

# LawFemme: CFLS News

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IN THIS ISSUE		<b>International Women's Rights: Ten Years After Beijing—Where are We Now?</b> By: Kerry Lynn Okita, Law II	
International Women's Rights: Ten Years After Beijing -	1,2-3	<p>A decade ago at the fourth United Nations World Conference on Women, one hundred and eighty-nine member states agreed to the Beijing Declaration and the Platform for Action. This event was heralded worldwide as an international recognition that women's rights are human rights and that all governments are obligated to maintain equality. The following is a brief account of where we started ten years ago and where we are now, both in Canada and internationally.</p> <p><b><i>The 1995 Beijing Declaration and the Beijing Platform for Action</i></b> committed all states "to advance the goals of equality, development and peace for all women everywhere in the interest of all human kind." The agreements affirmed that the human rights of women are an inalienable, integral and indivisible part of universal human rights and obligated states to promote and protect the enjoyment of these rights. Member states also agreed to twelve priority areas requiring "strategic action" for achieving gender equality (Article 46):</p> <ol style="list-style-type: none"><li>1. The persistent and increasing burden of poverty on women;</li><li>2. Inequalities and inadequacies in and unequal access to education and training;</li><li>3. Inequalities and inadequacies in</li></ol> <p>and unequal access to health care and related services;</p> <ol style="list-style-type: none"><li>4. Violence against women;</li><li>5. The effects of armed or other kinds of conflict on women, including those living under foreign occupation;</li><li>6. Inequality in economic structures and policies, in all forms of productive activities and in access to resources;</li><li>7. Inequality between men and women in the sharing of power and decision-making at all levels;</li><li>8. Insufficient mechanisms at all levels to promote the advancement of women;</li><li>9. Lack of respect for and inadequate promotion and protection of the human rights of women;</li><li>10. Stereotyping of women and inequality in women's access to and participation in all communication systems, especially in the media;</li><li>11. Gender inequalities in the management of natural resources and in the safeguarding of the environment; and</li><li>12. Persistent discrimination against and violation of the rights of the girl child.</li></ol> <p><b><i>Beijing+5</i></b> took place in 2000 and included several sessions and meetings to review the progress and achievements as well as the remaining</p>	
CFLS Welcomes Natasha Affolder	4-5		
The 28th Annual Women and the Law Dinner	5		
Friday Afternoon in Prison: Women's Experiences in the Correctional System	6-8		
Remembering Marlee Kline: Special Edition of CJWL	8		
20 Years (In)Equality: NAWL / West Coast LEAF Conference	9		
Feminist (Re)Strategizing in the Neo-Conservative Era	10-11		
CFLS News	11		

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## THE SITUATION OF WOMEN IN CANADA 10 YEARS AFTER BEIJING

*Between 1993 and 2002, women were four times more likely than men to be killed by their spouse;*

*The spousal homicide rate for Aboriginal women is more than eight times the rate for non-Aboriginal women and Aboriginal women are three times more likely to report having been assaulted by a current or former spouse;*

*10.1% of women overall, 20% of unattached older women, 35% of female lone parents, and 39% of children in female lone parent families are below the poverty line in Canada;*

*The ratio of women's to men's earnings for those aged 18-64 was 58% in 2002, up from 54% in 1997;*

*In 2004, women made up almost half of Canada's paid labour force at 47%. Among women 25-44 years of age, 82.3% participated in the labour force;*

*In 2003, 70% of employed women were working in traditionally female-dominated occupations such as teaching, nursing, clerical work or sales, down from 74% in 1987;*

*77% of women over 25 years of age had high school or higher education in 2003, 31% held a post-secondary diploma or certificate, and 19% held a university degree (compared to 78%, 32% and 21% for men 25 years of age or older);*

*7.8% of Aboriginal women living off-reserve had a university degree compared to 5.0% living on-reserve in 2001;*

*In 2004, women made up 21.1% of members of Parliament and 35.8% of members of the Senate of Canada;*

*In 2004, women made up 14% of the population who were HIV positive. Young women 15-19 years of age represented approximately 40% of those newly diagnosed with HIV;*

*61% of sexual offences reported to police in 2002 involved children and youth under 18 years old; approximately 85% of these victims were girls.*

From Status of Women Canada, Beijing +10 Fact Sheets: [http://www.swccfc.gc.ca/pubs/b10\\_factsheets/factsheets\\_e.html](http://www.swccfc.gc.ca/pubs/b10_factsheets/factsheets_e.html)

challenges to full implementation of the Beijing Declaration and Platform for Action. In June, the UN General Assembly convened the twenty-third Special Session and adopted their outcome document, **Women 2000: Gender Equality, Development and Peace for the Twenty-First Century**. In September, at the UN Millennium Summit, one hundred and ninety-one states affirmed their commitment "to promote gender equality and the empowerment of women as effective ways to combat poverty, hunger and disease and to stimulate development that is truly sustainable."

**2005** marks not only the ten year anniversary of the Beijing Declaration and Platform, but also the thirty year anniversary of the First World Conference on Women, which took place in Mexico in 1975. Over this time, there have been several noteworthy achievements in women's rights including the increased number of governments which have ratified the Convention on the Elimination of Discrimination Against Women (CEDAW) (currently at 179 countries up from 149 in 1995) and the 2000 adoption of the CEDAW Optional Protocol enabling women to file complaints directly with the Committee on the Elimination of Discrimination Against Women, which has been ratified by 171 countries.

### **Beijing +10: Where are We Now?**

Officially, the Beijing +10 meeting took place at the forty-ninth session of the UN Commission of the Status of Women (UNCSW) convened from February 28<sup>th</sup> until March 11<sup>th</sup>. Over eighty Ministers, 1800 government delegates from one hundred and sixty-five member states, seven first ladies and more than 2600 non-governmental representatives met in New York to review the implementation of gender equality commitments and discuss the enduring obstacles limiting the advancement of women's rights. Focusing on national-level implementation, one of the main objectives of the meeting was to share experiences and practices as well as to develop more effective strategies for addressing current challenges and set backs. Discussions resulted in several recommendations, such as: appointing high-level commissioners on gender issues; establishing inter-departmental taskforces; organising women's caucuses; upgrading state collection and analysis of the impact of economic policies on women; and further campaigns to encourage women's

participation in decision making.

The two week meeting concluded with governments reaffirming their commitment to achieving gender equality and facilitating the advancement of women's rights. Chairperson of the Commission on the Status of Women, Kyung-wha Kang stated:

I am extremely pleased and grateful for the spirit of co-operation that all delegates have shown throughout the past two weeks as we tried to arrive at agreement on this concise and powerful declaration. The declaration is an unqualified and unconditional reaffirmation of the Beijing Declaration and Platform for Action and a pledge of further action for full and accelerated implementation of Beijing.... The delegates returning home, including the many ministers who have stayed throughout the week for the adoption of the Declaration, will be able to take this positive reaffirmation back to their constituencies and celebrate International Women's Day.

The actual results of the 2005 meeting, while both hopeful and symbolic, will have to be assessed over time. State initiatives and implementations can only be tested with regard to their efficiency and actual effect on women both nationally and worldwide. And as the past decade has illustrated, the full realisation of women's rights is fraught with barriers. If nothing else, however, the Beijing +10 conference confirms that the women's movement remains strong. As stated during the session by Louise Arbour, UN High Commissioner for Human Rights:

The women's movement has inspired an appropriate normative framework for the articulation of women's rights and for a broader understanding of the true demands of substantive equality and non-discrimination. It must now lead in the struggle for implementation and enforcement. It must do so in the face of indifference and outright hostility. But every success, however modest, will benefit all rights holders – women, children and men alike – because it is the fight for inclusion.

The 1995 Beijing Declaration and Platform for Action can be found at:  
<http://www.un.org/womenwatch/daw/beijing/platform/index.html>

Women 2000: Gender Equality, Development and Peace for the Twenty-First Century can be found at:  
<http://ceb.unsystem.org/documents/joint.statements/0046854e.pdf>

The Convention on Elimination of all Forms of Discrimination Against Women can be found at: <http://www.un.org/womenwatch/daw/cedaw/>

Full text of Louise Arbour's statements during the 49th Commission on the Status of Women Session can be found at:  
<http://www.un.org/womenwatch/daw/Review/english/statements.htm>

Information on the United Nations Commission on the Status of Women can be found at:  
<http://www.un.org/womenwatch/daw/csw/>

### **THE SITUATION OF WOMEN AROUND THE WORLD TEN YEARS AFTER BEIJING**

*Algeria adopted its Family Code in 1984 restricting women's rights in marriage by providing for polygamy, mandating wife obedience, and restricting grounds for divorce for women;*

*Yemen's 1992 law explicitly provides that wives must be available to their husbands for sex and that they cannot leave the marital home without permission;*

*Laws in India, Malaysia and Tonga all explicitly exclude forced marital sex from their rape laws;*

*The penal code in Nigeria permits husbands to use physical violence to "chastise" their wives as long as it does not result in "grievous harm," which is defined as loss of sight, hearing, power of speech, facial disfigurement, or other life threatening injuries;*

*So-called crimes of "honour" are crimes whereby men can kill their wives with legal impunity in Haiti and Syria;*

*No woman can vote in Kuwait;*

*A Pakistani woman's word is worth half of a man's as evidence in a court of law and to prove that she has been raped, she has to have at least "four Muslim adult male witnesses...[to] give evidence as eye-witnesses of the act of penetration...;"*

*In Bolivia, "women and children under the age of 18 shall only work during the day, except in the fields of nursing, domestic service, and others which shall be determined"*

Adapted from Equality Now Report "Campaign to Eradicate Discriminatory Laws: 10 Years After the Beijing Conference on Women," which can be found at: [http://www.equalitynow.org/english/wan/beijing10/beijing10\\_en.html](http://www.equalitynow.org/english/wan/beijing10/beijing10_en.html)

## CFLS WELCOMES PROFESSOR NATASHA AFFOLDER

BY: EMMA MICHIENSEN, LAW II

On March 8, 2005, I found the perfect way to celebrate International Women's Day: I interviewed Natasha Affolder, a recent addition to the UBC Law faculty and a feminist legal scholar. The following is the interesting tale that brought Natasha to UBC.

### *Beginning in Edmonton...*

Natasha's legal career began with the LL.B. program at the University of Alberta in Edmonton. Returning from two years of an undergraduate degree in Dijon, France, she was eager to come back to her roots and her love of the Canadian wilderness. Originally from Jasper, Natasha loved the outdoors and planned to combine her interests in rock-climbing, skiing, and hiking with a stimulating law degree.

During her studies at the University of Alberta, Natasha began to focus on the areas of international law and feminist theory. With the help of her coursework and professors, she found an appreciation for the unique feminist perspective that enhanced her legal reading and research.

### *To England and beyond...*

After the completion of her LL.B., Natasha was awarded a Rhodes scholarship and moved to England for graduate work at Oxford University. Studying international arbitration, she made frequent trips to Paris to study at the international chamber of commerce. During this time, Natasha realized her desire to work for a non-governmental organization or intergovernmental institution. Fulfilling this aspiration, Natasha worked for the United Nations Environment Program legal office for a summer and also as an OXFAM representative at the Rome Statute negotiations creating the International Criminal Court. Natasha was especially suited for this position, bringing the unique perspective of a feminist with a background in development organizations.

### *Quick stop in Boston...*

Natasha then entered legal practice, working at a mid-sized law firm in Boston. She was involved with

several large projects, including land use planning, environmental law, and finance. While loving the experience the job provided, Natasha had a new priority to consider with the birth of her daughter. She also missed certain aspects of her previous academic positions; namely, flexible hours and the opportunity to monitor and discuss the progression of legal theory. With this in mind, she took a position at Harvard Business School, educating academics in the business sphere about the social and environmental impacts of large projects.

### *And finally to Vancouver...*

Natasha also enjoyed the opportunity at Harvard; however, she longed to return to Canada to be with her family. Natasha was offered a position at UBC, which, fortunately for her current students, she chose over a number of other attractive options. When asked about her decision, Natasha stated that "the University has amazing, first-class research, and a commitment to junior faculty that you don't have at other places." Intrigued that the law school was entering a new phase characterized by a new Dean and five new faculty members, Natasha arrived at the faculty last fall looking forward to taking advantage of some of the unique outdoor activities that Vancouver has to offer.

After all her amazing experiences, what are Natasha's thoughts on UBC Law and the Centre for Feminist Legal Studies? According to her, the Centre is "an incredible strength." She also believes that the law school provides an extremely valuable opportunity for law students to take many feminist courses. This view is reinforced by the fact that her early exposure to feminist perspectives greatly influenced how she approached her own areas of research, especially international and natural resource law.

And what was Natasha's message for International Women's Day 2005? "We should focus on individual women who have made important differences... women have amazing dreams about making the



Professor  
Natasha Affolder

world a radically better place... International Women's Day is a good time for everyone to get excited about that big-picture dreaming." She did, however, have some criticisms about how International Women's Day is celebrated in Canada and pointed out that, in some countries, people celebrate the occasion in a beautiful and meaningful way – they take the day off work and dance in the streets. Although she thinks Canada is a bit behind, she leaves it to others to take the initiative

and dance in the halls of the Curtis building!

We are very fortunate that Natasha has joined the UBC Faculty of Law and are excited at what the future will bring (dancing in the hallways included)!

*Natasha is currently teaching International Business Transactions and Topics in Environmental Law. In the 2005-2006 academic year she will teach the same two courses as well as Land Use Planning and Perspectives.*

## WOMEN'S CAUCUS' 28TH ANNUAL WOMEN AND THE LAW DINNER

BY: MAIA TSURUMI, LAW II

March 17th saw the usual drinkers lined up to get into the "Irish" pubs for St. Patrick's Day, but more importantly for those of us in the UBC Law Women's Caucus, it was also the 28th Annual Women and the Law Dinner! The Women's Caucus at UBC is composed of women law students who are committed to promoting the discussion of issues and barriers facing women in law with a view to supporting each other, initiating change, and enjoying ourselves while we do it. The Caucus' main focus is organizing the Women and the Law Dinner every March. The event brings together women students, faculty and practitioners for an evening of chatter, food and music, all topped off with a keynote speaker.

Our speaker this year was the spirited Sandra Jakab from the BC Securities Commission who gave a realistic yet inspiring as-

essment of the successes and challenges facing women in the legal profession. Sandra did this by drawing on Sue Monk Kidd's novel, *The Secret Life of Bees* and relating her observations about how women are changing their approach to feminizing their legal workplaces. She even managed to work in some lore about strong Irish women to honour March 17th as a celebratory night. Some of the exciting developments for B.C. women in law, led by women Sandra called "Queen bees," were also highlighted. However, Sandra also emphasized the equal importance of "worker bees" who lift more than their own weight and make 10 million trips for each pound of honey they produce. The message that I took from the night was that positive change takes an immense amount of work, but is nonetheless possible if we all keep working towards it together. We all need to sup-

port each other in our various successes and trials, be they at work or at home.

Many thanks to Noelle Mason, Chair of the Women's Caucus for being the driving force behind this year's dinner and organizing such a fun evening. Also thanks to the other members of the Caucus who were involved in making it all happen: Emma Michielsen, Kerry Lynn Okita, Audrey Chan, Tracy Knight, Meghan Maddigan, Heather Fischer and Agnes Huang.

We were pleased to see such a great turnout. Special thanks to Borden Ladner Gervais and Ratcliff & Company for their continued support of the event. The Caucus also greatly appreciated the generous contributions made by some of the guests to subsidize student tickets.

*To contact the UBC Law Women's Caucus, please e-mail:*

*ubcwomenscaucus@yahoo.ca.*

Sandra Jakab is Acting Manager for the Policy Branch of the Capital Markets Regulation division of the BC Securities Commission. She was called to the bar in Alberta in 1986 and in BC in 1989. She has worked as an equity and diversity management consultant, a policy analyst, corporate counsel, litigation counsel and legal services manager. Sandy is director of the Canadian Corporate Counsel Association, the CBA Financial Services Corporation and the Charleston Terrace Housing Co-operative. She is Secretary/Treasurer for the Women Lawyers Forum, a member of the National Standing Committee on Equity (CBA) and a mentor for a law student and woman lawyer. Sandy is also a single mom with two lively and active daughters. Last year, she was the deserving recipient of the CBA's Touchstone Award.

## Friday Afternoon in Prison: *Women's Experiences in the Correctional System* By: Madeleine Ani, Law II

As part of Professor Michael Jackson's seminar on Penal Policy, seven law students, including me, are collaborating on a project focusing on women in Canadian prisons. The intent of the project is to shed light on women's experience of the correctional system with regard to classification, programming (ie: education, childcare, aboriginal), and health services while investigating what lies behind the increasing number of women being sent to prison.

In order to speak with women prisoners and Corrections Canada employees, project contributors went to the Fraser Valley Institution (FVI) for Women on Friday, March 11. The following is my report on what we saw, heard, and felt while we were there.

### *The Prison*

FVI is a recently constructed collection of bungalow-style houses and administration buildings that look nothing like the old, cold jails we are used to seeing in movies. The women live together in housing units where they are responsible for overseeing daily household tasks. Except for the security personnel and chicken wire rolled atop the razor wire fence, the environment appeared very non-threatening.

### *Discussions with Prisoners:*

We spoke to four prisoners, all of whom were articulate, political, and aware of their rights and the government's obligations toward them. They were the kind of prisoner that would show up to meet with law students and discuss correctional issues – active, educated, and assertive. One was a senior white woman, another was a white male-to-female transsexual, and the other two were women of colour.

### *Education*

Two of the prisoners we spoke to, one of whom possesses an M.A., act as teacher's aids within the prison. The two were concerned with the lack of academic instruction available at FVI. They expressed concern particularly for the younger women, as they thought participation in instructive courses would be of significant value to them.

It was pointed out that since the policy is to bring everyone up to at least a Grade 10 literacy level, those who need English instruction get priority from the one teacher at the prison and those with existing English skills get left behind, instead of allowing everyone access to education. The prisoners

pointed to the irony of teaching English to women whom they said were likely to leave the country while not fostering the development of skills in those likely to remain in the local community after release. They advocated full access to education for all prisoners.

The prisoners themselves are providing instruction and believe that the other prisoners would welcome the opportunity to use their time in prison to learn and teach others. They defended liberal education on the basis that it would assist in reintegration and the development of general cognitive and coping skills, which are important to all citizens and contribute to the quality of life in society as a whole. I found the lack of funding for education mystifying, to say the least, as these programs feed directly into the goals of corrections. The absence of educational programs is also frustrating to those who study penal policy and to the prisoners themselves.

### *Prison Expansion*

Another major issue we discussed with the prisoners is the expansion of the prison to allow for the incarceration of maximum security female offenders.

The main concern was that the freedom of the medium and minimum security prisoners will be compromised as a result of these changes. Practically, this means that whenever maximum security

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prisoners are moved around the prison grounds, all medium and minimum security prisoners will have to be in lockdown. One solution proposed by a staff person was to drive the maximum security prisoners to wherever they were going, be it the library or the gym. This issue, however, had not been resolved at the time of our visit. The staff person described the situation as a “challenge.” In contrast the prisoners described it as a definite worry, which put at risk what remains of their restricted liberty. The prisoners were also extremely doubtful that the situation would be handled efficiently and in accordance with the law.

### ***Prison Staff***

With regard to staff, it was revealed to us that over the last two and a half years (the time the prisoners had been at the institution) there had been a fifty percent turn over rate. The prisoners also said that infighting was occurring between staff. For instance, prisoners reported situations where one staff member would tell a prisoner to do one thing, and then another would tell the same prisoner to do the opposite, thus putting the individual, who is already at a power disadvantage, in the middle. Non-compliance with staff, of course, can lead to disciplinary action.

There was also concern with a lack of mental health programming. The consensus of the prisoners was that the current two psychologists were not enough for an institution with fifty women, many of whom are in high-need. Programs for substance abusers

and violent offenders are available, but prisoners who are neither violent nor substance abusers fall through the cracks and receive no counselling services. In contrast, a senior staff person stated that she thought the provision of mental health services was more than adequate and said that there were three, not two, psychologists on duty. The prisoners expressed concern that some women were in dire need of more frequent, involved mental health care and even suggested that these women should be somewhere other than prison for treatment. This sentiment reflects an awareness of the prison system not appropriately addressing the needs of offenders.

Male staff were also mentioned as a problem. The current issue was men “doing the rounds” at night and effectively looking through the women’s windows to check on them, making the women feel very uncomfortable. The prisoners questioned the practice of putting two men on that duty since it is extremely intrusive, offensive, and unnecessary, and further stated that the actual policy requires that one female guard be present.

The prisoners felt that there was a culture of ignorance of the rules and policies among the staff, some of whom are trained for a mere two months before assuming their professional responsibilities. The women said that when they expressed their desire to learn about policies and rights, their assertiveness was taken as aggressiveness. They felt that their knowledge and interest in

these issues was not well-received by the staff on most occasions. The staff are perceived as thinking that “the prisoners are always lying or making trouble.” Lack of in-depth understanding of policies by both the staff and prisoners, personnel issues, and power struggles appear to colour and negatively affect many interactions at the prison.

While the women prisoners have a clear desire to improve the system, despair about the arbitrary way in which the prison is run is prevalent. For example, prisoners are not allowed glass bottles of foundation make-up (presumably because glass can be used as a weapon), but pickle jars are permitted. The inconsistency has never been corrected. One woman actually expressed a desire to return to the much dirtier provincial institution from which she had come because, in her view, at least the staff were consistent and she knew what to expect. At FVI the prisoner felt the staff were embroiled in petty interpersonal politics. Overall, “frustration” was the key word to express the women’s sentiment, with the exception of healthcare, which the women all agreed was excellent.

After the discussion with the prisoners, we were taken on a tour of the prison grounds. We looked at a plain but pleasant housing unit and were satisfied by the physical living conditions. We also learned that some prisoners pool their resources to purchase and cook meals together. Our guide was pleased to present us with this cooperative, functioning picture. Although she noted that not all the houses worked together in this way, we were duly impressed with this model unit.

Continued on page 8

## Friday Afternoon in Prison Continued...

**Concluding Comments**

The prison visit satisfied us that physical conditions and healthcare are adequate, but reinforced our perception that administrative arbitrariness is not under control. Staff turnover and infighting give a terrible impression to both the

public and the prisoners, who do not respect a system run in this way. We left concerned that institutions and the professionals who run them may still be stuck in simplistic, limiting conceptions of how men and women are or should be. Stereotypical attitudes

certainly affect prisoners' experience of the correctional system, in terms of what expectations are, how policies are carried through and how they are treated. I left the prison visit how you might expect I would and in line with how the prisoners feel – very frustrated.

## SPECIAL EDITION OF THE CANADIAN JOURNAL OF WOMEN AND THE LAW SPEAKING TRUTH TO POWER: REMEMBERING MARLEE KLINE

(2004) 16 (1) CJWL

*"One of Marlee's gifts (in the words of our colleague Ruth Buchanan) was that "she had a quality of rapt attention that made you feel that when she listened to you there was absolutely nothing else on her mind." Through the correspondences the authors in this collection have with Marlee, it becomes clear that the legal community has also listened to and learned from the perceptive and far-reaching thought in Marlee's academic work. Our lives were touched, and changed by Marlee – by her approach to law, law teaching, and her insight about law and relations of power. But we also remember Marlee as a very special woman. We know that she would listen to, and engage with, the conversations in this issue with her characteristic intensity, resolve, honesty, and intelligence. We think she would be pleased that this issue includes strong voices from women who are lesbian, of colour, Jewish, and Aboriginal as well as Caucasian. We hope that this issue plays a role in carrying her work into the future of feminism and law."*

From Editorial by Susan B. Boyd and Margot Young

### Contents:

Ruthann Robson - *Correspondence: for Marlee Kline*

Maneesha Deckha - *Is Culture Taboo? Feminism, Intersectionality, and Culture Talk in Law*

Mary Jane Mossman - *Cornelia Sorabji: A "Woman in Law" in India in the 1890s*

Sara Ramshaw - *"He's my man!" Lyrics of Innocence and Betrayal in The People v. Billie Holiday*

Sharon Donna McIvor - *Aboriginal Women Unmasked: Using Equality Litigation to Advance Women's Rights*

annie bunting - *Complicating Culture in Child Placement Decisions*

Hester Lessard - *Mothers, Fathers, and Naming: Reflections on the Law Equality Framework and Trociuk v. BC (AG)*

### Commentaries:

Jenni Millbank - *Marlee as a Teacher*

Doris Buss - *Feminism, Racism and Social Change in the Classroom*

Reg Graycar - *Remembering Marlee Kline: A Voice against Anti-Semitism*

### Book Reviews

Brenna Bhandar - *Race, Space and Law: Unmapping a White Settler Society*, Edited by Sherene H. Razack

Susan B. Boyd—*Privatization, Law and the Challenge to Feminism*, Edited by Brenda Cossman and Judy Fudge

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20 Years (In) Equality



## COMING TOGETHER TO MARK A MILESTONE!

To celebrate the 20th anniversary of the equality requirements, West Coast Legal Education and Action Fund (West Coast LEAF) and the National Association of Women and the Law (NAWL) are hosting a national conference in Vancouver from April 28 to May 1, 2005 at the Hilton Vancouver Metrotown Hotel.

The focus of the Conference is the 20th anniversary of the equality rights provision (section 15) of the Charter. Section 15, which is part of the supreme law of Canada, prohibits discrimination by any level of government on the basis of race, national or ethnic origin, colour, religion, gender, age, disability, sexual orientation, and other grounds. The Conference will have a strong community presence combining the strengths of lawyers and community representatives. Together they will develop strategies that ensure women's equality rights, including legal strategies that are grounded in the experience of women.

**When:** Thursday, April 28 – Sunday, May 1, 2005

**Where:** Hilton Vancouver Metrotown Hotel  
6083 McKay Avenue  
Burnaby, BC

**Program Highlights:**

**Thurs, April 28**  
Opening Reception  
"Honouring Women Judges in BC"

**Fri, April 29**  
Plenary Session 1 – History of Equality Rights  
Speakers: Sharon Donna McIvor  
Mary Eberts  
Andrée Côté  
Plus 22 concurrent workshops

**Sat, April 30**  
Plenary Session 2 – Still an Equality Deficit  
Speakers: Natasha Bakht  
Suzanne Laforest  
Sacha Fink  
Carolyn Ji Jong Goossen

Plenary Session 3 – Women's Court Release Decisions  
Plus 22 concurrent workshops

Gala Dinner  
Keynote Speaker: Justice Corinne Sparks

**Sun, May 1**  
NAWL & West Coast LEAF Meetings

To register, please visit  
**[www.equalityconference.com](http://www.equalityconference.com)**

**NAWL & West Coast LEAF National Conference • April 28 - May 1, 2005 Vancouver, British Columbia**

## Feminist (Re)Strategizing in the Neo-Conservative Era: Techniques Employed by the Alberta Council of Women's Shelters

By: Megan Kammerer, Law I

In the last decade numerous provinces across Canada have renewed a commitment to neo-conservative programs and policies. Proponents of these policies

aim to restructure the state by reallocating the costs of social reproduction from the public to the private sphere

and by encouraging extreme individualism over collective responsibility. In part, this is accomplished by dismantling the welfare system. Indeed, this phenomenon is readily apparent in Alberta. At the beginning of the 1990's the Klein government dramatically cut social welfare benefits—between 1993 and 1999 welfare caseloads dropped by sixty three percent♀. This staggering figure represents the largest drop in the country over that time period and is indicative of political apathy toward those living in poverty.

As Brenda Cossman points out, in an article entitled *Family Feuds: Neo-Liberal and Neo-Conservative Visions of the Re-privatization Project*, the neo-conservative project has had a disproportionate effect on women. In 1997 several nationwide studies found that ninety-three percent of single mothers under the age of eighteen live in poverty along with fifty percent of all single-mother families. This is unconscionable. Studies have also shown that it is extremely difficult for single mothers to

overcome poverty through employment, due to time constraints and lack of affordable childcare. And yet, neo-conservative governments, such as the Klein government, continue to be voted into office.

The political agenda in Alberta presents a problem for feminists advocating on behalf of women living in poverty. In 2004, the Alberta Council of Women's Shelters (ACWS), frustrated by the government's refusal to increase social welfare rates, came up with a unique solution to this problem. Rather than focus on changing the government's entire fiscal policy, the ACWS targeted specific members of government in order to improve monetary support available for women leaving abusive relationships. The result was the implementation of an "escaping violence benefit" making \$1000 available to all women leaving abusive relationships. The

approach taken by ACWS is hopeful because it suggests that, even in an era of extreme neo-conservatism, steps can be taken to achieve feminist social justice goals.

The following is an interview with Jan Reimer, executive director of the ACWS, who had these words about the initiative:

**The approach is hopeful because it suggests that, even in an era of extreme neo-conservatism, steps can be taken to achieve feminist social justice goals.**

**The escaping violence benefit was put into place in May of 2004. It was a response to concerns raised by the Alberta Council of Women's Shelters about women returning to abusive relationships due to a lack of financial resources.**

MK: Tell me about the escaping violence benefit - when was it introduced, and what is its purpose?

JR: The escaping violence benefit was put into place in May of 2004. It was a response to concerns raised by the Alberta Council of Women's Shelters about women returning to abusive relationships due to a lack of financial resources. An exit survey of women leaving shelters found that forty-five percent returned to their abusers due to a lack of resources. This initiative was presented to government along with briefs recommending an increase to the Alberta social welfare program.

Alberta social welfare rates are amongst the lowest in the country. We lobbied, presented to the Standing Policy Committee, and we had a minister supportive of women's shelters. In response, the government implemented the escaping violence benefit which

gives \$1000 to women leaving an abusive relationship.

MK: How do women

qualify for the benefit?

JR: The benefit is available for women who qualify for Income Support. Women seeking to utilize the benefit must apply at any human resources and employment office in Alberta. Women substantiate their need for this

benefit by a verbal statement or the government worker's knowledge of the client, and if the worker is in doubt they may ask for evidence from a reliable source (i.e., women's shelter, physician, police).

They can qualify more than once, recognizing that leaving an abuser is a process and not a one-time event.

MK: Have you faced any challenges with regards to the program?

JR: When it was introduced front line workers were not prepared to provide the entire \$1000 and made their own determinations of how much a woman should get. This was monitored by ACWS and our concerns were sent to the ministry. The situation has improved in most parts of Alberta, and we have currently asked for a regional breakdown to see if there are discrepancies across the province in terms of where women are qualifying.

MK: How many women have utilized the benefit since it was introduced?

JR: Approximately four to five women in Alberta each day have taken advantage of this program since its inception.

The escaping violence benefit is the result of the ACWS' staunch refusal to become enmeshed in neo-conservative paradigms. Rather than capitulate to terms imposed by the Klein government, the ACWS has set their own framework for social reform. Perhaps the most promising aspect of this approach, however, is that other groups working towards social reform could easily adapt it to achieve their own goals.

♀Baldwin Reichwein, *Benchmarks in Alberta's Public Welfare Services: History Rooted in Benevolence, Harshness, Punitiveness, and Stinginess* (Report Prepared for the Alberta College of Social Workers, December 2002) 32.

*Inquiries about the escaping violence benefit in Alberta can be directed towards the ACWS at (780) 456-7000 or voice@acws.ca.*

## CFLS NEWS: FAREWELLS, WELCOMES, AND CONGRATULATIONS



Maia Tsurumi and Susan Boyd

The Centre would like to wish all the best to the Chair in Feminist Legal Studies and CFLS Director **Susan Boyd** as she embarks on sabbatical this summer. We will sincerely miss her, but look forward to hearing about all her adventures! Including her fall trip to England as she has recently been honoured with a British Academy Award.

We would also like to welcome Professor **Kim Brooks** as the new CFLS Director. Kim joined us last year from Queen's University and since arriving has been a fabulous addition to both UBC Law and the CFLS community.

Congratulations are also in order for CFLS Coordinator **Maia Tsurumi**, who has recently been selected to clerk at the Supreme Court of Canada for 2006-2007. As one of Mr. Justice Binnie's most impressive decisions, we are sure this is only the beginning of Maia's noteworthy legal career.

Former CFLS Coordinator and current member of the Steering Committee, **Agnes Huang**, was co-recipient of the Ray Herbert Award for Best All-Around Graduating Student. Agnes, aka Miss UBC Law 2005, was also the valedictorian of her graduating class. As an amazing part of the CFLS community for the last three years and we will miss her dearly!

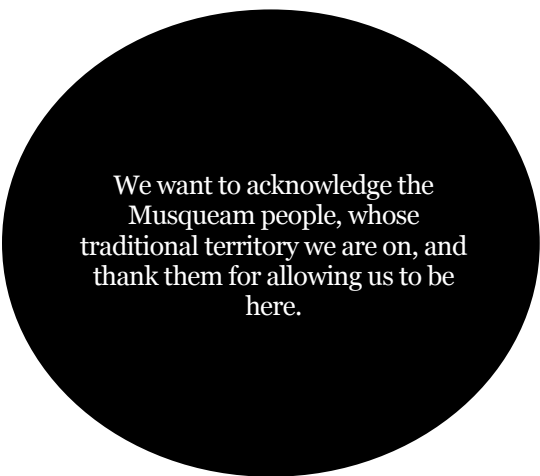


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