

# LawFemme

## The Newsletter of the CFLS

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Check out our website at <http://faculty.law.ubc.ca/cfls>

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## Including Women's Experiences in Policy-Making: West Coast LEAF's Gender-Based Analysis Project Dia Montgomery, Law III

Since the famous "Persons" case,<sup>(1)</sup> women have worked hard to achieve representation in Parliament. However, the increase in women's participation in policy-making over the decades has not resulted in an equal distribution of influence between genders. Because of this, much of the legislation parsed and passed through the different layers of government fails to fully consider its potential impact on women's lives.

Gender-based analysis is a tool for assessing how different government policy proposals might affect women differently than they do men. In 1995, the federal government made a commitment to implement gender-based analysis throughout all its departments and agencies. However, as of this writing, there is no government-wide policy in place requiring all departments and agencies to engage in "gender auditing" of their proposed legislation. Although some agencies, such as Indian and Northern Affairs Canada, have implemented a gender-based analysis framework, many have no such agenda.

In the summer of 2009, West Coast LEAF began investigating this lack of framework. West Coast LEAF has resolved to come up with its own gender-based analysis to instruct legislators. Using the "Beijing Platform for Action"<sup>(2)</sup> as an empowerment guide, West Coast LEAF examines how women's experiences in Canadian society differ from men's.

Women's unique experiences, economically and in terms of cultural and family status, reflect differences that must be addressed by legislators in order for women to achieve true equality in Canada.

Using a step-by-step approach through various societal factors, West Coast LEAF's efforts will culminate in a set of recommendations that will guide legislators in "mainstreaming" women's experiences in a given setting. For example, how does panhandling legislation affect homeless women? Are their concerns the same as their male counterparts? Are there additional concerns for their physical safety and welfare? In order to truly have a representative society, women's experiences must be analyzed as a whole, from childhood expectations to the challenges they face in old age, from the cities to the rural areas.

Links:

1. International Labour Office: A Manual For Gender Auditing Facilitators:

<http://www.ilo.org/dyn/gender/docs/RES/536/F932374742/web%20gender%20manual.pdf>

2. Beijing Platform for Action:

<http://www1.umn.edu/humanrts/instree/e5dplw.htm>

(1) *Edwards v. Canada* (Attorney General), [1930] A.C. 124.

(2) The Beijing Platform For Action outlines various areas of society in which women's experiences can vary from men's.

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# A Student's Perspective on the Summer Internship with PIVOT Legal Society

Jodie Gauthier, Law III

This summer I had the opportunity to intern at Pivot Legal Society ("PIVOT"), an organization that emerged in 2000 to respond to legal issues being experienced by community members in Vancouver's Downtown Eastside ("DTES"). PIVOT's motto is "equality lifts everyone," and its mandate is to take a strategic approach to social change by using the law to address the root causes that undermine the quality of life of those most on the margins. PIVOT's first major action in the DTES was challenging abuses and rights violations by the Vancouver Police Department, and since then it has expanded its campaigns to respond to issues such as housing, sex work, child welfare and health. Campaigns generally start with affidavit campaigns to gain insight into the experiences of people in the community, and then work to respond to these experiences by publishing reports, engaging in legal challenges and organizing media campaigns.

While at PIVOT I worked with the child welfare campaign, and also with the Jane Doe Legal Network (which works to help women who have experienced violence to meet their legal needs). My major project with the child welfare campaign was to work with social work interns to develop a court monitoring program of child protection cases. For two months this summer I attended family court list days to observe the hearing of child protection matters, and was surprised by how quickly matters were heard and decided, how little input and information parents had, and how chaotic everything was. Watching parents try to navigate the system has also given me a greater appreciation of how confusing and disempowering the experience of appearing in court can be. The campaign will be continuing the court monitoring program in the fall. We have also started a review of models of

restorative justice practice in child welfare in hopes of proposing ways that the current system can be reformed. A more responsive system could better address the needs of children and also be more empowering for families and communities.

While a lot of my work this summer was focused on legal reform, I was also able to assist lawyers with work for individual clients. As a non-profit society PIVOT has traditionally relied on outside funders to support its work, but in 2006 the organization founded PIVOT Legal LLP, a for-profit law firm whose profits go towards the work of the society. The resulting mix of critical legal research and activism and the traditional provision of legal services make PIVOT an ideal place to engage with social issues while also gaining important legal skills. Often the files I worked on with PIVOT's lawyers dealt with the same issues I was looking at in my research, which greatly enhanced my understanding of the law and its impact on the lives of individual people.

My experience with PIVOT this summer has been enlightening, challenging, inspiring and humbling. It has been a privilege to work with a group of people who are committed to fighting for justice in a place where justice is rarely experienced, and to work in a close-knit and richly diverse community with an incredible history of activism. In the end the internship reminded me of why I entered the study of law in the first place, and left me convinced that through the law social change is possible.

To learn more about PIVOT Legal Society please visit:  
<http://www.pivotlegal.org/index.htm>

**PIVOT**

equality lifts everyone

## Visiting Scholar Q&A with Belinda Smith

### Senior Lecturer, Sydney Law School, University of Sydney

**Q:** What have you focused on in your previous research? How is this connected to the research you plan to do while visiting UBC Law?

**BS:** The focus of my research is inequality, primarily in respect of gender and paid work, and the use of law to address inequality. The questions I have been asking revolve around what role the state can play in regulating work and the labour market to address inequality with respect to gender and specifically workers with family responsibilities. I am particularly interested in exploring the value of regulatory theories to analyse the development of legal regimes, such as anti-discrimination laws.

Having examined Australian legislative efforts to promote equality, I have more recently turned to consider alternative models from other jurisdictions such as Canada and the United Kingdom. Canada has led the way in designing legal rights to substantive equality, while Australia has lagged behind. There is a renewed interest in reforming Australian human rights laws and the Canadian laws may offer many lessons.

**Q:** Why did you choose to visit to UBC Law through the CFLS visiting scholars program? What do you hope this



visit will contribute to your present research?

**BS:** I knew that the best way to find out about the reality of Canada's gender equality laws was to talk to equality scholars and have the opportunity to test my ideas as they developed throughout the visit. The CFLS visiting scholars program, from all accounts, seemed to be an excellent way to connect with such scholars, at UBC and further afield.

I also wanted to be based in a nice place which my family would enjoy and Vancouver has a great reputation for being a very livable city.

**Q:** What is your favourite part about your visit to UBC Law and/or Vancouver so far?

**BS:** I have been very warmly and generously welcomed by the few UBC faculty I have already met, and look forward to meeting more once semester starts. And Vancouver is certainly living up to its reputation - we've been enjoying the gorgeous weather, swimming, biking, hiking, picnicking, and eating lots of berries (which we don't really have at home). We're living in Strathcona - a house swap that has - been perfect - and enjoying getting to know the neighbourhood.

## Summer Working with the “We Can” BC Campaign

### Virginia Sarazin, Law II

This past summer I was given the opportunity to participate in something really awesome.

I started to look for a law-related summer job well before the end of spring term. As I am the type of person who doesn't like surprises or being unprepared, I tried to have my summer employment secured before the stress of exams. This unfortunately, didn't happen.

I found myself much unprepared for the tough and competitive student summer job market that I came to face. By the time school was finished for the summer I wasn't any closer to employment than I was a couple months before. After countless hours of searching through employment websites for an employment opportunity that would also provide something for me to take away, I was intrigued when I saw

the student summer job postings for the “We Can” BC campaign on the UBC Law Career Services website. I looked into the campaign further and became eager not only to apply for the summer job, but also to become involved with the campaign on a long-term basis. Immediately I applied for the job of Campaign Assistant for the “We Can” BC campaign. To my surprise I was given an interview and I got the job!

“We Can” BC campaign is short for “We Can End All Violence against Women” BC campaign. It is an alliance of people and organizations in British Columbia who are committed to help end the customs, attitudes and behaviours that perpetuate violence against women. The aim of the campaign is to trigger a person-to-person chain reaction on a scale that can generate a social movement to help end violence against women in BC. The

*(Continued on page 7)*



## Position Available

The Centre for Feminist Legal Studies invites applications from law students to take over the position of Centre Student Coordinator during the 2009-10 academic year. The position is for 5 to 10 hours of work per week, under the supervision of the Director of the Centre. It would likely commence in November 2009, to provide a transition period with the current Coordinator, but the start date is negotiable.

**Duties include:**

Assisting the Director in the running of the Centre and building the resource library;

Helping to organize the speaker series and other events;

Publicizing the Centre's activities in the student body and in the community;

Organizing student volunteers for the Centre;

Liaising with Women's Caucus and other student groups;

Helping to answer queries about the Centre's activities;

Updating the website; and

Conducting occasional research for the Centre or the Director.

Preference will be given to applicants with a strong **background** in feminist knowledge and/or activism, **excellent** organizational and interpersonal skills, prior **involvement** in the Centre, a **willingness** to facilitate a relationship between feminist legal studies in the university and feminist law workers in the community, and a **commitment** to enhancing feminist legal studies and research. Applications from first year as well as upper year students are welcomed.

**Please submit your applications to:** Professor Susan B. Boyd, Director, Chair in Feminist Legal Studies  
[boyd@law.ubc.ca](mailto:boyd@law.ubc.ca)

**Deadline:** September 30, 2009

**Necessary Information:**

Please include your resumé, grades, and a cover letter explaining your background and interests and why this position appeals to you. Also, indicate whether you would be available for work during summer 2010. If you have any questions, please do not hesitate to contact the current coordinator at [cfls@law.ubc.ca](mailto:cfls@law.ubc.ca).

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

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

# Climate Justice in New Delhi: One Law Student's Summer Experience with Poverty, Global Environmental Crisis and Social Change

Jacqui Kotyk, Law III

Having just returned from 11 weeks of working in the slums of New Delhi, it is difficult for me to even begin describing all that I experienced in the summer of 2009. I will likely be processing and gaining new insights on my time in India for the rest of my life.

While in New Delhi, I worked with a grassroots NGO called Chintan Environmental Research and Action Group. Chintan works to improve the lives of wastepickers, the thousands of urban poor - women, men and children - who gain a livelihood by scavenging through trash and picking out recyclables. These recyclables are then sold to recycling dealers and processing centres and eventually make their way up the waste chain to manufacturers. Thus, wastepickers are the backbone of a highly effective informal waste economy. Indeed, India has one of the highest rates of recycling in the world and wastepickers save municipalities 600,00 rupees a day by collecting recyclables for free.

Not only are wastepickers saving India money, they are also providing the world with vital environmental services. By recycling waste, wastepickers are mitigating greenhouse gas emissions and helping in the fight against climate change. Wastepickers reduce greenhouse gas emissions by removing organic materials such as paper out of the landfill that would otherwise emit methane during anaerobic decomposition. In addition, by recycling, wastepickers reduce the need for raw materials, which would lead to greenhouse gas emissions during resource extraction, transport and manufacturing. For example, one study completed by a colleague of mine this summer shows that the work of wastepickers already accounts for an estimated net GHG reduction of 962,133 (TCO<sub>2e</sub>) each year in Delhi. This equates to removing 176,215 passenger vehicles from the roads annually or providing electricity to 133,444 homes for one year.

Yet, wastepickers are some of the most marginalized people in Indian society, often living in illegal slum settlements that have no clean water, limited drainage for sewage, and are constantly facing the threat of demolition. In addition, wastepickers do not have access to healthcare, are asked for bribes by the waste mafia to continue collecting recyclables in certain areas, and are commonly the objects of police

brutality as police are suspicious of wastepickers "stealing" recyclable material.

Chintan operates a variety of programs to improve the lives of wastepickers, including: an education program for the children of wastepickers or children who survive through wastepicking, a recycling centre, workers' collectives, and an organized waste collection service in a variety of municipalities in New Delhi.

While at Chintan, I worked on a climate justice campaign, ultimately seeking to raise the climate change profile of wastepickers and to link the greenhouse gas mitigation work of wastepickers to financing through the clean development mechanism of the Kyoto Protocol, or the new incarnation of this agreement, set to be negotiated at Cop 15 in Copenhagen this coming December. I was also working with one of Chintan's American partner organizations, the Advocacy Project that provided me with camera equipment and a blog space to tell the story of the work I was doing this summer at Chintan.

I learned so much from my experience at Chintan and took in the sights, smells, and viruses associated with dire poverty while I was there. More than just intellectually, I came away with a physical and emotional perspective that I am still trying to digest and cope with upon my return to Vancouver. In addition to getting quite ill while in India, as a woman, particularly a foreign woman, I was very unsafe in Delhi and at high risk of assault. I also did not speak the language of the people I was working with and often needed an interpreter, which was very stressful and also put me into unsafe positions at times.

While I know my perspective on my time in India will continue to evolve I currently have two learning outcomes that I am happy to share.

1) I am more panicked about climate change than ever. I now have a better understanding of the mindblowing vulnerability of millions of people living in poverty in

*(Continued on page 7)*

## 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 50s, 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 **April 2, 2010**. You can submit via email to [boyd@law.ubc.ca](mailto: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. A committee will adjudicate the award.

## 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 2008-2009 academic year, addressing the themes identified in the side 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 type-written 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. [boyd@law.ubc.ca](mailto:boyd@law.ubc.ca)

**DEADLINE:** May 7, 2010

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

(Marlee Kline, 1989)

## Climate Justice *continued...*

“developing” countries like India. In Delhi alone, morbidity rises by 4% with every one degree of temperature increase. This statistic on morbidity will only be made worse by the other impacts of climate change predicted for India such as: water scarcity, more frequent extreme weather events, an increase in potential breeding grounds for life threatening bacteria and mosquitoes carrying malaria and dengue, and sea level rise which is expected to create 60 million climate refugees in Bangladesh and Calcutta alone. People living in poverty in New Delhi, including the wastepickers I was working with this summer, do not have the privilege of being able to cope with these kind of climate changes; they will die. Coming home to Canada, one of the world’s worst emitters, and the G8 country doing the least to curb climate change has been a difficult transition to say the least. Please visit David Suzuki’s website and take the Nature Challenge today to curb your individual emissions.

2) I am more excited than ever to become a lawyer. I now have a much better understanding of the importance of professionals working to build a stable and regulated economy, to protect people from state oppression, to assist

those in need in navigating what can be a complex and terrifying system, and to push governments and society to re-think the kind of societal organization that is possible. While the difficulty with which law is navigated creates a potentially dangerous power imbalance between lawyer and client, this is all the more reason for compassionate and ethical people to take up the profession. My experience in India has also opened my eyes to the type of work that is possible whether as a law student or professional. I now understand that a career in law can lead to endless opportunities.

My second take away from India is fortuitously timed as I arrived back to Vancouver one day before beginning my third year of law school. I will be happy to continue discussing my time in Delhi throughout the year as I am sure I will gain new insights into what has been a transformative experience. Ultimately, I am very grateful for my time in India. Of course, I did not embark on this journey without help. As such, I would like to thank Dr. Natasha Affolder for inspiring and enabling this journey and UBC PhD. candidate Pooja Parmar for supporting me along the way.

## “We Can” Campaign *continued...*

“We Can” campaign does a variety of things in many communities to help promote the goals and objectives of the campaign on a wide reaching basis.

I was privileged to be involved in a large part of the campaign activities during the summer. The things I did as Campaign Assistant included everything from administrative tasks to planning and facilitating events. The most rewarding aspect of the job was delivering a “We Can” workshop to high school students. Helping to educate the public, especially youth, about the aspects and severity of violence against women globally and also here in BC and what one can do about it with the campaign, was a very empowering and meaningful experience.

I was also given the opportunity to run with ideas that I had for the campaign, its activities and promotion. The confidence that the members of the campaign had

in me and my abilities in furthering the campaign was incredible, and was very encouraging.

When the summer began I had no idea that I would become involved with something so important and profound. I am very thankful that I was so diligent in looking for a summer job that also had something to offer to me. Although I started out looking for a ‘law-related’ summer job, my search fortunately directed me to something that is just as important to me, the pursuit of equality for women through trying to end the customs, attitudes and behaviours that perpetuate violence against women. My summer employment experience introduced me to an amazing campaign and an experience that will benefit me in my future career, even though it was not ‘law-related’. I believe in the “We Can” BC campaign and I will continue to be involved as a personal ‘change maker’ registered with the campaign and ultimately be part of a great social movement campaign to help end violence against women.

**Centre for Feminist Legal Studies**  
Invites you to our  
**OPEN HOUSE**  
Tuesday, September 15th  
from 12:30-2:00 pm



**COME FOR FOOD, FUN, AND DISCUSSION**  
**MEET OUR DIRECTOR, PROFESSOR SUSAN BOYD**

**Located in Room 219, Mary Bollert Hall across North West Marine Drive from University Centre and the Chan Centre**



**The Centre for Feminist Legal Studies is a great place for students to study, discuss classes and social issues, and to relax outside of the law school!**  
**During the year, feel free to drop by - we've got a fantastic space equipped with study tables, a computer, wireless internet, and kitchen facilities.**

The Centre for Feminist Legal Studies is a research centre at the Faculty of Law. It was established in 1997 under the Director, Professor Susan B. Boyd (Chair in Feminist Legal Studies).

The purpose of the Centre is to enhance the visibility of feminist legal studies at UBC and to strengthen co-operation in research and teaching between scholars working in the Faculty of Law, and in different academic and community settings beyond.

Check out our website for hours and events at: <http://faculty.law.ubc.ca/cfls>



## CFLS 2009 FALL LECTURE SERIES

Lectures are held each Tuesday from 12:30-1:30 in Room 174, UCLL

<b>CFLS Open House</b>	<b>Join us for light refreshments and meet our Director!</b>	September 15, 2009
<b>Louisa C. Russell</b> Vancouver Rape Relief and Women's Shelter	<b>"Policing Male Violence Against Women"</b>	September 22, 2009
<b>Belinda Smith</b> Senior Lecturer, UBC Faculty of Law	<b>"Canadian and Australian anti-discrimination laws – a contrast in judicial roles "</b>	September 29, 2009
<b>Val Napoleon</b> Assistant Professor, Faculty of Law, University of Alberta	<b>"Thinking about Indigenous Legal Feminist Theory "</b>	October 6, 2009
<b>Patricia Cochran</b> PhD Candidate, Faculty of Law, UBC	<b>"Challenging the Ways a 'Picture is Held Captive': Language, Context and Feminism in Theoretical Re- search Methodologies for Legal Studies"</b>	October 13, 2009
<b>Becky Batagol</b> Lecturer, Faculty of Law, Monash University	<b>"The Family Law Professional and Family Mediation in Australia: Why Women Especially Need Their Lawyers"</b>	October 20, 2009
<b>Naomi Minwalla,</b> Barrister & Solicitor Naomi Minwalla Law Corpora- tion <b>with Pattie Ramirez,</b> Successful Refugee Claimant <b>&amp; Mariam Moussavian,</b> Interpreter	<b>"Challenges &amp; Triumphs for Female Refugee Claim- ants in Canada"</b>	October 27, 2009
<b>Katrina Pacey</b> Lawyer, PIVOT Legal Society	<b>"A Case Study of the Challenges of Social Justice Lawyering: Litigating Sex Workers' Rights"</b>	November 3, 2009
<b>Shelagh Day</b> Community Organizer, Legal Researcher	<b>TBA</b>	November 10, 2009
<b>Annabel Webb</b> Justice for Girls	<b>Justice for Girls International Initiative</b>	November 17, 2009
UBC Feminist Faculty and Upper Year Students	<b>Exam Tips</b>	November 24, 2009

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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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## BECOME A "FRIEND OF THE CENTRE"

You may become an annual Friend of the Centre for \$25, which entitles you to notices of Centre events and programs, a one year subscription to our Newsletter *LawFemme* and access to the resource centre and library.

Further donations are welcome, and we will send you a tax receipt. Please fill out the form below and forward it to the Centre.

Thank you very much for your support!!

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