in her own home, been given a subordinate role to play. She is expected to cater to the comforts of the family as a dutiful daughter, loving mother, obedient daughter-in-law and faithful and submissive wife. The only role she is not allowed to play is as a human being on par with her male partner. The society has made her dependent on father, mother, husband or son. In order to usher in gender equity, all this must change.

Another factor necessary for the emancipation of women is for them to gain economic independence. Equal emphasis must be laid on the total development of women, by increasing women's awareness of their rights and responsibilities, recognizing the vital role of women and the work they do at home and teaching skills to build economic independence. For this to happen, it is necessary for a new social system to evolve. Major surgery is required; not merely cosmetic charges. In *Kundula Bala Subrahmanyam v. State of Andhra Pradesh*, 1993 (2) SCC 684, a case of bride burning, I wrote:

Of late there has been an alarming increase in cases relating to harassment, torture, abetted suicides and dowry deaths of young innocent brides. This growing cult of violence and exploitation of the young brides, though it keeps on sending shock waves to the civilized society whenever it happens, continues unabated. There is a constant erosion of the basic human values of tolerance and the spirit of "live and let live." Lack of education and economic dependence of women have encouraged the greedy perpetrators of the crime. It is more disturbing and sad that in most of such reported cases it is the women who play a pivotal role in this crime against the younger women, as in this case, with the husband either acting as a mute spectator or even an active participant in the crime, in utter disregard of his matrimonial obligations. In many cases, it has been noticed that the husband, even after marriage, continues to be "Mama's baby" and the umbilical cord appears not to have been cut even at that stage!

Our society needs a change of heart and attitude to awaken our collective consciousness. If man were to replace hatred, greed, selfishness and anger with mutual love, trust and understanding and if woman were to receive education and become economically independent, the possibility of this pernicious social evil dying a natural death may not only be a dream. The legislature, realizing the gravity of the situation, has amended the laws and provided for stringent punishments in certain cases. For example, it has permitted the raising of presumptions against an accused in cases of unnatural deaths of the brides within the first seven years of their marriage. The Dowry Prohibition Act was enacted in 1961 and has been occasionally amended, but this piece of social legislation is not enough to combat the pervasive evil of dowry deaths. These legislative changes are not enough: we need a wider social movement that will educate women about their rights, particularly in rural areas where women are still largely uneducated and easily fall to exploitation. The role of courts, under the circumstances, assumes greater importance; it is necessary for the courts to deal with such cases in a more realistic manner. A socially sensitized judge, in

my opinion, is better armor in cases of crime against women than long clauses of penal provisions, containing complex exceptions and provisos.

Let me, however, caution that the fight for justice by females should not be treated as if it is a fight against men. It is a fight against traditions that have chained them — a fight against attitudes that are ingrained in the society. It is a fight against proverbial lakshman rekha, which is different for men and for women. Therefore it is also the man's responsibility to rise to the occasion. They must recognize women as equal partners in life and as individuals who have their own identity. Society needs to change its perception of clear-cut gender roles that have emerged based on the stereotypical conventions of feminine and masculine characteristics. It is high time that human rights of women are given proper priority.



*Versha Sharma is a lecturer of law in Kanpur, India.*

# International Criminal Court Comes into Effect

## New Venue for Women's Rights Violations

By Eva Herzer

Human Rights violators beware! As of April 11, 2002, impunity for the worst human rights abuses, such as genocide, crimes against humanity and war crimes, has drastically diminished. On April 11th the 1998 Rome Statute for the International Criminal Court (ICC) received the required number of state ratifications to go into effect. Representatives from committed governments and persistent non-

governmental organizations came together in 1995 to establish the Coalition for the International Court, which became the core group whose hard work over more than a decade brought about the first criminal court with international jurisdiction.

### Milestone in Human Rights Law

The creation of the International Criminal Court is a huge milestone

in our system of international human rights law. While the UN has created a comprehensive set of international human rights standards and laws in the past 50 years, there have been few enforcement mechanisms and those in place are largely ineffective. Until this year, the International Court of Justice (ICJ) was the United Nations only permanent judicial organ. Its jurisdiction, however, is limited to disputes between states and it has not had the authority to pursue individual criminals. The persecution of war crimes and crimes against humanity under the Geneva and Hague Conventions has been limited to exceptional ad hoc tribunals, set up by the Security Council, to address the grave crimes of the Holocaust and the wars in Rwanda and the former Yugoslavia.

The ICC will have jurisdiction over the crimes of genocide, crimes against humanity, war crimes and crimes of aggression. The first three crimes are strictly defined by the 1998 Rome Statute, but the states parties of the Rome Statute were unable to agree on a definition of the crime of aggression. As a result, the court will not have jurisdiction over this crime until an agreement is reached in a Review Conference within the next seven years.

The Hague (1899) and Geneva Conventions (1864 and 1949) were drafted at a time when women's issues were not on the legal agenda. As a result, crimes that predominantly affect women were not categorized as war crimes or as crimes against humanity. In 1997, women's groups, which had followed the development of the Rome Statute, created the Women's Caucus for Gender Justice to assure that the statute encompassed crimes against women and that gender was included in the discussion leading to the creation of the court. As a result of these cutting edge efforts, the Rome Statute for the ICC defines rape, sexual slavery,

enforced prostitution, forced pregnancy, enforced sterilization and sexual violence as crimes against humanity, when committed as part of a widespread attack against a civilian population. The Statute's definition of war crimes extends to internal conflicts, rather than only international conflicts, which is important for women who are victims of grave violence in ethnic and religious conflicts within their own country. In Rwanda and the former Yugoslavia, rape, for example, was used as a systematic weapon to humiliate and degrade women of specific ethnic groups.

The Rome Statute also provides for progressive measures for the protection of victims of gender crimes and for gender parity among the judges and staff of the court. The ICC will have a Victims and Witness Unit which will provide counseling and protection. It will establish a victim trust fund through moneys obtained in forfeitures and fines.

### Independent Body

The ICC will be an independent judicial body that, unlike the International Court of Justice, can try individuals. The court's jurisdiction applies equally to all individuals. Government official and heads of state will not have immunity from prosecution, nor will an individual be shielded from liability because he committed a crime on the orders of a superior. These provisions are a departure from traditionally accepted principles of protection of government leaders. They follow the trend of the 90s, during which individual judges started to make inroads to sovereign immunity and the principles of limited liability (particularly Judge Garçon in Spain who prosecuted Pinochet and many other South American leaders). This move away from immunity is clearly justified in light of humanity's track record over the past 50 years. According to the Coalition for the

International Court, during that time period 250 conflicts occurred, which left more than 86 million civilians killed and caused over 170 million people to lose their homes.

Most of these victims have been largely forgotten and very few of the perpetrators were brought to justice.

The ICC will only have jurisdiction over a case if a national of one of the states parties to the Statute committed the crime, if a crime was committed in the territory of a state member, or if the UN Security Council refers the case specifically to the court. Under the principle of complementarity, the ICC may only accept a case after the relevant national court demonstrated its unwillingness or inability to prosecute the crime.

Of the 160 states who participated in the Rome conference, 139 signed the Statute, which became effective when the 60th state ratified it in April. The US was a major player in the conference, working hard to dilute the powers of the court, even though the US made clear from the outset that it had no intention of ratifying the Statute. This caused great resentment from states working earnestly to create a serious mechanism to enforce rule of law internationally. The US, China and Israel all voted against the final language of the Statute, afraid to expose themselves and their nationals to the jurisdiction of this international tribunal. Subsequently, former President Clinton signed the treaty.

### Congressional Restrictions

In spite of President Clinton's approval of the treaty, several acts of Congress have contradicted him, expressing strong US opposition to the ICC. Congress passed the Hyde Amendment to the 2002 Defense Appropriation Act, which restricts funds from being used to cooperate

with the ICC in any manner. On May 6, 2002, the Bush administration, in a rather unusual governmental act, formally revoked its support for the ICC. The US's extreme reaction to international judicial oversight was probably best expressed by Representative Tom DeLay (R-TX), the Republican majority Whip, who on May 10, 2002 introduced a bill in the House of Representatives which would authorize the US president to rescue any American held by the ICC and which would ban arms aid to nations which ratify the Rome Statute. Representative Obey (D-WI) during committee discussions asked whether Mr. DeLay understood that such a rescue would mean that we would be sending our troops to the Netherlands since the ICC will be located in the Hague. DeLay's contended that he did not consider that to be a serious issue.

It is ironic and tragic that the US seeks to portray itself as a defender of rule of law by waging a war on terrorism, but is so utterly unwilling to cooperate with and to submit to the jurisdiction of an international criminal court.

The court will have jurisdiction over crimes committed after April 11, 2002. States that are parties to the Statute will now meet to set up the 18-member court, which is expected to function by mid-2003. The impact of this court on genocide, crimes against humanity and war crimes will depend greatly on whether the many signatories to the Statute that have not yet ratified it will do so.

Whatever the future will bring in this regard, the fact that the Rome Statute came into effect this April and that the first permanent international criminal court will be a reality next year is a major achievement which will bring us closer to an international rule of law.

# A South African Adventure

by Susan Ann Koenig

In January of this year I joined a delegation of family law lawyers from across the country for a look into another world whose people and laws are as diverse and fascinating as the landscape itself.

I was one of eleven women who accepted an invitation from People to People International to exchange knowledge about family law and culture. We met with law firms, law school professionals, and government officials in Johannesburg and Capetown, South Africa.

People to People has promoted international understanding and goodwill around the world for over 40 years. While participation was by invitation, I suspect that little more than my membership in the Family Law Section of the American Bar Association and my willingness to leave a Nebraska winter for two weeks of summer in another hemisphere qualified me to go.

## A History Lesson

The Dutch were the first to come to South Africa, which had been home to indigenous people for thousands of years. Thereafter the British took control of the Cape, which was highly valued by the Dutch for its location between the West Indies and the

Netherlands. Deaths among the local tribes worsened with the discovery of diamonds and gold, as the indigenous went from being displaced from their land to being used for cheap labor in the mines.

In 1913, shortly after the formation of the Union of South Africa with its whites only parliament, the Natives



Women and children at a day care center in Soweto.

Land Act was passed. This law forced Africans to live in one of ten designated areas, known as

Homelands. The painful parallel to our own country's banishment of Native Americans to reservations was unmistakable isolation coupled with a lack of education, jobs, and adequate resources.

## Apartheid Becomes Law

Despite decades of protest from political organizations, unions, and the for-



eign governments, in 1948 the National Party won the election on an apartheid platform. Thereafter a series of laws were passed to keep the minority whites in absolute control of all forms of power. Laws stripped the majority blacks of their rights to vote, own property, travel, and marry outside of their race. Government registration according to race was mandated by law.

### The Struggle Turns the Tide

Courageous battles to end apartheid continued on for decades. Protesters were threatened, assaulted, arrested, killed or imprisoned. The two leading organizations fighting against apartheid the Pan Africanist Congress and the African National Congress were banned. The movement went underground. The government declared a state of emergency, which further expanded police powers. The world finally began to take notice of what was happening in South Africa as the government became increasingly violent. South Africans, including students, continued to fight against apartheid.

In 1990, South African whites finally voted for reform. Nelson Mandela was released from his life sentence in prison where he had spent 27 years. In 1994 he was elected president. The extraordinary human disaster, as Mandela referred to it in his inauguration speech, was coming to a close.

### Our First Look

Johannesburg was the first city in which we saw the impact of the history of South Africa on her people. As apartheid as law came to an end, businesses fled downtown, citing increasing crime and fear. Though once a thriving city of over 10 million, Johannesburg now has empty and shabby buildings at its center. What were once luxury hotels now have signs hanging from the upper story windows advertising the low rates. Few whites were seen on the downtown streets in a city where for decades blacks were forbidden from entering the city without a work permit.

Unemployment in South Africa is shockingly high, and the crime rate reflected the desperation of the people. Street after street of the homes in Johannesburg reflected the fear of crime felt by its people. Tall walls, fences with barbed wire, security systems and guards were a common sight, even for modest homes.

### Law Firm Hospitality

Our first official meeting was with the Johannesburg family law firm of Joffe and Garb. The mid-morning feast they served looked like a scene out of a European bakery window celebrating a holiday. Trays of cakes, pastries, cheesecake, breads and jams, chocolate desserts, cookies, and sweets of every type covered every inch of the tables at which we sat.

We received our first lesson in the distinction between the role of the attorney and the advocate under the South African system. Clients maintain relationships with the attorney, who does not appear in court. The attorney then retains the advocate who makes court appearances wearing a traditional black robe.

We visited with women practitioners who explained the difficulty of organizing for the improvement of the status of women attorneys in South Africa. With the importance of equality on the basis of race being the highest priority for the country, issues for women and the law had to take a back seat for the time being.

We saw few black lawyers during our visit, yet another reminder of how recently apartheid ended in South Africa.

### Challenges in Family Law in a Changing South Africa

At the University of Pretoria we visited with lawyers, advocates and law professors. At the High Court, we met with the Chief Family Advocate from the Ministry of Justice, who is also the Central Authority for the Hague Convention.

We saw few black lawyers during our visit, yet another reminder of how recently apartheid ended in South Africa.

A family advocate is assigned to family law matters involving children. Each is both a lawyer and a social worker. The South African Constitution provides for protection of the best interests of the child. The office of the Family Advocate oversees cases to work toward this goal.

The Germiston Justice Center just outside of Johannesburg serves as a combination legal services and public defender office. Representation of the indigent in criminal, land dispute, and family law matters is provided. Challenges for this agency include the lack of pro bono contribution by the private bar, the increasing stream of immigrants needing services, the mobility of the population, and the poverty resulting from the extremely high unemployment.

In Capetown we visited the Women's Rights Project at the Legal Resource Center. Under apartheid, three million people were removed from their land. The LRC assists people in making claims for restitution. The Women's Rights Project focuses on violence against women and child support, among other issues of concern. Most of the funding for this project comes from the United States.

### Spectacular Sights, Every Day Life, and Memorable Moments

Each day in South Africa brought some new wonderful discovery or lesson.

At Kruger National Park, a clever monkey snatched a muffin from the lawyer who turned her face. We took countless photographs of the elegant giraffes, the herd of zebras spotted during the night safari, and the plentiful impala, a lovely deer-like creature.

We visited the prison at Robben Island, where Nelson Mandela spent his 27 years. Our guide was a former political prisoner, reminding us that Mandela was just one of countless numbers who were tortured and jailed for exercising their most basic human rights or for the color of their

skin. The discrimination continued even behind the prison walls, where Black prisoners were ordered to receive less food than the Whites.

We saw penguins playing in the sand at Capetown and baboons in intercourse on top of a car. We e-mailed home photos of ourselves standing atop Cape Point, where the Atlantic and Indian Oceans meet. We enjoyed beautiful sculptures of figures of women in the lush botanical gardens, and sipped liqueur made from the marula trees. We learned South African songs from our driver and guide on a long bus ride through the countryside, as we proudly taught them our favorites and Peter, Paul & Mary ballads.

We learned that most women wear skirts below the knee and most married women cover their heads. I had a chance to eat fried worms and tasty impala. For most of this group of family law lawyers, it is difficult to imagine a better way to experience the lessons of the law, the land, and the people of a fascinating and courageous country.

### A Precious Visit

The most profound experience of the trip for me came during our afternoon in Soweto.

Under apartheid, the ban on blacks entering Johannesburg led to the development of black townships on the outside of the city, including Soweto, a township of over four million people. P.J., our guide from Soweto, shared reflections of his life experience as a young man who had grown up as a witness to the anti-apartheid movement.

I had been anxious to get away from our lovely hotel situated among the homes of the wealthier whites. I felt I was getting my first opportunity to see another dimension of South Africa as we strolled down the open-air market where the locals came to shop and visit. We saw shacks that made homes for thousands stretched as far as the eye could see. Cardboard or scraps of metal made

the four walls of these tiny homes that lined row after row. Community toilets and water spigots supplied by the government provided the only plumbing for this neighborhood.

It was here that we visited the one room day care center. Its sparse furnishings, the little boy with one shoe off, and the generosity of the care provider in allowing her photo to be taken reminded me of the wealth of my homeland that I take for granted every day.

Many of the homes in Soweto are what is referred to as four housing, a sitting room, kitchen, and two bedrooms. Extended family members

a year.

Upon entering this humble place, I was overcome by all of the emotions that my trip to South Africa carried for me: the shame of my country for not doing more to end apartheid; the awe of the people who gave their lives for the freedom of others; the sorrow for the suffering of so many; the humility I felt in having done so little for a world that needing so much healing. I felt embarrassed by this rush of emotion and tried to hide my tears. It was difficult to avert my face as our small group filled each of the four small rooms in succession. As our rather serious guide finished

explaining the various treasures in the final room, the others began to file out. I lingered to take a photo of a colorful women's rights poster on the wall, but the tears that would not stop coming prevented me from seeing through the lens. In an instant the young black guide came over and put her arms around me saying, It's all right, Sister. With this, of course, any pre-

tense of being a professional on an official visit was lost, and I sobbed. She took me aside and we visited for a time. Mostly she made me feel as though I need not say anything, for we both understood.

In that moment we shared in the sorrow, and we shared in the hope.

Susan Ann Koenig is an attorney in Omaha, Nebraska where she practices family law, estate planning, and gay and lesbian rights. She teaches Women and the Law at Creighton University School of Law. Susan writes and lectures on

I was overcome by emotions: the shame of my country for not doing more to end apartheid and the awe of the people who gave their lives for the freedom of others.



Our People to People International exchange group at the Cape of Good Hope.

often live in these small homes, and at night every room becomes a bedroom and every bit of floor space, a bed.

We visited the small four-room home of Nelson and Winnie Mandela. Nelson had only lived there a short time before he was arrested. Winnie continued to live in the home during Nelson's years of imprisonment. There she organized and led thousands of others in the fight against apartheid, often being permitted to visit her husband only once or twice

**Concentrations Key**

Ad	Administrative
Adm	Admiralty
App	Appellate Appeals
At	Antitrust
AttMa	Attorney Malpractice
Ba	Banks & Banking
Bd	Bonds, Municipal
Bky	Bankruptcy, Creditors
Bu	Business
CA	Class Actions
Ch	Child; Custody; Adoption
Ci	Civil; Civil Rights
C	Collections
Co	Corps.; Partnerships
Com	Commercial
Comp	Computer
Con	Municipalities; Takings
Cons	Constitutional
Cs	Consumer
Cont	Contracts
Cor	Coops; Condos
Cr	Criminal
DR	ADR; Arbitration
De	Defense
Dis	Discrimination
Disc	Attorney Discipline
Ed	Education
EI	Elder Law
Em	Employment; ERISA
Ent	Entertainment
Env	Environmental
Eth	Ethics
F	Federal Courts
Fi	Finance or Planning
FL	Family Law
Fo	Foreclosure, Creditors
Fr	Franchising; Distribution
GP	General Practice
GC	Government Contracts
Gu	Guardianship
H	Health
I	Immigration
Ins	Insurance
Int	International & Customs
IP	Intellectual Property (C-copyright; P-patents; TM-trademark; TS-trade secrets
La	Labor
Ld	Landlord, Tenant
Le	Legal Aid, Poverty
Leg	Legislation
Li	Litigation
LU	Land Use
Mar	Maritime
M/E	Media & Entertainment
Me	Mediator
MeMa	Medical Malpractice
MeN	Medical Negligence
N	Negligence
NP	Nonprofit Organizations
PI	Personal Injury
Pr	Product Liability
Pro	Probate
Pub	Public Interest
RE	Real Property
RM	Risk Management
Sec	Securities
Sex	Sex Harassment; Assault
SS	Social Security
Tx	Taxation
T	Tort
TA	Trade Associations
U	Utilities—Oil & Gas
W	Wills, Estates & Trusts
WC	White Collar
WD	Wrongful Death
Wo	Workers' Compensation
Wom	Women's Rights

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**ALABAMA**

*Birmingham*

**Lisa B. Singer**  
Smith & Ely  
2000 A Southbridge Pkwy,  
Ste 405 35209, Li  
205/987-0836

**Carol H. Stewart**  
Burr & Forman LLP  
PO Box 830719  
35283  
205/458-5219

**Cary Tynes Wahlheim**  
Burr & Forman LLP  
PO Box 830719  
35283  
205/458-5142 H, Li, Ad

**CALIFORNIA**

*Los Angeles*

**Gloria R. Allred**  
6300 Wilshire Blvd  
Ste 1500, 90048  
213/653-6530  
Em(PI), Dis, FL

**Rochelle Browne**  
333 So Hope St, 38th Fl  
90071  
213/626-8484

**Diane Karpman**  
Karpman & Associates  
9200 Sunset Blvd. Ph7  
900069  
310-887-3900 Eth

**Sharon Hartmann**  
3580 Wilshire Blvd. #2020  
90010  
213/637-9800  
Ci, Li

*Old Sacramento*

**Virginia Mueller**  
106 L Street  
95814  
916/446-3063  
FL, Pro

*Palos Verdes*

**Kathleen T. Schwallie**  
Chevalier Law Firm  
18 Encanto Drive 90724  
310/530-0582 Bu, Me

*South Pasadena*

**Ellen A. Pansky**  
Pansky & Markle  
1114 Fremont Av, 91030  
213/626-7300 AttMa, Disc, Li

*Walnut Creek*

**Renee Walze Livingston**  
Livingston Tate, LLP  
1600 S. Main St., Ste 130  
94596  
925/287-8728

**Lauren E. Tate**  
Livingston Tate, LLP  
1600 S. Main St., Ste 130  
94596  
925/287-8728

**CONNECTICUT**

*New Haven*

**Ellen J. Beardsley**  
Tyler Cooper & Alcorn LLP  
205 Church Street  
06509  
203/784-8231 Bu, Mac, Sec

**DISTRICT OF COLUMBIA**

*Washington*

**Julia Louise Ernst**  
Ctr. for Reproductive Law &  
Policy  
1146 19th St NW 7th Fl  
20170 202/530-2975  
Int Ci, Repro

**Marcia A. Wiss**  
Hogan & Hartson LLP  
555 Thirteenth St NW  
20004-1109  
202/637-5600  
Int, Fi

**FLORIDA**

*Boca Raton*

**Charlotte H. Danciu**  
370 W Camino Gardens  
Blvd, Ste 210, 33432  
561/392-5445  
Ch, Surrogacy, FL

*Ft. Lauderdale*

**Caryn Goldenberg Carvo**  
Carvo & Emery  
One Financial Plaza  
Ste 2020 33394  
954/524-4450  
Com Li, Matrimonial, RE

*Miami*

**Jennifer Coberly**  
Zuckerman, Spaeder, Taylor  
& Evans  
201 S Biscayne Blvd, Ste  
900, 33131  
305/579-0110  
Em, Com Li, Int, Tel

*Ocala*

**Martha Johnston**  
P.O. Box 4116  
32686  
352/207-3317  
Equine

*Orlando*

**Ava Doppelt**  
PO Box 3791  
32802  
407/841-2330

*Plantation*

**Sonya L. Salkin**  
Malnik & Salkin, PA  
Ste 216, 1776 N Pine Island  
Rd, 33322  
954/423-4469  
Bky, Com, Ci, Li

*Tampa*

**Arlene E. Acord**  
Gardner Wilkes Shaheen &  
Candelova  
3421 S Drexel Ave  
33629  
813/221-8000  
Ci, Em, La, Li

*West Palm Beach*

**Victoria A. Calebrese**  
Lewis Kapner, PA  
250 Australian Ave So,  
33401  
561/655-3000 FL

**GEORGIA**

*Atlanta*

**Beryl B. Farris**  
Beryl B. Farris Immigration  
Law  
55 Marietta St NW  
Ste 1402, 30303  
404/659-4488 I

**ILLINOIS**

*Chicago*

**Patricia A. Collins**  
Asher Gittler, Greenfield &  
D'Alba, Ltd  
125 S Wacker Dr  
Ste 1100, 60606  
312/263-1500 DR, Dis, Em,  
La, Sex, Ci  
**Stephanie A. Scharf**  
Jenner & Block  
One IBM Plaza 60611  
312/923-2884  
Pr, Ci Li

**Mary K. Schulz**  
Schulz & Associates, PC  
135 S LaSalle St,  
Ste 2300 60603  
312/580-1224  
Com, Bky

**Debra L. Suchor**  
Assoc. General Counsel  
222 S Riverside Plaza,  
6th Flr 60606  
312/648-7714  
Bu, Ins, Li

*Tinley Park*

Rachel Busch-Rubalcava  
16825 S. 84th Ave  
60477  
312/829-0673

**INDIANA**

*Valparaiso*

**Lauren K. Kroeger**  
Hoepfner, Wagner & Evans,  
LLP  
103 E. Lincoln Way 46384  
219/464-4961, Li

**Prof. JoEllen Lind**  
School of Law Valparaiso U.  
656 Greenwich Street  
46383  
219/465-7861

**Karen M. Read**  
Hoepfner, Wagner & Evans,  
LLP  
103 E Lincoln Way 46384  
219/464-4961 Ins De, Li, PI,  
Pr, Wo

**William F. Satterlee III**  
Hoepfner, Wagner & Evans,  
LLP  
103 E. Lincoln Way 46384  
219/465-7005 Me, Li

**IOWA**

*Des Moines*

**Roxanne Barton Conlin**  
Roxanne Conlin & Assoc.  
319 7th St., Ste 600  
50309  
515/282-3333  
PI, MeN, Dis, Disc, Li, N,  
Sex, T, WD

**KANSAS**

*Wichita*

**Amy J. Liebau**  
Hinkle Elkouri LLC  
201 N Main Street, Ste 2000,  
62702  
316/684-4908 Ta Li, H

**KENTUCKY**

*Louisville*

**Maria A. Fernandez**  
Fernandez Friedman  
Grossman & Kohn  
2400 National City Tower,  
101 S. Fifth St., 40202  
502/589-1001 W, Tx, Pro, Bu

**LOUISIANA**

*New Orleans*

**Lynn M. Luker**  
Luker, Sibal & McMurtray  
616 Girod St, Ste 200 70130  
504/525-5500 Mar, T, Dis, CA

**MARYLAND**

*Rockville*

**Jo Benson Fogel**  
5900 Hubbard Dr, 20852  
301/468-2288 FL

**MASSACHUSETTS**

*Boston*

**Leigh-Ann M. Patterson**  
Nixon Peabody LLP  
101 Federal St 02110  
617/345-1258  
App, Com Li, LU Li

*Dedham*

**Faith F. Driscoll**  
14 Carlisle Rd, 02026  
781-326-6645 IP

*New Bedford*

**Susan Maloney**  
227 Union St, Rm 611  
02740  
508/789-0724

*Norwood*

**Margaret B. Drew**  
477 Washington St, 02062  
617/255-9595  
Pro, W, FL, RE

*Randolph*

**Rebecca J. Gagne**  
77 Washington St, 02062  
617/255-9595  
FL

**MICHIGAN**

*Detroit*

**Margaret A. Costello**  
Dykema Gossett  
400 Renaissance Ctr, 48243  
313/568-5306 Li, Int

*Farmington Hills*

**Nina Dodge Abrams**  
30300 Nrthwstrn Hwy,  
Ste 112 48334  
810/932-3540 FL

*Grand Rapids*

**Elizabeth Bransdorfer**  
Mika Meyers Beckett &  
Jones PLC  
200 Ottawa Av NW  
Ste 700, 49503  
616/459-3200 Com Li, RE Li,  
FL

**Jennifer L. Jordan**  
Miller, Johnson, Snell &  
Cumiskey  
P.O. Box 306, 49501-0306  
616/831-1778  
La, Em

**Jennifer Puplava**  
Mika Meyers Beckett &  
Jones PLC  
200 Ottawa Av NW  
Ste 700, 49503  
616/459-3200  
Bu, Li, IP, GC

*Lansing*

**Janis L. Blough**  
3000 W Michigan Ave,  
48917-2917  
517/482-4815 Ch, FL, Cr

**Julie Hill**

900 Long Blvd., #800  
48911  
517/699-2128  
Em, Com, RE, Li

**MINNESOTA**

*Minneapolis*

**Susan A. Miller**  
Tomsche Sonnesyn &  
Tomsche, PA  
888 Lumber Exch. Bldg.  
10 S. 5th Street 55402  
612/338-4449

**MISSISSIPPI**

*Biloxi*

**Clare S. Hornsby**  
Sekul, Hornsby, Tisdale &  
Baker  
PO Box 548, 39533  
601/374-5566  
FL, W, Gu

*Jackson*

**Kristina Johnson**  
Watkins Ludlam Winter &  
Stennis, PA  
PO Box 427, 39205  
601/949-4785  
Bky, Com Li

**NEBRASKA**

*Omaha*  
**Susan Ann Koenig**  
319 S. 17th St, Ste 740  
65102  
402/346-1132  
FL, C, Wom

**NEW HAMPSHIRE**

*Manchester*  
**Jo Ann Brighton**  
Nixon Peabody LLP  
889 Elm St, 03101  
603/628-4000  
Bky, No

**NEW JERSEY**

*Madison*  
**Carlotta M. Budd**  
Budd & Gardner  
2 Shunpike Rd 07940  
201/822-3778  
RE, Tx, W

*Roseland*

**Geralyn G. Humphrey**  
Orloff, Lowenbach, Stifelman  
& Siegel  
101 Eisenhower Pky 07068  
973/622-6200  
Bky, Cont Co, Com

*Westmont*

**Karen A. McGuinness**  
Brown & Connery LLP  
P.O. Box 539  
08108  
609/854-8900 Li

**NEW YORK**

*Ghent*

**Vivian R. Drohan**  
P.O. Box 539  
12075, Bu, Li

*New York*

**Leona Beane**  
Rm 1100, 11 Park Pl, 10007  
212/608-0919  
Gu, Pro, W  
**Martha E. Gifford**  
Proskauer Rose LLP  
1585 Broadway, 18th Fl  
10036  
212/969-3490  
At, Cr, Li, Mac

**NORTH CAROLINA**

*Raleigh*

Leto Copeley  
P.O. Box 27927  
27611  
919/755-1812  
Ci, Wo, Pl

*Research Triangle Park*

**Susan J. Giamportone**  
Womble Carlyle Sandridge &  
Rice  
PO Box 13069  
27709  
919/316-4243 - T Li

**OHIO**

*Cincinnati*

**Berti Garcia Helmick**  
1328 Delta Ave  
45208 FL  
513/421-7300

*Cleveland*

**Kathleen B. Havener**  
Hahn Loeser & Parks LLP  
3300 BP Tower  
200 Public Square 44114  
216/274-2297 Li

*Columbus*

**Beatrice K. Sowald**  
400 S Fifth St, Ste 101  
43215  
614/464-1877 FL, Pro

**Elizabeth M. Stanton**

Chester Wilcox & Saxbe  
17 South High St, Ste 900  
614-334-6189  
Em, Ed, Dis, La, LU

*Hamilton*

**Barbara L. Morgenstern**  
Morgenstern & Gates Co., LPA  
604 First National Bank Bldg,  
45011  
513/893-6122 GP

*Worthington*

**Mary Jo Cusack**  
5565 N. High St. 43085  
614/880-0888  
Pro, FL, Pl, App

**OKLAHOMA**

*Tulsa*

**Kathleen Waits**  
University of Tulsa  
College of Law  
3120 E 4th Pl 74104  
918/631-2450  
DoVi, Cont, Eth

**PENNSYLVANIA**

*Bethlehem*

**Joanne Kelhart**  
44 E. Broad Street  
18018  
610-691-7000, Li

*Philadelphia*

**Doris J. Dabrowski**  
123 S. Broad St Ste 1210  
19109  
215/790-1115  
Ad, App, Ci, Cont, Dis, Em,  
FL, H, Pro, W

**Leslie Anne Miller**  
McKissock & Hoffman, PC  
1700 Market St, Ste 3000,  
19103, 215/246-2106  
App, Ci Li, Me/ADR

**Jeanne Wroblewski**  
Jean Wroblewski & Assoc.  
1845 Walnut St. 24th Fl.  
19103  
215/814-9320

*Pittsburgh*

**Marlene J. Bernstein**  
1133 Penn Av, 5th Fl, 15222  
412/456-8105  
Bky

**SOUTH CAROLINA**

*Columbia*

**Karen A. Crawford**  
Nelson, Mullins, Riley &  
Scarborough, LLP  
P.O. Box 11070  
29211  
803/376-9513  
Env Li

**Catherine H. Kennedy**  
P.O. Box 11070  
29211  
803/255-9402, DR, Pro, Li

**Zoe Sanders Nettles**  
Nelson, Mullins, Riley &  
Scarborough, LLP  
P.O. Box 11070  
29211  
803/376-9513

*Mt. Pleasant*

**Kathleen McMahon Harelston**  
The Harelston Law Firm  
909 Tall Pine Road 29464  
843/971-9453 IP

**TENNESSEE**

*Knoxville*

**Jennifer A. Jenkins**  
Stone & Hinds PC  
507 Gay St SW, Ste 700  
H, Em

*Nashville*

**Nancy Krider Corley**  
20th Flr., 1st American  
Center  
PO Box 198525, 37219  
615/244-5432 Em, Ins, Li, Pl,  
T, Wo, Li

**TEXAS**

*San Antonio*

**Cynthia Hujar Orr**  
Goldstein Goldstein & Hilly  
310 S St. Mary's, Ste 2900,  
78205  
210/226-1463  
Cr, App

## Interview

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I want to see trees growing again, I want the children to have an opportunity to receive an education, get rid of ignorance. I am looking for people who have experience in reconciliation work who can give me some guidance on how to start. I am hoping to start with my own village. We need reconciliation, hospitals and food. I hope to meet with a small group of villagers and move forward from there. It's a start, it's never too late. Many Afghans here dismiss my hopes and tell me good luck with the reconciliation but some are willing to start with projects such as creating a library.

EH: What do you think individuals in the US can do to help?

LP: Education is very important, people need to know what is happening in Afghanistan. My request to you is to make it clear that it is important not to confuse our reality with their reality. The reality of the Afghan people today is that they want to go to sleep and wake up tomorrow alive. The reality of a father, for instance, is to provide a meal for his kids. They are dealing

with the basic needs of human kind. My reality, as an American, is that I have to decide whether to have a café latte or coffee. It is important to understand that difference in realities in order to be able to help effectively.

ME: I would say that women lawyers could undertake letter writing campaigns and ask their Congress members to support a substantial increase in peacekeepers.

EH: The Feminist Majority website makes that very easy, they have letters to this effect that can be sent right off the website in less than a couple of minutes! I'll encourage NAWL members to do so by going to [www.feminist.org/afghan/intro.asp](http://www.feminist.org/afghan/intro.asp) Thank you very much, Melody and Latifa, for your time and your efforts and good luck to both of you.

## NAWL NETWORKING DIRECTORY

### WISCONSIN

*Superior*

#### **Kristin M. Watson**

Hendricks Knudson Gee  
1507 Tower Ave., Ste 312  
54880 - 715/394-7751  
Ed, Ins, Li, Pro, RE

### CANADA

*Toronto*

#### **Lori Duffy**

Weir & Foulds  
130 King St West Ste 1600  
M5X 1J5  
416/947-5009 ComRE, W

### MEXICO

#### **Estela Rodriguez Botello**

Legarreta Y Asociados  
Carretera Picacho Ajusco  
Col Jardines en la Montana  
CP 14210

### UNITED KINGDOM

#### **Margaret Bennett**

Margaret Bennett Solicitors  
Charlton House  
5A Bloomsbury Square  
London England  
WC1A 2LX  
+44 17/404-6465  
[exclusive@divorce.uk.co](mailto:exclusive@divorce.uk.co)  
FL

# For the People

Tune in to Lifetime Television's new original drama series, "For the People," which airs on Sundays at 10PM ET/PT. This series addresses legal issues important to women and their families, and encourages women to enter the legal profession. Chief Deputy Assistant District Attorney Camille Paris' (Lea Thompson) professional life is profoundly shaken when conservative District Attorney Lora Gibson (Debbi Morgan) is elected and becomes her new boss. Lora's ideology — and the officials she appoints — clash with Camille's liberal views. Set in Los Angeles, "For the People" takes a look at the chaotic professional and personal lives of strong, passionate women on opposite ends of the political spectrum who share the same goal of justice. For more information visit <http://www.lifetime.com/shows/ftpeople/index.html>.

American Bar Association  
**National Association of Women Lawyers**  
750 N. Lake Shore Drive, MS 12.4  
Chicago, IL 60611-4497