Welcome WINners! As we prepare to close the current term we are very excited about sharing the great events WIN participated in during Women’s History Month along with very interesting current affairs submitted by Committee members. As the current co-chairs of WIN, Lisette Lavergne and Sharon James would like to thank Olufunmi Oluyede for creating the newsletter, and Nanako Tamaru and Dionne Marie Flynn for their hard work on the current edition – it is an endeavor for which we will remain grateful for many years to come.

WIN newsletters serve as a very important means of keeping people informed on women’s interest items and will be an invaluable tool for sharing articles and event information among WINners, as well as persons outside WIN. We hope you will enjoy this newsletter, share it with your friends and colleagues, and keep it in mind for future submissions or event information.

As we work toward the close of one bar year and prepare to enter the upcoming 2016-2017 term we share gratitude and appreciation for our Senior Advisor, Olufunmi Oluyede, and Co-chair, Lisette Lavergne, for their dedication and countless contributions to the longevity and success of the WIN Committee. As we look toward to the future with the upcoming bar year we remain open to new ideas on enhancing the impact and value of WIN globally and accordingly encourage all to share your thoughts, get involved, and become bona fide world-impacting WINners.
WIN at UN CSW60

At this year’s UN Commission on the Status of Women, WIN co-sponsored a parallel event, *Women’s Rights in Sustainable Development - New Legal Frontiers* on March 24, 2016. The panel discussion featured distinguished guests including Hon. Abike Dabiri-Erewa, Senior Special Assistant to the President of Nigeria; Professor Cindy Soohoo, Director of the International Women’s Human Rights Clinic at CUNY Law; Deborah Enix-Ross, Chair of the Business and Human Rights Project of the ABA Center for Human Rights; and Suzanne Tomatore, Director of the Immigrant Women and Children Project of the City Bar Justice Center. The panelists discussed the UN Sustainable Development Goals (SDGs), in particular Goal 5 on gender equality and Goal 16 on peaceful and just societies, and how both goals require states to undertake reforms and the expansion of women’s participation in legal, political, and economic realms.

Recognizing International Women’s Day

In partnership with the Immigration and Naturalization Committee, WIN co-hosted a teleconference on international human trafficking as one of several events in recognition of International Women’s Day. Human trafficking is a human rights issue affecting millions of men, women, and children. It is estimated that 27 to 30 million men, women, and children are trafficked globally for sexual exploitation and forced labor, with women and children being the primary victims. This crime against humanity is very difficult to combat due to the conspiracies of silence occasioned by threats of death and violence to victims and their families. Although a number of countries are enacting legislation to combat human trafficking, it is trite knowledge that prosecution of traffickers and enforcement of laws remain a complex and challenging matter.

The teleconference, *International Human Trafficking - Legislative Efforts and Recent Developments in Combating Sexual Exploitation*, included remarks by Melina Lito, Trafficking Program Officer at Equality Now; Olufunmi Oluyede, Co-Founding Principal at TRLPLAW; and Paulina Rudnicka, Senior Legal Analyst at the ABA Rule of Law Initiative. The speakers explored the complexities of this modern day form of slavery - reviewing the impact of efforts by the U.S., international organizations, and other countries to address this global malaise. They also discuss the latest developments in the law and the intersection of immigration, human trafficking, and rule of law issues.

Join WIN!

WIN primarily focuses on the promotion and preservation of the rights and interests of women globally through exciting and impactful projects, programs, teleconferences, policy initiatives, publications, communication and outreach channels within the aims and objectives of the Section. Our membership includes both women and men, lawyers and non-lawyer associates.

Join our monthly conference calls to discuss future programming, events, and other activities. Calls will take place on the following dates at 12pm ET:

- June 16th
- September 28th

For meeting agenda and call-in details, contact Lisette Lavergne (laverone@lawsnl.com) or Sharon James (sjamespnw@gmail.com).

Upcoming Events

- **ABA Annual Meeting**
  August 4-9, 2016
  San Francisco, CA

- **Moscow Dispute Resolution Conference**
  September 30, 2016
  Moscow, Russia

- **2016 Fall Meeting**
  October 18-22, 2016
  Hilton Tokyo
  Tokyo, Japan
Making HERstory: Will a woman be the next UN Secretary General?

Nanako Tamaru, Institute for Inclusive Security

After 70 years and eight Secretary Generals, the United Nations has yet to elect a woman to serve at its helm. This is despite 60 years of the UN Commission on the Status of Women, 37 years of the Convention on the Elimination of Discrimination Against Women, 20 years since the Beijing Platform for Action, and countless calls for gender equity across the globe.

In recent months leading up to the selection of the next Secretary General, there has been growing attention around the possibility of a woman leading the UN. In December 2015, the President of the UN General Assembly and the President of the UN Security Council initiated the nomination process with a joint letter, acknowledging “the need to guarantee equal opportunities for women and men in gaining access to senior decision-making positions,” in the UN and encouraging Member States to “consider presenting women, as well as men, as candidates for the position of Secretary-General.”

The selection process for the last seven Secretary Generals, including the departing Ban Ki-Moon, has primarily involved secret meetings with governments jockeying to gain favor with the Permanent Members of the UN Security Council – US, UK, Russia, France, and China. This year’s race aims to change these dynamics and promote greater transparency through public engagement and a greater role played by the General Assembly. The new process includes (1) a website that features the names and CVs of the top candidates, (2) hearings before the General Assembly Member States as well as civil society, business leaders, and other individuals from outside the organization, and (3) two public debates in New York and London. Member States can also present their own candidates and there is no deadline for nominations. Despite these endeavors toward transparency, the UN Security Council will still select the final candidate and present him/her to the General Assembly for approval. And, as with other UN Security Council decisions, the five Permanent Members hold veto power over the nomination.

This new process has provided a springboard for advocacy around the nomination of a woman Secretary General. The public nature of the candidacies and ongoing hearings/debates has led to a growing movement calling for a woman to lead the organization. This includes civil society campaigns like SheUNited and Campaign to Elect a Woman UN Secretary-General and government initiatives like “The new Group of Friends in Favor of a Woman for Secretary-General of the United Nations” which was founded by Colombia's Ambassador to the UN Maria Emma Mejia and has 53 nations signed on thus far, including Japan and Germany. Even current Secretary General Ban Ki-moon and his predecessor, Kofi Annan, have expressed interest in having a woman lead the UN. At the end of May, there were eleven candidates – five women and six men, mostly representing Eastern European Member States.

Adding another wrinkle to the selection process are rumors that this year’s race may abandon the regional rotation system which has been in place since the early 1990s. According to the regional rotation system, the next Secretary General should hail from Eastern Europe. Russia, who has veto power over the nomination, is keen on keeping this regional rotation in place. However, sources close to the UN have suggested that a strong consensus candidate has yet to emerge and that the next Secretary General may instead come from Latin America.

There is no set timetable and it is yet to be determined whether this new nomination process will yield a more transparent result. Final candidates are expected to be announced in June and a Secretary General formally selected by September. There is still time for additional women candidates to emerge. Potential front runners include Chilean president Michele Bachelet, Colombian foreign minister María Ángela Holguín, and German chancellor Angela Merkel.

According to a recent study by UN Women, 11 women are serving as Head of State, 10 are Head of Government, and only 22 percent of all parliamentarians are women. These numbers have yet to reflect the gender parity that many within the UN system, including UN Women, regularly advocate for. UN Security Council Resolution 1325 and its sister resolutions have repeatedly called for greater numbers of women in peace and security processes. It is time for the world’s largest international organization to live up to its own call for action.
**ICC Recognizes Sexual Violence in Conflict as a War Crime and as a Crime Against Humanity**

Mireya Maritza Peña-Guzmán, Head of the Criminal Justice and Rule of Law Unit (UNIOGBIS)

"...I hope this judgement will act as a powerful deterrent against future serious human rights violations and abuses not just in CAR, but everywhere they are committed. It should also help make perpetrators understand that many victims and their supporters will never abandon their search for justice and accountability".  

UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein, 21 March 2016

On 21 March 2016, the Trial Chamber III of the International Criminal Court (ICC) declared, unanimously, Jean-Pierre Bemba Gombo, former Congolese vice president and leader of the Movement for the Liberation of Congo (MLC), guilty beyond any reasonable doubt of two counts of crimes against humanity (murder and rape) and three counts of war crimes (murder, rape, and pillaging). This decision marked not only the ICC’s first conviction for sexual violence in conflict (rape as a war crime and crime against humanity), but also ICC findings of the use of rape as a “weapon of war” intended to victimize the civilian population, including men and boys and not exclusively women and girls.

The crimes were committed between October 26, 2002 and March 15, 2003 in Central African Republic (CAR) during an armed conflict between the CAR government, and an armed opposition led by General François Bozizé, former Chief of Staff of the Central African Armed Forces. In 2002, Jean-Pierre Bemba Gombo deployed three battalions at the request of then CAR President Ange-Felix Patassé to help counter a coup attempt by forces loyal to General Bozizé.

The **Court’s judgment**, although still subject to appeal, found Bemba Gombo was effectively acting as a military commander, who knew that the MLC forces under his effective authority and control were committing or about to commit the crimes charged and failed to take all necessary and reasonable measures to prevent or repress the commission of crimes by his subordinates or to submit the matter to the competent authorities. In its decision, the Court concluded that the crimes committed were the result of Bemba Gombo’s failure to exercise control properly over the battalions.

In the **determination of facts**, the Trial Chamber III found that the troops under Bemba Gombo’s command committed numerous crimes over a large geographic area, including the widespread use of sexual violence as a tool to terrorize CAR’s civilian population and further that the civil population was the primary target of attack (see para. 674). The Chamber found that “some MLC soldiers considered victims to be ‘war booty’ and/or sought to destabilise, humiliate, and punish suspected rebels and rebel sympathisers. Such objectives were often realised: rape victims experienced significant medical, psychiatric, psychological, and social consequences, including PTSD, HIV, social rejection, stigmatisation, and feelings of humiliation, anxiety, and guilt. Regarding the crime of murder, the evidence show[ed] that, on some occasions, MLC soldiers killed or threatened to kill those who resisted acts of pillaging and rape.” (see para. 567)

The facts corroborated in this landmark decision also challenged perceptions of men only as fighters and aggressors and women only as casualties of war. “MLC soldiers targeted civilians, without regard for age, gender, or social status...Entire families were victimised; victims included the elderly, women, children, and men. The acts of murder and rape were regularly committed together with, or during the course of, the commission of acts of pillaging.

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Domestic violence is a widespread issue in China, where a staggering one third of women report experiencing violence in their current relationship. Since 2007, the American Bar Association Rule of Law Initiative (ABA ROLI) has been a leader in providing technical assistance in support of domestic violence prevention initiatives in the country. Together with local partners, we have left an indelible impact on the demand for and supply of justice in this critical field by supporting China’s first pilot programs to educate legal profession- als about domestic violence, promoting the use of court orders to protect survivors, and advocating for new laws and policies to address domestic violence.

In December 2015, China reached an important milestone with the passage of the country’s first national-level legislation on domestic violence. The new Anti-Domestic Violence Law is a foundational step toward meeting the needs of domestic violence survivors and preventing domestic violence. The new law brings a previously private topic into the public sphere by clearly defining what acts constitute domestic violence, outlining available remedies, and assigning responsibilities to actors such as the police and medical professionals. Among its more comprehensive protections, the law expands the definition of domestic violence to include psychological abuse and also covers violence between unmarried couples. Furthermore, the law includes detailed provisions on the use of protective orders, which survivors may obtain to prevent further contact with their perpetrator.

The new law went into effect on March 1, 2016 and it is up to civil society actors and their government counterparts to ensure that the law extends real protections and remedies, such as the expansion of the protective order mechanism to courts nationwide. The Anti-Domestic Violence Law broadens access to protective orders so that individuals experiencing domestic violence anywhere in China may request one. Because protective orders are a new mechanism, legal practitioners require additional training to understand the dynamics of domestic violence and how to petition for and enforce protective orders. ABA ROLI worked closely with China’s Supreme People’s Court Institute for Applied Jurisprudent to create a protective order pilot project, which began in nine civil courts and expanded to over 200 courts. We played an instrumental role in the pilot’s success, by conducting targeted research, training the judiciary, and assisting in the development of a widely relied-upon civil judicial benchbook on handling domestic violence cases.

With protective orders now available in all courts, ABA ROLI is poised to expand its capacity building efforts. Thus far, ABA ROLI’s training program has reached over 1,000 judges, prosecutors, and lawyers, and many of the participants have gone on to train their...
Amended Labor Law and Women’s Employment in Saudi Arabia

Sarah Khoja, Partner, Clyde & Co.

The employment of women both foreign and national in the Kingdom of Saudi Arabia (KSA) has long been the subject of debate and examination by the Ministry of Labor, which has aimed to increase the rate of female participation in the workforce. The amended labor law that entered into force in October 2015 includes a number of provisions which are expected to bolster the number of women working. In general, women are permitted to work in accordance with cultural and religious norms which require that female employees are segregated from male colleagues in the workplace, with separate facilities, work stations and workplace entrances. Observing such regulations can sometimes be a condition of a commercial property lease.

Restrictions on Roles. There are no formal restrictions on women’s roles in the workplace. There is, however, a prohibition in the amended article 149 of the Labor Code on the employment of females in “hazardous and detrimental” jobs, with the Minister of Labor having authority to decide which professions would fit within those two categories. Generally, hazardous and detrimental roles involve a physical element which is regarded as overly strenuous for women, such as working within mines and quarries, sewage, construction, and anything requiring work on a scaffold or heights.

Greater Female Participation. The Ministry of Labor has actively sought to increase female participation in the workplace by issuing regulations regarding the employment of women in factories, theme parks, retail outlets, and, more controversially, ordering that all retail outlets for female lingerie be staffed entirely by Saudi women. Among the new fines introduced in October 2015, there is a fine applicable to female employees individually for not wearing the headscarf in the workplace. This new fine is an acknowledgement that in certain roles or environments there may be greater interface between female employees and the public (e.g., at checkout counters in supermarkets). It is also notable that the female participation rate in teaching is higher in KSA than in other Gulf Cooperation Council (GCC) countries.

Family Friend Rights under the Amended Labor Code. Even prior to amendment, the Labor Code contained a number of provisions protecting female employees taking maternity leave. Under the amended Labor Code, female employees are now entitled to maternity leave with full pay for ten weeks (regardless of length of service), compared to a four-week paid leave prior to the amendments. Further, if the newborn infant is ill or has special needs, she is entitled an additional month of fully paid leave.

Moving Forward. The KSA authorities and Ministry of Labor in particular are keen to create job opportunities for women, and there is anecdotal evidence that recruitment of female employees has worked extremely well for large multinationals (e.g., the Aramco/Tata/GE venture to create a support center staffed entirely by women). The economic need for Saudi women to participate in the workplace is growing. In the coming years, we expect to see more incentives designed to encourage women to work, including the growth of part-time work. The Ministry of Labor has been holding workshops in key centers across the Kingdom to inform women of their right to work. The Ministry has also conducted a social media campaign to promote women’s employment.

While many Saudi women have an increasing economic imperative to work, women face many constraints on their ability to enter and remain in the workplace. Not least of these is mobility, as women remain unable to drive (despite there being no express law prohibiting it). The requirement for segregation also raises practical issues and makes it difficult for some employers to employ women. Rates of women’s employment in education and medicine have risen (e.g., teachers, nurses, doctors) whereas women’s involvement in fields involving site work and manual labor (e.g., engineering) remains low. Cultural barriers remain strong with many women dropping out of the workforce upon marriage and having children due to family expectations and sometimes requests by a husband’s family not to work. Part-time employment, while possible and recognized by the Ministry of Labor, remains uncommon and employers do not generally have programs to target retention of working mothers.