

BARBARA BLACK LECTURE SERIES*

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President of Columbia University, Lee Bollinger, Dean David Leebron of the Law School, fellow women graduates, particularly Barbara Black, faculty and students, ladies and gentlemen, it is indeed a great pleasure to be back at Columbia University and to join you in marking the seventy-fifth anniversary of the admission of women to Columbia Law School. I would like to thank Dean David Leebron for inviting me to take part in this important milestone for the Columbia community, and I would also like to thank Professor Carol Sanger for her kind introductory words. It is a great pleasure and an honor to deliver the Barbara Black Lecture, particularly in the company of Professor Barbara Black herself.

Anniversaries allow us to consider where we have been and where we are going. This anniversary gives the Columbia Law School and the wider academic community a chance to reflect on the significant progress made in educating women and preparing them for careers in law and other fields. Equally important, it offers us the opportunity to reflect on where challenges remain and how they can be addressed. I am very glad that there will be a question-and-answer session after this because I am going to throw out a challenge at the end, and I am interested to know what your immediate responses will be.

As the first woman president of Ireland, it won't surprise you that I have thought and spoken a great deal about the changing role of women at home and around the world. I have often remarked that the cause of women is inseparable from the cause of humanity itself. Society that is without the voice and vision of women is not less feminine, it is less human. So it would be right to ask, on this important anniversary in one of this nation's leading institutions: Have we succeeded in advancing human progress through the progress of women? Have we listened enough to the voices of women, not only here in the United States, but in other parts of the world that have not been afforded the opportunities that we have been given? Have we done enough to make a difference in their lives?

My last visit to Columbia was just two years ago when, as the United Nations High Commissioner on Human Rights, I participated in an event to coincide with the five-year review of the Beijing World Conference on Women. On that occasion, I reflected on the future of human

* Remarks given at Columbia Law School on October 18, 2002. See Editor's Note, Introduction to Remarks from the 75th Anniversary of Women at Columbia Law School, 12 Colum. J. Gender & L. 310 (2003).

rights, and women's rights in particular. I spoke of the continuing violence against women in many societies, the unspeakable practice of trafficking in women, and the continuing struggle against the grinding poverty and exclusion which 800 million women, representing two-thirds of those living on less than a dollar a day,¹ faced in their lives. I wish I could say that the situation has improved over the past two years, but the reality is that for millions of women, things may be even worse. Reports show that the numbers of women victimized by trafficking are on the rise,² resources for family-planning assistance have been slashed,³ and the scourge of HIV/AIDS increasingly affects women in a growing number of countries.⁴ Added to this bleak picture, the aftermath of the terrible terrorist attacks on the United States last year has cast a shadow on human rights. Undemocratic regimes have used the tragedy in the United States to pursue their own repressive policies,⁵ and democratic governments have taken measures that in some cases run counter to their own commitments under international law.⁶ But despite the many challenges, I am convinced that women will prevail. They will continue the work to make human rights, their rights, their children's rights, a reality. I have seen for myself how women in every region of the world are increasingly using the international human rights standards that their governments have accepted to press for change. I welcome the opportunity to reflect on how this is happening, and why I believe human rights continue to hold such promise for so many. I would also like to use my remarks to begin a dialogue with all of you on how the Columbia Law School, and indeed the wider Columbia community, could contribute even more in supporting women around the world in their struggle for their rights.

¹ See, e.g., D@dalos Focus 2003, Women's Rights, at http://www.dadalos.org/focus/focus_engl.htm (last visited Apr. 15, 2003); James D. Wolfensohn, Women and the Transformation of the 21st Century: Address to the Fourth UN Conference on Women, at <http://www.worldbank.org/gender/overview/womenand.htm> (Sept. 15, 1995).

² United Nations Development Fund for Women, Press Release: UNIFEM and IOM Strengthen Work against Trafficking in Women and Girls, at <http://www.unifem.org> (Mar. 7, 2003).

³ United Nations Population Fund, Press Release: UNFPA Expresses Concern Over Decline in Resources for Population, Reproductive Health, at <http://www.unfpa.org/news/news.cfm?ID=249> (Apr. 1, 2003).

⁴ Durban Monitoring the AIDS Pandemic Network Symposium Report, at <http://www.unaids.org/hiv aidsinfo/statistics/june00/map/map%5Fstats%5F2000.doc> (July 5-7, 2000).

⁵ Lawyers Committee for Human Rights, Imbalance of Powers: How Changes to U.S. Law and Policy Since 9/11 Erode Human Rights and Civil Liberties 71 (2003), available at http://www.lchr.org/us_law/loss/imbalance/powers.pdf.

⁶ *Id.*

Earlier this year I traveled to Afghanistan, where I joined Afghan women who had gathered from every part of the country to mark International Women's Day on March the eighth. It was one of the most memorable experiences of my five years as High Commissioner for Human Rights. To be in the presence of women who had lived through such deprivation and had emerged stronger was inspirational. I was reminded how rights which have taken generations for women to secure could be lost, then claimed again. I was joined by women from a number of countries, and by Noeleen Heyzer of UNIFEM,⁷ who had supported their Afghan sisters. We may forget that prior to the Taliban's 1996 takeover of the country, Afghan women were seventy percent of the schoolteachers, forty percent of the doctors, fifty percent of the civilian government workers, and fifty percent of the college students in the capital, Kabul.⁸ They were professors, scientists, members of Parliament, and university professors. They led corporations and non-profit organizations and local communities. Clearly, these women are well-equipped to participate in leading Afghanistan back to democracy and stability, and I saw all the evidence of that when I was there on the seventh to the tenth of March.

Women had decided that the venue for the International Women's Day would be an old cinema which in the pre-Taliban days had been a special place for women. They had gone to the cinema there, and it had been a sort of meeting place, an early women's center even, but it had been destroyed by the Taliban. So, it was an empty building with no roof and about fifteen feet of rubble. In preparation for the eighth of March, women came and cleared that building—painted the walls, put banners and slogans on them, and the United Nations provided two tents to cover up the roof—and that was the venue. There was something very spiritual about it, and it was all part of the women's extraordinary determination. It was Afghan women who in the weeks before the eighth of March, and particularly in a seminar leading up to it, ninety of them, who addressed the issues for women in Afghanistan, and came up with their agenda, their priorities which they made public on that day. I had a great sense that nobody should come from the outside and tell Afghan women what would be good for them. They knew what they wanted, what they needed, what they must have in order to fully participate. It was really very inspirational, although I am aware that they also need a lot of resources which they still haven't got, as always.

⁷ Heyzer is the Executive Director of the United Nations Development Fund for Women (UNIFEM).

⁸ Final Report on the Situation of Human Rights in Afghanistan Submitted by Mr. Choong-Hyun Paik, Special Rapporteur, In Accordance With Commission Resolution 1996/75, U.N. Special Rapporteur of the Committee of Human Rights, 53 Sess., 59 mtg., at ¶ 71, U.N. Doc. E/CN.4/1997/59 (1997).

But millions of women from every corner of the globe are just beginning that journey in self-determination, in self-empowerment. They are only now learning about the human rights commitments their governments have made, and how they can be used to better their lives. Those of us who have pleaded equality cases through courts have seen how something written in a book and decided in a courtroom will sooner or later reverberate back into the lives of women, opening up possibilities, impacting individual circumstances. When I worked as a lawyer before the Irish and European courts, I was fortunate enough to be involved in cases that affected the situation of Irish women. These were cases which, for example, resulted in the removal of discriminatory taxation of married women,⁹ the full participation of women in the jury system in Irish courts,¹⁰ the introduction of Legal Aid,¹¹ the abolition of the status of illegitimacy,¹² and the achievement of equal pay and equal opportunity in the workplace.¹³ I learned the value of taking test cases and the equivalent of class actions at the national level. Today, women are using the international human rights framework to engage governments and, when necessary, to shame them. I have seen for myself how women in every region are involved in practical projects, courageous activism, and vital research. Whether they are combating poverty and discrimination, insisting on reproductive rights, working for peace in zones of conflict, or giving leadership in political and economic spheres, the fascinating development is that their approach is increasingly rights-based. Women are using the Convention on the Elimination of Discrimination Against Women¹⁴ (CEDAW) and its Optional Protocol,¹⁵ are drawing on the Convention on the Rights of the Child¹⁶ to support the rights of the girl-child, and are utilizing the Covenant

⁹ Murphy v. Ireland, [1982] 1 I.R. 241.

¹⁰ de Burca v. Attorney General, [1976] 1 I.R. 38.

¹¹ Airey v. Ireland, [1980] 2 E.H.R.R. 305.

¹² Johnston v. Ireland, [1987] 9 E.H.R.R. 203.

¹³ Murphy v. Bord Telecom Eireann, [1988] 1 I.L.R.M. 53.

¹⁴ Convention on the Elimination of All Forms of Discrimination Against Women, *opened for signature* Dec. 18, 1979, 1249 U.N.T.S. 13 (entered into force Sept. 3, 1981).

¹⁵ Optional Protocol to the Convention on the Elimination of Discrimination Against Women, G.A. Res. 54/4, U.N. GAOR, 54th Sess., Supp. No. 49, at 5, U.N. Doc. A/54/49 (entered into force Dec. 22, 2000) ("A State Party to the present Protocol ... recognizes the competence of the Committee on the Elimination of Discrimination against Women ... to receive and consider communications submitted in accordance with article 2.").

¹⁶ Convention on the Rights of the Child, *opened for signature* Nov. 20, 1989, 1577 U.N.T.S. 3 (entered into force Sept. 2, 1990).

on Economic, Social and Cultural Rights¹⁷ to address issues such as the feminization of poverty. For the first time in some countries, women are recognizing that their family's future, and indeed the development of their countries, depends to a large extent on whether their rights are respected.

Allow me to share a few examples of how women are using the human rights commitments made by governments to make a difference. Last August, I made my seventh working visit to China as High Commissioner. As during all previous visits, I adopted a dual approach. I placed great emphasis on working with China to strengthen its involvement in the promotion and protection of human rights, primarily through the ratification and implementation of international human rights treaties. I also expressed publicly my concern about human rights violations: treatment of the Falun Gong, of the Uygur population, and of Tibet; the repression of labor leaders now because there is a lot of labor unrest in China; and so on. There is a necessity to speak out publicly in order to bring home what is the true culture of human rights. It is not just about cooperation and then not criticizing. It is about cooperation, but also, where necessary, publicly criticizing. During this period of time, and over the last five years, China had signed the Covenants on Civil and Political Rights¹⁸ and on Economic, Social and Cultural Rights, and subsequently it ratified the Covenant on Economic, Social and Cultural Rights.¹⁹ In reflecting on this experience, I am convinced that the key to advancing human rights in China over the long term is to advocate a broad-based agenda, insisting on the protection of civil and political rights by giving equal importance to the progressive implementation of economic, social, and cultural rights. On my last visit, I was struck by the degree to which women in China were using international human rights norms to further their aims. The All-China Women's Federation, which has about sixty million members I might add,²⁰ with whom I had developed a good relationship, invited me to visit a project of theirs on combating domestic violence. The location was about sixty miles or so outside Beijing in a semi-rural setting. Following an introduction to

¹⁷ International Covenant on Economic, Social and Cultural Rights, *opened for signature* Dec. 16, 1966, 993 U.N.T.S. 3 (entered into force Jan. 3, 1976).

¹⁸ International Covenant on Civil and Political Rights, *opened for signature* Dec. 16, 1966, 999 U.N.T.S. 171 (entered into force Mar. 23, 1976).

¹⁹ China signed the Covenant on October 27, 1997, and ratified it on March 27, 2001. United Nations Multilateral Treaties Deposited with the Secretary General vol. I, part I, Ch. IV, sec. 3, p. 167, *available at* <http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterIV/treaty5.asp> (last modified Apr. 11, 2003).

²⁰ For information about the All-China Women's Federation, see their website at <http://www.women.org.cn/womenorg/English/english/fact/mulu.htm> (indicating that at present there are "60,000 federations at or above the township and neighborhood level, 980,000 women's representatives' committees and women's committees at the grassroots-level, and about 5,800 local group members at various levels.") (last visited Apr. 15, 2003).

the project, I thoroughly enjoyed four drama sketches done by the local women illustrating aspects of domestic violence. Although I had an interpreter whispering in my ear, the message was crystal clear and needed no interpretation. I particularly liked the mother-in-law who was savaging her daughter-in-law; it was really extremely well done and I am sure some of you have seen these sketches in other countries—but it was very telling. Equally fascinating was the account they gave me about how the Federation for Women is increasingly involved in the reports submitted by China under CEDAW.²¹ They told me with great excitement that they were determined to have an input into China's first report to the Committee on Economic, Social and Cultural Rights as required following China's ratification of the International Covenant on Economic, Social and Cultural Rights.²² The implications for participation of this kind by civil society, in holding the government of China to accountability, are self-evident. I think they are extremely important for modern China.

From China, I went to Cambodia, and I witnessed the sophistication of human rights non-governmental organizations (NGOs), including women's groups there, in availing of the reporting obligations of Cambodia to engage in serious dialogue with that government. My next stop was East Timor, where our colleagues on the ground had organized a seminar for human rights NGOs to train them on the reporting obligations which their new government would undertake upon ratifying the six main international human rights instruments.²³ It is very interesting to see the difficult adjustments the human rights NGOs were making from their previous role of opposing the Indonesian government, the oppressive system of law, and the oppressive application of that law, and to adjust to working with their own government now, but also using these tools of reporting by that government, progress under these international instruments to ensure, in the modern independent East Timor—or Timor L'este, as they prefer to call it—accountability and fairness.

²¹ See Convention on the Elimination of All Forms of Discrimination Against Women, *supra* note 14.

²² International Covenant on Economic, Social and Cultural Rights, *supra* note 17, art. 16 (requiring States Parties to report "measures which they have adopted and the progress made in achieving the observance of the rights recognized herein" to United Nations Secretary-General and Economic and Social Council).

²³ Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *opened for signature* Dec. 10, 1984, 1465 U.N.T.S. 85 (entered into force June 26, 1987); Convention on the Elimination of All Forms of Discrimination Against Women, *supra* note 14; Convention on the Rights of the Child, *supra* note 16; International Convention on the Elimination of All Forms of Racial Discrimination, *opened for signature* Mar. 7, 1966, 660 U.N.T.S. 195 (entered into force Jan. 4, 1969); International Covenant on Civil and Political Rights, *supra* note 18; International Covenant on Economic, Social and Cultural Rights, *supra* note 17.

I have had many opportunities over the years to witness the contribution of African women, in their own countries and, increasingly, at the all-Africa level. I recall, as President of Ireland, attending a pan-African conference for women leaders in Kigali, Rwanda, in March of 1997. When I returned to Ireland, I summed it up by saying, "I have seen the future of Africa, and she works!" Recently, when I was in Johannesburg for the world summit on sustainable development, I participated in a meeting of women African leaders, which was hosted by South Africa's First Lady, Mrs. Zanele Mbeki.²⁴ They were very energized by the fact that they had formed an all-Africa African women's council, which I believe will be a powerful influence for change in Africa. Women have also been working behind the scenes in the formation of the new African Union. You may recall that in Durban²⁵ this year, the former OAU, the Organization of African Unity, became, through a new constitution, transformed into the African Union,²⁶ and women have been working to play a full role in that. Through sheer determination, women were successful in ensuring that the ten-person commission to be elected in the course of the next few months to take charge of the African Union will include equal numbers of men and women. Effectively, two members will be elected in each region of Africa—southern Africa, eastern Africa, and so on—and they would be put forward as two of the ten-member commission, and one of those two is supposed to be a woman. I say supposed to be, because when I asked these African women, they said yes, it is on paper, but now we have to make it happen, which is the next stage.

When speaking of Africa, I should mention that I plan to dedicate a significant portion of my post-U.N. work to helping, in a low-key way, to fill a gap which troubles me in human rights at the international level. We still don't put enough emphasis on helping developing countries to build their own national protection systems for human rights. I plan, under a project called the Ethical Globalization Initiative, which the Dean mentioned, to focus initially on addressing these questions in African countries, linking with the framework of the New Partnership for African Development, the NEPAD. Whatever reservations there may be about the

²⁴ Her husband, Thabo Mbeki, began his term as President of the Republic of South Africa in 1999. See *Embassy of South Africa, Washington, DC*, at <http://www.saembassy.org/usaembassy/Mbeki/default.html> (last visited Apr. 15, 2003).

²⁵ Durban, South Africa, is where the OAU summit was held in the summer of 2002.

²⁶ The African Union (AU), an organization of African states, continues and expands upon the OAU objectives of achieving solidarity among African nations and promoting interests of African nations and peoples. The AU entered into force May 26, 2001, after thirty-six nations, two-thirds of the OAU member states, ratified its Constitutive Act, available at http://www.au2002.gov.za/docs/key_oau/au_act.htm (last modified July 25, 2001). See, e.g., *Transition from the OAU to the African Union*, available at http://www.au2002.gov.za/docs/background/oau_to_au.htm (last modified July 2, 2002).

lack of civil society participation, African government leaders have committed themselves, through NEPAD, to delivering pluralistic states with transparent administrations, effective institutions, and sound regulatory frameworks—all underpinned by the rule of law and respect for international human rights standards. African leaders have made the commitments, but questions hang over how innovative procedures such as the peer review mechanism, whereby governments will hold each other accountable for good governance, will in fact be implemented. Clearly, resources, both financial and intellectual, are desperately needed if we hope to see changes. Building a national protection system must be country-led, requiring both the political will of the government and the involvement of civil society; so help from the outside must be offered in support, but that support must be country-led so that the approach is truly sustainable. My hope is that new and existing links between universities, research centers, professional legal bodies, and other bodies such as the private sector in the north and other parts of the south, with counterparts in individual African countries, could be developed. In this way, increased resources could be marshaled for projects to support human rights capacity-building in these countries. If you just think about it, there are costs to train judges to be independent, to train the police not to torture but to put together evidence to produce in court, to clean up prison systems, to tackle issues of corruption, to educate, to have human rights education for the public. I know Columbia University is doing some of this now, which I will talk about. How can African countries prioritize in domestic spending to address what they have prioritized when they have to pay the debt, combat HIV/AIDS, feed their population, provide for health, education, infrastructure, and so on? So, although they have prioritized the need, it is very difficult unless there are very significant new resources from the outside and a sustainable way to help.

We are indeed at a critical stage in the development of human rights. Women are proving to us that interest in human rights now spans the globe and surmounts race, class, gender, state of development, and even the current reaches of globalization. It has indeed become universal. I doubt there has been a time when the subject has been accorded such a key role in political and economic debate. Prior advances in international human rights legislation, such as the ratification of the CEDAW in China, which I mentioned earlier, have been buttressed by important developments such as the appointment of an outstanding Special Representative of the United Nations Secretary-General on the Situation of Human Rights Defenders, Hina Jilani,²⁷ who no doubt gained much expertise from her time as a Columbia University human rights advocate. Yet, even as we welcome this

²⁷ Jilani was appointed the Special Representative of the United Nations Secretary-General on Human Rights Defenders on August 18, 2000. See *Human Rights*, at http://www.un.org/News/press/docs/2000/Human_Rights.htm (last visited Apr. 15, 2003).

evidence of the growing prominence of human rights, and specifically the rights of women in the global arena, we inevitably come up against seemingly insurmountable walls.

To frame it in local terms, for every Radhika Coomaraswamy who earns her Juris Doctorate from Columbia Law School and goes on to important service as a United Nations Special Rapporteur on Violence Against Women,²⁸ there remain vast groups of women and girls who are abused, sold into slavery, or denied an education. These women desperately need advocates to keep pressure on governments and on those in positions of power to honor the undertakings they have made in the name of human rights. What more needs to be done to support and build on what women are doing in every part of the world to promote greater respect for human rights and the rule of law? What role could academic institutions, such as Columbia, play in fostering human rights around the world?

Before going any further, I want to stress how much I value the vast amount of time and resources that Columbia devotes to instilling in the next generation a strong human rights education and tradition of activism. While it is widely known that Columbia is one of the most active human rights educational institutions in the United States, I must say that I was genuinely impressed to learn how much is being done throughout the university. Five separate graduate schools, ranging from Arts and Sciences to Public Health and Journalism, all offer degree programs in human rights. No less than 125 faculty members here at Columbia identify themselves as having human rights-related research interests.²⁹ Within the Law School alone, there is a wealth of resources dedicated to human rights work. For example, the Human Rights Institute, founded by my good friend, and indeed my own inspiration when I was a student, Lou Henkin. This funds the study of human rights law for many Columbia Law students. Lou has just completed his exceptionally distinguished service as a member of the United Nations Human Rights Committee in Geneva, which monitors the implementation of the International Covenant on Civil and Political Rights. The Human Rights Clinic prepares students to advocate before international human rights tribunals and treaty bodies. The Columbia Human Rights Law Review, established in 1968—the same year I completed my own L.L.M. at Harvard Law School—was the first law school journal in the country dedicated to the subject of human rights. The Jailhouse Lawyer's Manual, published by the Review, is a valuable legal resource devoting specific attention to the issues facing women prisoners. And the Columbia Journal of Gender and Law draws attention to the unique interaction and issues

²⁸ Radhika Coomaraswamy graduated from Columbia Law School in 1977 and was appointed United Nations Special Rapporteur on Violence Against Women in 1994.

²⁹ At least 142 faculty members so identify, according to Center for the Study of Human Rights, Faculty Listings, at <http://www.columbia.edu/cu/humanrights/faculty.htm> (last visited Apr. 15, 2003).

posed by women in the law. I am told that the Human Rights Internship Program enables over sixty students annually to complete summer internships³⁰ and, in the process, to further human rights both at home and abroad. I was impressed by some of the recent projects related to women's rights that Columbia students have supported and learned from. To name but a few: the International Women's Rights Action Watch Asia-Pacific in Kuala Lumpur, Malaysia; the Law and Society Trust in Colombo, Sri Lanka, which reviewed prison conditions in light of international standards and provided a report to the Sri Lankan Human Rights Commission; and the International Human Rights Law Group in Phnom Penh, Cambodia, which trains human rights workers and lawyers and does awareness work in the areas of female trafficking, domestic violence, and the law.

This university's commitment to human rights is beyond question, but I would challenge all of you to consider what more could be done. Even here at Columbia Law School, the fight for human rights is not always in the forefront. I am told that only some three to five percent of law school graduates take public sector jobs immediately upon graduating, as compared to the upwards of seventy to seventy-five percent that seek corporate employment.³¹ While this statistic does not take into account the shifting of priorities that occurs in a portion of those initially practicing private sector law, it does reinforce an important point in the struggle for human rights and women's rights. Namely, it is clear that no one group, agency, professional occupation, or approach can effectively make a difference alone. What is needed now more than ever are coalitions for human rights. In maintaining communication and securing cooperation and exchange of ideas, a great deal can be achieved, much more than we can accomplish working in isolation in our respective disciplines. So I was delighted when Professor Sanger welcomed students and faculty from other disciplines and schools here at Columbia. And indeed, while the various schools and organizations at Columbia are more versed in coming together for the sake of human rights than many other institutions, I believe there is always room for further improvement and development. For instance, just across the plaza at the School of International and Public Affairs, there are currently more students studying international law than at the law school itself. What a wonderful resource students educated in different disciplines, but sharing similar interests, can be for each other, in both academic

³⁰ Seventy-two people received these fellowships in 2002, according to Akua Akyea, Internship and Fellowship Counselor for the Center for Public Interest Law.

³¹ According to the Columbia Law School Career Services office, upon graduation, members of the Class of 2002 were employed as follows: three percent were employed in public interest or public service jobs, fifteen percent had clerkships with judges, eighty percent joined law firms (of whom eighty-five percent joined firms with more than 250 attorneys), and two percent were employed by corporations, investment banks, or consulting firms. See Columbia Law: Admitted Students: Career Services, at http://www.law.columbia.edu/careers/career_services/admitted (last visited Apr. 15, 2003).

development and later on in the professional arena. I am aware of the School of International and Public Affairs' interdisciplinary human rights program, which offers courses such as "Gender and International Human Rights," and "Gender and Complex Humanitarian Emergencies," effectively rounding out the legal approach to such issues offered by the law school. I am very impressed by their Center for the Study of Human Rights' recent report on human rights capacity building.

The existence of classes such as "Gender and the Law," or "Sex Equality,"³² is a positive development, but so much more remains to be illuminated. Those who are fortunate enough to be involved in the pursuit of an advanced degree should consistently rally to update the curriculum, to examine more how the law impacts the group that constitutes over fifty percent of our world's population. I would challenge you to consider how other schools and programs at Columbia could be engaged, in order to widen the circle further. Could Columbia's School of Business, for example, be encouraged to offer courses or concentrations on human rights for future managers? We hear more and more about corporate social responsibility. Shouldn't the beginnings of this start in business school?

Although the current trend towards corporate social responsibility worldwide is an important human rights development, private enterprise must be even further engaged for rights to be enjoyed by all. United Nations Secretary-General Kofi Annan³³ acknowledged this several years ago in the establishment of the United Nations Global Compact, which challenges business leadership around the world to promulgate and enforce the social norms and environment needed to make globalization and the global economy work for all the world's people. You'll recall that the final document from the United Nations Millennium Promise,³⁴ known as the Millennium Declaration, states that the central challenge the community of nations faces today is to ensure that globalization becomes a positive force for all the world's people. It recognizes that globalization offers great opportunities, but at present, its benefits are very unevenly shared, and its costs very unevenly distributed, with developing countries and countries in transition facing special difficulties in responding to this central challenge. I believe that international human rights norms and standards can contribute to addressing such issues. It is a second area I will be devoting my time to in the months ahead. Many human rights advocates recognize the potential of this normative legal framework to be a vehicle for human development and democracy, yet little has been done to date within the framework of international human rights norms to protect and promote the interests of

³² Classes offered at Columbia Law School in Fall 2002.

³³ Annan began his first term January 1, 1997, and commenced his second term January 1, 2002.

³⁴ G.A. Res. 55/2, U.N. GAOR, 8th plenary mtg. (2000), at <http://www.un.org/millennium/summit.htm>.

those who are currently excluded from the perceived benefits of globalization.

Here I come to one of my core themes and passions. To make effective progress, it will be vital to place equal emphasis on all rights—civil, political, economic, social, and cultural—as Eleanor Roosevelt did when she and her colleagues drafted the Universal Declaration of Human Rights. You remember her much quoted words:

Where, after all, do universal human rights begin? In small places, close to home—so close and so small that they cannot be seen on any map of the world.... Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.³⁵

In our increasingly integrated world, we all bear a responsibility to human rights. It is the business of everyone: our communities, our workplaces, our universities, and our governments. You cannot leave behind those who do not so freely enjoy the fruits of democratic government and economic stability. We share a common world and a common future. We also jointly hold the power to shape it into a place where rights are enjoyed by all.

So in closing, allow me to suggest an idea that may help to promote the broader human rights agenda in this country, and which could serve as a rallying point for advancing women's rights in the years ahead. Many of you are familiar with EMILY's List,³⁶ the large American grassroots political network, which raises campaign contributions for women candidates running for the House, the Senate, and for governor. Almost one-third of the women EMILY's List has helped to elect have been women of color.³⁷ It draws its heart from the collective, knowing that much more can be accomplished together than individually. What if a group of you, here at Columbia, were to work together with women and men from other universities and institutions, to form Eleanor's List in honor of the pioneering work of one of this country's greatest human rights champions, Eleanor Roosevelt, whom I have already quoted? Eleanor's List could focus on supporting economic and social rights, with particular emphasis on women's rights issues here in the United States and around the world. It

³⁵ Eleanor Roosevelt, presentation before the United Nations, Statements at Presentation of In Your Hands: A Guide for Community Action for the Tenth Anniversary of the Universal Declaration of Human Rights, (Mar. 27, 1958), *quoted in The Columbia World of Quotations* (1996), at <http://www.bartleby.com/66/34/46934.html>.

³⁶ EMILY's List (Early Money Is Like Yeast) raises money for pro-choice Democratic women candidates, helps with their campaigns, and mobilizes women voters on election day. About EMILY's List, at <http://www.emilyslist.org/about/> (last visited Apr. 9, 2003).

³⁷ *Id.*

could make the case for why the CEDAW is so important for women in developing countries and why this country, too, should take the step of ratifying it. As my friend Harold Koh³⁸ said in his testimony on CEDAW before the Senate U.S. Foreign Relations Committee in June of this year,³⁹ by not ratifying this treaty, the United States has undermined its proud tradition of fighting for democracy and human rights around the world. As Harold put it, "Ratification now of the CEDAW treaty would be both prudent foreign policy and simple justice."⁴⁰ In the end, human rights depends on how each of us stands up for ourselves and for one another. Just as any act of repression threatens us all, so all our humanity is honored by the progress of any part of it. So I salute Columbia Law School for its seventy-five year record of enabling women to contribute to that progress, and I urge you to make this anniversary a time for new commitments and new actions aimed at making human rights a reality for all people.

I have thrown out a new idea that we do not have to decide about tonight, but that I would love you to reflect on. I think it would be very good to find a way to put more emphasis here in the United States on economic and social rights, and to combat the strong cultural sense that these are not really human rights at all, they are only political aspirations; to show that they are rights which are increasingly measured internationally, that the legal obligation is to progressively implement without discrimination, and that they are hugely important at the international level and matter terribly in creating a better world and a more ethical globalization. But, it is an argument that has to be made. It's interesting—Eleanor Roosevelt made it. I don't know whether you have read the book by Mary Ann Glendon, *A World Made New*.⁴¹ If you read that book, you see that Roosevelt had to struggle at that time in her own State Department to convince them that there had to be an equal emphasis on civil and political rights on the one hand, and economic, social, and cultural rights in the universal declaration, and eventually she got her way. Why has that leadership by an extraordinary American woman somehow gotten lost in this country, and the United States is almost unique in not having ratified the Convention of the Rights of the Child? Only two countries have not

³⁸ Harold Hongju Koh is a former Assistant Secretary of State for Human Rights and current professor at Yale Law School.

³⁹ The Senate Foreign Relations Committee considered the Convention on the Elimination of All Discrimination Against Women (*see supra* note 14) on June 13, 2002.

⁴⁰ Discrimination Against Women: Hearing on Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women Before the Senate Foreign Relations Comm., 107th Cong. (2002) (statement of Professor Harold Hongju Koh).

⁴¹ Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (2001) (regarding the drafting of the Universal Declaration of Human Rights during the years after World War II, with a focus on the underappreciated role Eleanor Roosevelt played in the document's creation).

ratified it, the United States and Somalia.⁴² And the United States also has not ratified the Covenant on Economic, Social and Cultural Rights,⁴³ which China has ratified⁴⁴ and is now busy being accountable to a committee in Geneva about. So, it is a big issue. Since EMILY's List made a big breakthrough for women, why wouldn't Eleanor's List make progress on this? I would welcome any thoughts you might have. Thank you.

⁴² Both countries have signed but not ratified. Office of the United Nations High Commissioner for Human Rights, Status of Ratifications of the Principal International Human Rights Treaties, as of May 2, 2002 8-9, at <http://www.unhchr.ch/pdf/report.pdf>.

⁴³ The United States signed the Covenant on October 5, 1997, but has not ratified it. United Nations Multilateral Treaties Deposited with the Secretary General, *supra* note 19, at 168.

⁴⁴ See *supra* note 19.