

ABA Policy on Issues Concerning Women

Abortion

Opposes state or federal legislation which restricts the right of a woman to choose to terminate a pregnancy (1) before fetal viability; or (2) thereafter, if such termination is necessary to protect the life or health of the woman; supports state and federal legislation which protects the right of a woman to choose to terminate a pregnancy (1) before fetal viability; or (2) thereafter, if such termination is necessary to protect the life or health of the woman. 8/92

Breast Cancer

Resolve that the ABA should partner with the public health community and bar associations to improve access to legal services for breast cancer patients. Urge Congress and governments to provide adequate funding for basic research and clinical trials to find a cure for breast cancer and other women's health conditions in that the present level of spending is not adequate. 00A112

Denial of Insurance Benefits

Urge enactment of legislation to provide that no person or entity could deny insurance benefits solely on the basis of the applicant's status as a victim of domestic violence. 2/95

Discrimination Based on Sex

Urge law schools and law firms to refrain from discriminating against women. 8/72

Favor enactment of legislation to ensure that employers are prohibited from discriminating against applicants or employees on the basis of marital status. 2/74

Support legislation that prohibits discrimination in credit practices by creditors against individuals on the basis of sex or marital status. 2/74

Urge prompt, vigorous and effective implementation of Title IX of the Education Amendments Act of 1972, which promotes equal educational opportunity without regard to sex, to the full extent of the powers granted in the statute. 8/75

Reaffirms policy adopted in 1975, urging the vigorous and effective enforcement of Title IX of the Education Amendments of 1972, to clarify that retaliation constitutes a form of discrimination prohibited by Title IX for which a private right of action exists to enforce the statute. 04A301

Support legislation to prohibit discrimination on the basis of sex in sale or rental of housing or in granting mortgage credit. 8/74

Discrimination in Compensation

Urges Congress to amend Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-5(e), and federal age and disability employment discrimination laws to ensure that in claims involving discrimination in compensation, the statute of limitations runs from each payment reflecting the claimed unlawful disparity. 07A302

Urges Congress to enact legislation that would provide more effective remedies, procedures and protections to those subjected to pay discrimination, including discrimination on the basis of gender, and would help overcome the barriers to the elimination of such pay discrimination that continue to exist. 10M107

Discrimination in the Judiciary

Urge appointing authorities to ensure that there are no barriers to the selection of women and minorities as judges and for service on merit selection judicial nominating commissions. 8/86

Discrimination in the Legal Profession

Oppose bias and discrimination based on race and gender that prevent multicultural women from gaining full and equal participation in the legal profession, and actively support efforts to eradicate such bias and discrimination. 2/95

Discriminatory Hiring Practices

Strongly condemn all forms of discriminatory hiring practices within the legal profession, whether on the basis of sex, religion, race or national origin. 2/72

Domestic Violence

Condemn the manifestation by lawyers or judges by words or conduct of acts which would either constitute domestic violence or approval, in the course of their professional activities, of the use of domestic violence, stalking, or sexual assault under the laws of their jurisdictions. Urge judges and lawyers to adopt workplace protocols, guidelines, and policies to assist employees who are victims of domestic violence and to protect the safety of employees who may come in contact with batterers during the course of business. Encourage affirmative steps to educate judges and lawyers about the nature and effects of domestic violence. 8/96

Equal Rights Amendment.

Support ratification of the proposed Twenty-seventh Amendment to the Constitution. 2/72; 8/74

Financing of Abortions for Indigent Women

Support legislation on the federal and state level to finance abortion services for indigent women. 8/78

Full Faith and Credit

Support efforts to implement the "full faith and credit" mandate of the Violence Against Women Act of 1994 which directs states and territories to enforce civil and criminal protection orders issued by foreign states, territorial and tribal courts as if the orders had been issued by the enforcing court; urge full funding of efforts to implement the full faith and credit mandate including (1) development of interstate and intrastate computer registries of protection orders; (2) training to educate community members who come in contact with victims and perpetrators of domestic violence about the mandate and the enforceability of protection orders issued by foreign states; and (3) development of protocols which would remove barriers to the enforcement of foreign protection orders and would prioritize victim safety. 8/96

Approves the Uniform Interstate Enforcement of Domestic-Violence Protection Orders Act, promulgated in 2000 and amended in 2002, as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein. The Act, as promulgated in 2000, addresses the interstate enforcement of protection orders arising in a domestic-violence or family-violence context. In 2002, the Act was substantively amended to also cover orders arising under an issuing state's anti-stalking laws. The Act as amended is designed to make implementation of the "full faith and credit" mandates of these orders more feasible. 03M113E

Gender-Based Persecution

Urge that gender-based persecution be recognized as a ground for asylum under the Immigration and Nationality Act and support federal legislative or administrative action to ensure, in interpretations or applications of criteria for asylum under the Immigration and Nationality Act, that (1) the term, "social group" includes women who have been persecuted or have a well-founded fear of persecution on account of their gender; and (2) the term, "persecution" encompasses domestic violence, sexual abuse, rape, infanticide, genital mutilation, forced marriage, slavery, and forced abortion. 01M110

Legal Remedies to Eliminate Discrimination

Endorse legal remedies and voluntary actions that take into account as a factor race, national origin, or gender to eliminate or prevent discrimination. 8/95

Private Clubs

Endorse amendments to Title II of the Civil Rights Act to include in the definition of the term "public accommodation" any private club or other establishment that derives a substantial portion of its income from business sources; and provide an adequate objective standard by which to measure "a substantial portion of income from business sources." 8/83

Direct that the ABA communicate with its members concerning the use of discriminatory clubs for professional and business purposes, and specifically urge law firms not to hold firm functions at business clubs that discriminate and urge lawyers who belong to those clubs to work to reform their policies. 8/88

Protection of Women's Human Rights

Endorse international and domestic efforts to promote and protect women's human rights through the adoption and enforcement of legal provisions for equality and equal protection law. Recommend that the United States Government and Non-Governmental Organizations participating in the United Nation's Fourth World Conference on Women in Beijing, China, in 1995, actively support the inclusion in the Platform for Action of effective measures to accelerate the removal of the remaining obstacles to the realization of women's basic rights. 11/94

Required Use of Contraceptives

Oppose legislation of judicial action that requires a woman to use any method of contraception or sterilization, or to otherwise refrain from bearing children, as a penalty for any conduct or as a condition of probation or parole. Oppose legislation, or rule or regulation, that (1) requires a woman to use any method of contraception or sterilization, or to otherwise refrain from bearing children, in order to be eligible for the receipt or continuation of public benefits; or (2) offers financial incentives or otherwise conditions the level of public benefits received upon a woman's use of a method of contraception or

sterilization or her agreement to refrain from child bearing. For purposes of this recommendation, reimbursement for medical expenses or other actual costs associated with the purchase or use of a method of contraception or sterilization does not constitute a financial incentive. 8/93

Rape Law Revision

Support for redefinition of rape in terms of persons, amendment of rules of evidence to protect the victims' privacy and other reform measures. 2/75

Sex Discrimination in Employment

Support federal and state legislation assuring that prohibitions against sex discrimination in employment will also prohibit employment discrimination because of pregnancy. 2/78

Sex Discrimination in Public Accommodations

Urge the amendment of the public accommodations section of the 1964 Civil Rights Act to prohibit sex discrimination in public accommodations, provided however that such amendment not require access by both sexes to the same facilities where legitimate privacy concerns are involved. 8/80

Sexual Harassment

Recognizes that sexual harassment is a serious problem in all types of workplace settings, including the legal profession, and constitutes a discriminatory and unprofessional practice that must not be tolerated in any work environment. Resolves to educate the profession about the scope and harm of sexual harassment in the workplace, and to call upon members of the legal profession to provide leadership and education in eradicating it. Recognizes that sexual harassment is not confined to interactions between co-workers in the workplace, but may also arise in the context of employee and non-employee. 2/92

Trafficking Victims

Urges federal, state, local, territorial and tribal governments to pass legislation, authorize funding that strengthens protection and assistance for victims of trafficking in persons, within the United States or abroad, as well as bolsters prevention efforts and encouraging bar associations to engage members of the legal profession in raising awareness of trafficking in persons in their communities and in providing pro bono legal services to victims of trafficking. 07A110C

Violence Against Women

Urges federal, state, local, territorial and tribal governments to adopt legislation and appropriate funding to strengthen protection and assistance for victims of gender-based violence within the United States and abroad and urging Congress to enact and fund the International Violence Against Women Act of 2007 or similar legislation. 08A109.

Urges the United Nations, the United States of America and all nations to adopt measures imposing state responsibility for state sponsored sexual violence as a weapon of war and create a system of reparations to victims from offending states and to develop potential donors to fund medical, psychological and other needs of victims. 10/10

Women Federal Judges

Support notification to the President of the United States urging his consideration, in the appointment process, of the fact that there are extraordinarily few women federal judges. 8/75

Women in the Legal Profession

Recognize that persistence of overt and subtle barriers denies women the opportunity to achieve full integration and equal participation in the work, responsibilities and rewards of the legal profession; affirm the fundamental principle that there is no place in the profession for barriers that prevent the full integration and equal participation of women in all aspects of the legal profession; and call upon members of the legal profession to eliminate such barriers. 8/88

World Conference on Women in Beijing

China in September 1995, on the role of law in promoting the equality, equal protection and equal access to opportunities and benefits for women, and affirm the importance of legal literacy to the functioning of democracies and the exercise of human rights by all individuals in society. Support the Platform for Action's provisions calling for the integration of a gender perspective into development assistance programs. 2/96

Reaffirm support for the ratification by the United States of the Convention on the Elimination of All Forms of Discrimination Against Women, with the same reservations, understandings and declarations previously supported. Support in principle, the development of an individual right of petition as an optional protocol to the Women's Convention as described in the Platform for Action adopted at the Conference. 2/96

Commend the United Nations and its Member States for the declaration and the Platform for Action adopted at the Conference, and in particular for the progress achieved in advancing the human rights of women and girls. Urge the United Nations and other international organizations to implement the relevant commitments/action items in the Platform for Action and call upon the United Nations to take prompt steps to facilitate cooperative follow-up work by nongovernmental organizations, governments and international organizations. 2/96