

LawFemme: CFLS News

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Shameful Losses

By Aditi Master, Law III

On December 18, 2007 I watched dawn break over the vastness of equatorial Africa from 35,000 feet above sea level. All was calm this morning in the plane, with only the humming of the Boeing engines keeping me company. But down below, it would be one more day when thousands of Africans would become infected with Human Immunodeficiency Virus (HIV), the causative pathogen of Acquired Immunodeficiency Syndrome (AIDS).

has disproportionately infected women 15 years and older in SSA: currently, women represent 61% of PLWH (Bukonya, *supra*) and women aged 15-24 outnumber the corresponding age group in men three to one. In a nutshell, women of SSA are today's most vulnerable population to HIV/AIDS, representing approximately 75% of all HIV infected women worldwide.

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Today, HIV/AIDS is the primary cause of death in Africa (Daraus Bukonya, *Daily Nation*, December 2007), killing the continent's most productive age group. The December 2007 UNAIDS Report reveals that of the 33.2 million people living with HIV (PLWH) globally, 22.5 million (or 68%) live in Sub Saharan Africa (SSA) - a region that consists of only 10% of the world's population but bears the brunt of the pandemic. Unflinching in its devastation, HIV

Women living with HIV/AIDS come from all walks of life – they are mothers, daughters, wives, sisters, professionals and poor, uneducated workers. HIV does not discriminate, but we do.

Stigma and discrimination faced by the women infected with or affected by HIV/AIDS is prevalent. In SSA, HIV is predominantly transmitted via unprotected heterosexual contact (Joan Kreiss, 314 *New England Journal of Medicine* No. 7 (1986) at 414) and women in general are four times more vul-

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Standing in Solidarity with the Burmese People

By Brenda Belak, Law III

“The streets will run with a torrent of blood before change occurs.” That is what the woman who sat across from me in the tea shop on my first trip to Rangoon told me. It was 1997: there had been a country-wide wave of communal violence just weeks before, with monks (or *agents provocateurs* in monks’ robes) ransacking mosques, and I was there to find my husband’s family, who had not been known for seven years whether he was dead or alive. I had just flown in from Bangkok, instructions for contacting the relatives of other political exiles I knew in Thailand and human rights reports to pass on, secreted deep in my luggage.

My paranoia was at an all time high, so when a woman pounced on me at the Sule Pagoda my first night, I was instantly suspicious. Was she an MI informer? She raved in hissed whispers about the repressive military, asking me if I had contacts with journalists. “No,” I lied, “I teach English in Japan.” “Ah, I tutor students in English and Japanese – and you shouldn’t be here, there are informers everywhere,” she rejoined, pulling me down a dark side street into a small, dingy teashop where two young men were waiting. She managed in two hours to thoroughly freak me out, and I never knew for certain whether she was someone paid to feel out foreigners, or just a teacher who really did believe that there would be political change in Burma, but only at an enormous price.

It was 1988 all over again, or so it seemed. In retaliation for an arbitrary, severe rise in fuel prices, the monks took to the streets, followed by average people, chanting, “Democracy, democracy.” Then suddenly, after weeks of mounting protests, the soldiers cracked down.

Given that I have known so many people who participated in the 1988 nation-wide uprising in Burma, I don’t know why it was this small, slightly deranged woman I kept remembering while the news during September 2007 carried pictures day after day of the demonstrations in Rangoon, first of solemn columns of monks ringed by protective lines of civilians marching hand-in-hand, and later of soldiers firing directly at the crowds as the protesters fell. It was 1988 all over again, or so it seemed. In retaliation for an arbitrary, severe rise in fuel prices, the monks took to the streets, followed by average people, chanting, “Democracy, democracy.” Then suddenly, after weeks of mounting protests, the soldiers cracked down. It is believed that hundreds were killed and that over

6,000 people were arrested, in prisons and makeshift detention centres throughout the country. Since the beginning of October 2007, there has been very little news from Burma, apart from statements made by United Nations Special Envoy Ibrahim Gambari about his visits to the country.

Has the movement for democracy in Burma again been crushed? I don’t think so. As a member of the Vancouver Burma Roundtable, I spent most Saturdays from September to December last fall at Robson Square, standing in solidarity with refugees from Burma in Canada to ask for stronger action on the part of the Canadian government and the United Nations. We believe that external political pressure and changes occurring inside the country will finally push the country’s leaders into political

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AIDS in Sub-Saharan Africa, *continued*

nerable to HIV infection (JM Baeten and Julie Overbaugh, "Measuring the infectiousness of persons with HIV-1: Opportunities for preventing sexual HIV-1 transmission" 1 *Curr HIV Res*, (2003) at 69). In African patriarchal society, where women have diminished economic and social power, negotiating safe sex with male partners is inhibited, infrequent or often discouraged even by healthcare workers (Karen Booth, *Local Women, Global Science: Fighting AIDS in Kenya*, (Indiana: Indiana University Press, 2004) at 43). Existing stigma and discrimination against women perpetuate negative assumptions about their sexual behaviour, even if the women were infected by their male partners (Joint United Nations Program on HIV/AIDS (UNAIDS) Doc./06.29E, (2006) at 3). Hence, a woman's requests for safe sex practices are viewed with skepticism, her fidelity questioned and in addition, she may be subject to domestic and sexual violence (Booth, *supra*). In extreme yet lamentably frequent cases, the male partner and his extended family could 'disown' the woman, an act that brands her for life and leaves her without any economic or social standing within the community.

The laws needed to protect Sub Saharan women are either weak or non-existent. The problem is compounded during political and tribal conflicts when basic legal frameworks are absent. During this time, women and children are left to fend for themselves against sexual violence

and mutilation. Political leadership in reasonably stable countries of SSA has not exactly been apathetic but neither has there been significant assertion of women's rights in the political realm.

Inadequate constitutions, inherited from the region's previous colonial rulers, are partly to blame for the lack of stable and conducive legal structures. The whimsical division of the African continent by colonial powers randomly divided natural resources and tribes into two or more countries, or lumped together enemy tribes into one country for eternity. The inherited constitutions do not fully grasp the dynamics of African customs and traditions and are wholly mismatched with the previously unforeseen needs of Africans. The political security that emanates from strong constitutions, as experienced in developed countries, is sorely missing in SSA. With the exception of the Republic of South Africa (which has been hit the hardest in SSA by HIV/AIDS), no other country in SSA (at the time of writing) has amended its constitution to address the health crises ensuing from the pandemic.

Alternatively, weak or adverse political leadership, at both regional and international levels, has added fuel to the fire that is extinguishing the lives of Sub Saharan African women. HIV/AIDS is a taboo subject for African communities and even more so in political discussions. To com-

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We Heart Henry

By Ashleigh Keall, Law III

Twenty years ago this January, the Supreme Court of Canada declared the criminal law prohibiting abortions in Canada to be unconstitutional on the grounds that it violated a woman's right to security of the person contrary to s. 7 of the *Canadian Charter of Rights and*

Free-doms (R. v. Morgentaler, [1988] 1 S.C.R. 30). Dr Henry Morgentaler had been advocating for the abolishment of abortion prohibitions for twenty years when this landmark decision was handed down. He performed his first illegal

abortion in 1968 and now, at the age of 84, Doc Morgentaler is still fighting the good fight. He aims to open two abortion clinics in Canada's arctic north, where access to timely abortions is sorely lacking.

That the fight for abortion rights is far from over is apparent from the recent annual visit to UBC of the Genocide Awareness Project (G.A.P.). G.A.P. promotes the view that abortion is tantamount to genocide and tastelessly features large photographs of aborted fetuses alongside pictures of the Cambodian Killing Fields and victims of the Rwandan genocide. UBC's Law Students for Choice and Students for Choice created their usual chain of large

Choice! banners to shield passers-by from the photo display. But fun as it is to spend a day in the rain holding large wooden banners for hours at a time, Law Students for Choice decided it was time to put on a real party.



And what better occasion for a party than the 20th anniversary of the *Morgentaler* decision?

Law Students for Choice and their friends and allies the UBC Law Women's Caucus proceeded to host the first annual **I Heart Henry 80s Prom and Airband Competition** at the Anza Club in January

2008. The sold out event saw 130 law students, friends and Morgentaler fans don poufy satin gowns, dig out their crimping irons and hit the dance floor in mullet wigs. Many guests wore the t-shirts designed and sold by the party planners bearing the words – what else? – I Heart Henry, complete with a full case citation on the back.

Three judges roamed the dance floor awarding prizes for excellence in costume design, hair and make-up style, and went on to judge the event of the night: the Airband Competition. Esteemed judges Matt Brandon, Joel Bakan and Emma Cunliffe had front row seats for the four airbands. The Cleopatras (Catherine Hirbour, Veronika

Morgentaler Celebration

continued

Florianova, Brandi Stocks and Jennifer Lee) stunned the crowd with their stilettos, sassy moves and cardboard guitars; MJ Generation (Brittany Skinner, Ashleigh Keall and Jeff Langlois) pulled out all the stops – including white gloves – for their Michael Jackson medley; a giant group of MC Hammer fans hit the stage with *You Can't Touch This*; and Karen Surcess left the crowd begging for more with her sultry rendition of Madonna's *Fever*.

Although there are still serious concerns regarding access to abortions in Canada, the UBC Law Women's Caucus and Law Students for Choice wanted to take the opportunity to celebrate the successes of the past twenty years and the rights that women do have. Surely a night of shoulder-padded breakdancing and air guitar would have made Doc Henry proud.

Proceeds from the event will go to an award for a woman student known for her cooperative



and collaborative nature among her fellow students. The award is not based on academic merit or extra-curricular involvement; rather, it is to be provided to a woman student who has selflessly offered to help, support and encourage other students on a number of occasions, thereby contributing to a feeling of cooperation and goodwill among students in the Faculty of Law.

For more information about Law Students for Choice or if you would like to get involved, please email: lsfc_ubc@yahoo.ca

See page 12 for details of the award!

The Women, Law and Development Centre, Lagos

By Mosope Fagbongbe, Ph.D. Candidate, UBC Law

“Currently, women remain a less privileged section of the society. In theory and to some extent in practice, women can come together across party, ethnic, tribal and religious line because they are able to see a commonality of purpose that transcends these divisions” says Professor Jadesola Akande, Professor of Law and Executive Director, Women, Law and Development Centre (WLDCN), Lagos.

Organizing Nigerian women through Community Based Organizations predates the Nigerian Independence in 1960. The Aba Women’s War of 1929 and Funlayo Ransome-Kuti’s rally against the Alake of Egbaland, a traditional ruler, in 1949 are incidents of women mobilizing against oppressive colonial policies. However, it was the World Conference on Women held in Beijing in 1995 that served as a catalyst for change in the approach to the empowerment of women and agitation for good and accountable governance in Nigeria. This conference galvanized many small groups and individuals to start demanding the implementation of the Beijing Platform of Action (Online: <http://www.un.org/womenwatch/daw/beijing/platform/>). One such group was WLDCN (www.wldcn.org/), which I worked with as a programs officer (voluntary basis) between 1998 and 2004. During this period, I assisted to develop, organize, coordinate and implement some of the Center’s programs.

According to Professor Akande, a former Vice Chancellor of the Lagos State University, Chan-

cellor of Federal University of Technology, Akure and a women’s rights activist, WLDCN was founded in 1993 but formally registered in June 1995. This NGO, established for the purpose of bringing women together for empowerment, comprises a Governing Board made up of three Trustees and two founding members who work in cooperation with a 10-member Academic Advisory Council drawn from a group of professional and academic women and men with a commitment to gender equity and empowerment of women. The Board, responsible for setting up action plans, formulating strategies and serving as core resource persons for implementing WLDCN programs, works in concert with a 10-member Administrative Advisory Council drawn from renowned administrators.

With a mission to “ensure the total empowerment of women,” the Centre seeks to assist women to develop self-esteem with which they can actualize their rights in all spheres of society and thereby become agents of change. Thus, WLDCN engages in different empowerment projects within the community. In 1995/6, it translated the Beijing Declaration and Platform of Action into three Nigerian indigenous languages, namely Edo, Fulfude and Pidgin, to enable some at the grassroots to read. The translation contains

graphic illustrations of the twelve critical areas of concern of the Beijing Declaration, thus enabling even illiterate women to understand the issues from the graphics. This step gave the

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Women and the Politics of Constitutional Change: the 2008 Canadian Constitutional Affairs Conference

By Anna Turinov, Law III

This article is about the contribution of women to the Canadian Constitution and the Charter of Rights and Freedoms as told by Marilou McPhedran at the Canadian Constitutional Affairs Conference, which was held on January 17-19, 2008 in Québec City. The conference, which I attended as part of the UBC delegation, was organized by a group of students from the Laval and McGill Faculties of Law

with the aim of bringing together constitutional experts and law students from across Canada to discuss the evolution of the Constitution. McPhedran is the 2007 Ariel F. Sallows Chair in Human Rights at

the University of Saskatchewan, College of Law, and is the Chief Commissioner of the Saskatchewan Human Rights Commission. Named one of Canada's ten most influential feminists, McPhedran is a founding mother of the Legal Education and Action Fund (LEAF). She is the youngest lawyer ever appointed to the Order of Canada and is also the recipient of the Governor General Award in Commemoration of the *Persons* Case.

Addressing the audience of predominantly "Charter babies," persons born in 1982 or later, McPhedran spoke about the formative influences of the Charter that have been largely written out of the mainstream media and the academic material. Her aim was to expand the understanding of the Constitution beyond the fathers of Confederation and executive federalism, which dominated discussions at this conference, to the participation of civil society in the final text of the Charter. McPhedran also proposed to expand our understanding of constitutional democracy as a dia-

logue between the courts and the legislature to a triologue involving civil society. Although Canada is often used as a model in constitutional democratic development, women's participation in relation to building Canada's Constitution is not mentioned at any level of our education, including law. Similarly, the conferences commemorating the 25th anniversary of the Charter

McPhedran also proposed to expand our understanding of constitutional democracy as a dialogue between the courts and the legislature to a triologue involving civil society.

held across Canada in 2007 made little acknowledgement of many important people who participated in the Constitution-making.

In January 1981, as the Charter negotiations were under way, Doris Anderson, the President of the Canadian Advisory Council on the Status of Women, resigned in public protest over government interference in the planned, government-funded women's constitutional conference. As a result, an Ad Hoc Committee sprang up to organize an alternative conference. This Ad Hoc Conference on Canadian Women and the Constitution had no money, no organizational base, and no venue. Yet, on February 14, 1981, over 1,300 women congregated at their own expense in Ottawa. The "ad hocers" argued that women's rights were not adequately protected in the Constitution and called for what ultimately became section 28 of the Charter, a provision guaranteeing equal rights and freedoms to male and female persons. Section 28 was subsequently added to the Charter as a notwithstanding clause, in addition to section 33, with support of all political parties. While section 33 can override the equality guarantees in section 15, it cannot override the guarantees in section 28.

(Continued on page 12)

Burma, *continued*

dialogue. The military government recently announced it is planning a constitutional referendum. While this has been rejected by activists as window-dressing, it may also be evidence of the military's acknowledgement that it can no longer continue on the path it has taken up till now. Despite ever-present pessimism, we hope reports that Aung San Suu Kyi actively seeks dialogue with her captors mean that Burma's political crisis is entering a new phase.

The people of Burma and the leaders of their pro-democracy movement have shown themselves to be incredibly resilient. Min Ko Naing, leader of the students in 1988, spent 15 years in prison, most of them in solitary confinement, but after his release, still organized the demonstrations this past August until he was rearrested on August 21, 2007. On October 24, Vancouver activists held a candlelight vigil for Aung San Suu Kyi, the founder of the National League for Democracy, to mark the beginning of her 13th year under intermittent house arrest since 1989. Separated from her two sons, and denied access to her husband, Michael Aris, who died of prostate cancer in 1998, she has shown unwavering devotion to her country's freedom from military rule. These are the people Burma's generals are afraid of.

The last twenty years of military rule have crippled the Burmese economy and devastated border regions, where ethnic minority groups have been driven from their villages and killed in a military campaign that many have described as genocidal. Through the Just Aid Foundation, a local fund, we raise money to support groups of backpack health teams who travel cross-border

to bring badly needed medical treatment to internally displaced persons. The medics work amidst ongoing massacres, rapes by military personnel, forced relocations, and land mine injuries, horrors seen this past November in Vancouver, when the Amnesty Film Festival screened "Burma's Secret War," a documentary by an Australian journalist. This past fall, standing on the Art Gallery steps, with images of the recent demonstrations projected behind us, I was surrounded by people who fled that reality for sanctuary here in Canada. Two thousand more refugees will come to Canada over the next year from Burma's border, hundreds of them destined for Vancouver.

The protests here bring an odd mixture of grief and exuberance, anger and hope – a release, I suppose, for the frustration that we feel. It has been so many years now that the Burmese people have been asking for the world's help. Finally,

It has been so many years now that the Burmese people have been asking for the world's help. Finally, the world has heard them, but will real support be forthcoming?

the world has heard them, but will real support be forthcoming? When I started working on Burmese human rights issues in 1993, I thought that if the situation were just better known, something would be done about it. Now, few can claim ignorance

of the oppression of Burmese military rule. What is still needed is political will, to convince Russia and China to stop blocking Security Council resolutions on Burma, to convince Burma's generals that it is in their interest to talk. The next years will tell if the sacrifices the Burmese people have made will be supported with concrete action.

I recall once again my acquaintance at the tea-shop, and the last words she said before she

(Continued on page 10)

Women, Law and Development Centre, Nigeria, *continued*

women a sense of inclusivity in discussing the issues. Additionally, workshops were held in the six geo-political zones of Nigeria to popularize the content of the Declaration.

Concerned about the problem of structural organization facing some NGOs, the Centre embarked on a project in 1999 to assess the internal democracy operational within some NGO development partners. The assessment was based on a study of the structure, functions, constitution, membership, elections, meetings, bank accounts, sharing of privileges and policy formulation of these organisations. This project was implemented in collaboration with the John Hopkins University Population Communication Services, Centre for Development and Population Activities and BASICS (USAID). Many of the NGOs involved in the project used the indicators to restructure their operations, resulting in greater transparency and sustainability. This in turn inspired greater donor confidence in dealing with them. Also, WLDCN in partnership with other organizations formed the Coalition of Women Organizations for Representation and National Cohesion (WORNACO). Through advocacy and lobbying, the Coalition succeeded in getting many states of the Federation to pass bills against Female Genital Surgery.

WLDCN also works in collaboration with government Ministries and Agencies as well as international organizations for the empowerment of Nigerian women. The Centre, in collaboration with the Federal Ministry of

Works and Housing, organized a one-day National Workshop on Women and Housing in Nigeria with the primary objective of identifying and obtaining first hand information from a cross-section of Nigerian women on what they understand by their right to shelter and to encourage effective participation of women on the issues to be discussed at the Habitat II conference.

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According to the Executive Director of the Centre, the major findings of the Workshop were:

(1) That women were not on the agenda for national discourse on the provision of adequate shelter for the citizen.

(2) That women's shelter needs were different from those of men because they were more concerned with the health of the children and a conducive environment for their upbringing.

As a follow-up to these findings, WLDCN, at a Governmental Conference held in 1998, presented the Keynote address through its Executive Director on "Women and Housing in Nigeria" to make the findings publicly known to the participants, who included top Government functionaries.

Recently WLDCN commenced an outreach program to three local government areas of Lagos State concerning Advocacy on Violence against Women. The program identi-

(Continued on page 10)

Women, Law and Development Centre, Nigeria

continued

fied some conflict endemic areas and sought for participants from these areas through local leaders and traditional rulers as well as local governments. One of the findings of the program was a high prevalence of rape, with the victims unaware of how to deal with the incidents. In another area, there was a case of increasing violence against men by women arising from the tradition that requires a man to move to the woman's house on marriage. Based on these findings, the local government authorities in two of the locations established conflict management and counselling centres for proactive and pre-emptive counselling on violence.

WLDCN, like other women-focused NGOs in Nigeria, faces the problem of raising funds for its programs. It has overcome this problem largely through the support of donor agencies such as the Canada Fund for Civil Society of the Canadian High Commission, the Friedrich Ebert Foundation, and the John D. and Catherine T. MacArthur Foundation, as well as through developing local fundraising strategies. This has enabled the Center to make modest impacts within its community and beyond.

Check Out the **NEW** Feminist Legal Studies & Centre for Feminist Legal Studies Website!

<http://faculty.law.ubc.ca/cfls/>

Burma,
continued

shoed me back to my hotel, warning me that the MI followed people on the streets after dark. "Don't forget us when you go back. Remember everything you see. And tell your journalist friends to come see our country. You must tell everyone what is happening here."

Brenda Belak, Law III, worked for NGOs in Thailand on Burma's human rights and environmental issues from 1993 to 2001. She is a member of the Vancouver Burma Roundtable, which meets the second Tuesday of every month at the Unitarian Church (49th & Oak), a director of the Just Aid Foundation (<http://www.justaid.ca/>), and assists the Burma Monitor of Lawyer's Rights Watch Canada.

To find out about current campaign efforts for democracy in Burma, visit these links:

Canadian Friends of Burma: www.cfob.org

Canadian Campaign for a Free Burma: <http://www.canadiancampaignforfreeburma.org/>

or join the Facebook site: Support the Monks Protests in Burma

AIDS in Africa, *continued*

compensate for the lack of strong political will to mitigate HIV/AIDS, brave African women – most of whom are HIV infected themselves – are reaching out to others. Some even walk long distances and go door to door to impart prevention information and give invaluable emotional support.

Inaccessibility of medical treatments and prevention strategies for other sexually transmitted infections (STIs) increases the risk of HIV co-infection in the women. Burdened

with primary caregiving and farming responsibilities, women are unable to travel long distances to obtain healthcare and/or anti-retroviral therapy (if available) for their own HIV infection or to prevent mother-to-child-transmission (MTCT) during pregnancy. Sexual and reproductive healthcare for women is either unavailable or limited in many countries because reproductive issues such as abortion, sex, and STIs remain taboo subjects for many cultures and religions (Richard Horton, “Reviving Reproductive Health”, 368(9547) *The Lancet* (2006) at 1549). Overall, the worldwide hesitancy, neglect and fear to implement reproductive health rights for women into the public health curriculum of nation-states and international agencies limit constructive global leadership in public health at a time when women need it the most (Horton, *supra*).

While the list of factors that potentially increase vulnerability of African women to HIV infection is non-exhaustive, certain dangerous myths have done substantial harm to women. The

two most common myths regarding women in SSA are (i) women spread AIDS and (ii) having sex with a virgin cures AIDS (*AIDS Law Project (ALP)*, South Africa, online: www.alp.org.za accessed April 2006). While the second myth tragically

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leads to rape and subsequent infection of young women and small girls, the first views women – particularly sex workers – as the source or 'reservoir' of HIV infection but avoids the important question of how women were initially infected and ignores the man's role (Booth, *supra*; Cindy

Patton, “Last Served? Gendering the HIV Pandemic”, (New York: Taylor & Francis Inc., 1994), *ALP, supra*).

To say that HIV/AIDS has irreparably changed the lives of African women would be an understatement. At no other time in our history of combating infectious diseases has one gender been rendered so vulnerable by as malevolent a virus as HIV. To overcome women's rights' violations and meet women's healthcare needs in SSA requires the following: (1) increased recognition of and response to women's issues in SSA by regional governments, international policymakers, scientists and other healthcare workers, (2) establishing financially and socially accessible legal mechanisms for women to seek remedy for violations, and (3) enhanced collaborative dialogue and action amongst healthcare workers, lawmakers, grassroots organizations, health and funding institutions and national governments. The work to be done is tremendous, but the rewards will yield life itself.

Women and Constitutional Change, *continued*

In addition to section 28 of the Charter, women argued for the preamble to section 1 to be replaced with a statement of purpose guaranteeing equality, albeit unsuccessfully. Women also wanted reproductive rights to be included in section 7, something that the Supreme Court read in later in the *Morgentaler* decision. Women successfully sought to have section 15 reworded and named an “equality rights provision” creating positive obligations, rather than a “non-discrimination provision” creating negative obligations. Women unsuccessfully sought a removal of the moratorium on section 15, which put equality rights on hold between the enactment of the Charter in 1982 and 1985.

In conclusion, McPhedran stressed the need for research, advocacy, as well as selective, high-impact litigation on equality issues. The erosion of resources dedicated to gender equality in the courts and by the government is not only a “women’s issue,” but should be of concern to men and women alike. McPhedran also proposed a greater use of section 28 of the Charter. For example, while the Charter and the Human Rights Codes prohibit sex-based wage discrimination, the governments of Newfoundland and

Labrador were not held accountable for their contract-breaking in *Newfoundland (Treasury Board) v. N.A.P.E.*, [2004] 3 S.C.R. 381, a decision by the Supreme Court of Canada; the remedial power of section 24 was not used. According to McPhedran, section 15 equality rights and section 1 ideals are only achieved by requiring the governments to keep promises to people. We are therefore left to wonder whether the court would have reached a different conclusion in NAPE had section 28 been argued.

Every poll conducted in 2007 revealed a high level of support for the Charter from coast to coast. According to McPhedran, being “Charter babies” and law students is a privilege; but in order to turn the Charter rights on paper into lived rights, we have to be activist members of Canadian society. She concluded by quoting the Honourable Claire L’Heureux-Dubé, former justice of the Supreme Court of Canada, who stated: “My preferred focus is on how we can enable all judges, indeed all individuals in positions of authority and power, to make a difference and to ensure that the law responds not only to the needs of those whose interests it has traditionally served, but to those of all members of society.”

Law Students for Choice and UBC Law Women’s Caucus Remarkable Woman Award

To be awarded to a woman student who is known for her cooperative and collaborative nature and general positive attitude. The award is not based on academic merit, rather, it is to be provided to a woman student who has selflessly offered to help, support and encourage others on a number of occasions, thereby contributing to a feeling of cooperation and goodwill among in the Faculty of Law and/or the greater community.

Nominate yourself or someone else. Letters of nomination should be 1-2 pages long. Please also include the applicant’s CV. Letters of recommendation are optional.

Deadline for applications is Monday, March 31st, 2008. Please send your application to both: lsfc_ubc@yahoo.ca AND ubcwomenscaucus@yahoo.ca



I ♥ HENRY

Congratulations to All-Female Wilson Moot Winners!

Congratulations to Brenda Belak, Stephanie Gutierrez, Leneigh Johnston, Jennifer O'Leary and Aileen Smith, winners of the 2008 Wilson Moot competition held in Toronto. The UBC student team finished first in the preliminary round, and defeated the University of Windsor in the final. The bench for the final was comprised of Justice Marshall Rothstein of the Supreme Court of Canada, Justice Kathy Feldman of the Ontario Court of Appeal and federal Deputy Minister of Health (and former Deputy Minister of Justice) Morris Rosenberg.

The Wilson Moot was established in 1992 to honour the outstanding contribution to Canadian law made by Madam Justice Bertha Wilson, who served on the Supreme Court of Canada from 1982 until 1990, and who died in April 2007 at the age of 84. The spirit of this moot is to promote justice for those traditionally disempowered within the legal system, and, in particular, to explore legal issues concerning women and minorities.

West Coast LEAF Equality Breakfast 2008:

Dr. Shirin Ebadi

By Rachael Manion, Law II

"To disregard women and bar them from active participation in political, social, economic and cultural life would in fact be tantamount to depriving the entire population of every society of half its capability."

-Dr Shirin Ebadi

West Coast LEAF celebrated its 21st annual Equality Breakfast with the inspiration of Dr Shirin Ebadi, Nobel Peace Prize Laureate of 2003. Dr Ebadi has been actively involved in promoting a more humane interpretation of Islamic law and spoke about how Islamic law can be interpreted to respect and cultivate human dignity; in particular, the equality of men and women.

Dr Ebadi maintains that Islam is not the source of women's oppression in Islamic countries. This view has been articulated by other women scholars of Islamic law, such as Dr Asifa Quraishi, who spoke at the Centre for Feminist Legal Studies Lecture Series earlier this year. This

view of Islamic law underscores the power of interpretation; Islamic law, like all other laws, is subject to different interpretations. Dr Ebadi suggests that more oppressive interpretations are not a direct result of Islamic texts, but the result of these interpretations being made in a patriarchal culture. She advocates that until the implications of a patriarchal society are addressed, Islamic law will still be interpreted in a way that does not encourage women's full participation in society.

In order to effectively address the effects of patriarchal interpretation, Dr Ebadi encouraged everyone present to promote women's equality by supporting women's equality movements. The focus of the international community should be on the positive work that is being done by advocates of women's rights within Islam and respecting the work that is being done to further women's equality. In her words, "You can't drop democracy on people like cluster bombs."

Auriol Young Memorial Award in Law



The **Auriol Gurner YOUNG Memorial Award in Law** is generously endowed in memory of Auriol Gurner Young for students in the LL.B. Program who have made significant contributions to feminism and the law, for instance through academic achievement, volunteer work, community activism, or work with a feminist organization.

This \$3000 award honours the memory of Auriol Gurner Young, who died in 2005 after a lengthy and determined struggle with cancer. She was a remarkable woman with a lifelong love of learning and a great intellectual curiosity. In her 50's, Auriol started her university education, graduating with first class honours in 1983. She loved life, people and ideas.

Nominations or applications for the award must be submitted to Professor Susan Boyd, Chair in Feminist Legal Studies, by **March 31, 2008**. You can submit via email to boyd@law.ubc.ca or in hard copy to the Fishbowl. Please provide a letter explaining the candidate's contributions to feminism and law and attach the candidate's resume.

Marlee G. Kline Essay Prize



The Centre for Feminist Legal Studies will award a \$250 prize to the best essay written by an LL.B. student attending UBC during the 2005-2006 academic year, addressing the themes identified in the above quotation in relation to a topic dealing with law or legal regulation. The prize is offered in the name of Marlee Kline, a feminist U.B.C. law professor who died in November 2001. The essay should be written for a U.B.C. course, seminar, or directed research project and must incorporate feminist research and analysis.

Length: The essay shall be between 4000 and 10,000 words, and shall be typewritten and double-spaced, using 12 point font.

Selection: The submissions will be reviewed by a committee consisting of feminist law professors and students.

Submission: Students should send essay submissions to Professor Susan Boyd, Director of the Centre for Feminist Legal Studies, Faculty of Law, University of British Columbia, 1822 East Mall, Vancouver, B.C. V6T 1Z1.

DEADLINE: May 6, 2008

“The various intersections between gender, race, class, sexual orientation, and other differentiating characteristics, affect *how* and *when* all women experience sexism.”

(Marlee Kline, 1989)

CFLS 2008 SPRING LECTURE SERIES

Lectures are held each Wednesday from 12:30-1:30 in Curtis Room 157

barbara findlay, Q.C.	<i><u>Co-sponsored with Outlaws</u></i> Through the Looking Glass Queerly – Perspectives of a Queer Lawyer	January 9, 2008
June McCue Assistant Professor, UBC Faculty of Law	<i><u>Co-sponsored with FNLSA</u></i> Twenty Five Years of Charter Litigation: the Impact on First Nations	January 16, 2008
Fiona Kelly Assistant Professor, UBC Faculty of Law	<i><u>Co-sponsored with Outlaws</u></i> Transforming Law's Family: The Legal Recognition of Planned Lesbian Motherhood	January 23, 2008
Dr. Asifa Quraishi Assistant Professor, University of Wisconsin Law School	<i><u>Co-sponsored with CAWGS</u></i> Western Advocacy for Muslim Women: It's Not Just the Thought that Counts	January 30, 2008
Van Le, Vancouver Rape Relief and Women's Shelter	Violence Against Women From A Feminist Anti-Violence Perspective	February 6, 2008
Valerie Oosterveld Assistant Professor, Faculty of Law, University of Western Ontario	<i><u>Co-sponsored with International Law Association</u></i> Making Gender Matter in International Criminal Justice	February 13, 2008
Zara Suleman Director, Family Law Project, West Coast LEAF	Families, Law Reform and Women	February 27, 2008
Audrey Macklin Associate Professor, Faculty of Law, University of Toronto	Particularized Citizenship and its Perils	March 5, 2008
Susan Boyd and Janine Benedet, Professors, UBC Faculty of Law	Looking Forward: The Contributions of Madam Justice Bertha Wilson	March 12, 2008
Elaine Craig, JSD Candidate, Dalhousie Law School	Laws of Desire: The Political Morality of Public Sex	March 19, 2008
UBC Feminist Faculty	SCC Round-Up: Annual Review of Feminist Jurisprudence	March 26, 2008

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**We want to acknowledge
the Musqueam people,
whose traditional
territory we are on, and
thank them for allowing
us to be here.**

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