

LawFemme: CFLS News



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In This Issue

Interview with Visiting Scholar Fiona Raitt	2, 3, 8
War, Sexual Violence Against Women, and International Law	4, 5, 7
Madam Justice Arbour leaving for UN post	6
27th Annual Women & the Law Dinner	6
Public Release of Sex Workers' Affidavits	7
Photo Gallery	9
Visit from The Honourable L'Heureux-Dubé	10
Sexual Assault Support Centre Opens at UBC	11

FAMILY LAW UPDATE: DIVORCE LAW REFORM BILL SHELVED?

By Professor Susan B. Boyd, Chair in Feminist Legal Studies

On Friday, February 6th, *The Ottawa Citizen* reported that the Martin government had shelved its plan to overhaul the Divorce Act, in particular in relation to child custody law. Bill C-22, which had passed Second Reading in the House of Commons, would have eliminated the terms "custody" and "access" in favour of the language of "parental responsibility" (see our newsletter issue 2:2, spring 2003). Justice Minister Irwin Cotler was reported as saying that he would not revive the Chretien-era bill and that any changes to divorce laws could be years away. Fathers' rights advocates appeared to be pleased with the plans to shelve the proposed reform, which they apparently viewed as cosmetic tinkering.

However, Justice Minister Irwin Cotler has more recently attempted to correct the impression conveyed by the Ottawa Ci-

zen report, saying that he personally supported the custody law reform package and the principles underlying Bill C-22. He stated that he was committed to bringing Bill C-22 back, but would have to first consult with caucus and Cabinet colleagues (see "Cotler likes custody reform package" *The Lawyers Weekly*, Feb. 20, 2004, 7).

Interestingly, he highlighted another earlier comment to the effect that some provisions in Bill C-22 related to the definition of 'spouse'

would have to be altered if the Supreme Court of Canada decides that same sex marriage must be legalized. Since the Supreme Court will not hear the same sex marriage reference until fall 2004, with a decision unlikely until 2005, any re-introduction of a Bill similar to Bill C-22 seems unlikely to proceed until then.

In the meantime, feminist analysis of Bill C-22 can proceed and hopefully be taken into account by law reformers.

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SEE FOR EXAMPLE:

S. B. Boyd, 'Walking the line: Canada's responses to child custody law reform discourses', (2003) 21 *Can. Fam. L.Q.* 397-423 (analysis of law reform process and result, drawing on the Australian experience).

Linda C. Neilson, 'Putting revisions to the Divorce Act through a family violence filter: the good, the bad and the ugly', (2003) 20(1) *Can. J. Fam. L.* 11-56 (assessment of the failure of Bill C-22 to adequately consider the complex impact of family violence and recommendations for improvement).

INTERVIEW WITH VISITING SCHOLAR FIONA RAITT

By Kat Kinch (Law III)

Fiona is a solicitor and senior lecturer in law at the University of Dundee, Scotland. She ran a feminist law practice for 10 years before joining academia. She teaches and publishes in the areas of family law, criminal law and evidence, and gender. Her current key project is her doctoral research, which focuses on the child in the legal process. The empirical element of that research involves in-depth interviews with judges, exploring their attitudes toward children and childhood.

Fiona was a visiting scholar at the UBC Faculty of Law for February 2004. While she was visiting us, she presented a talk called "The Children's Rights Movement and the Feminist Response," as part of the CFLS Speakers Series. She also took time to speak with me for the newsletter.

Why did you come to visit us?

This is the first time in my academic career that I've had a sabbatical. When I knew about it, I wanted to do two things: to leave the UK, and to go somewhere where there was a strong feminist legal community. I wanted to feel at ease in the work I was doing and to meet people who were like-minded. The first place that came to mind was the Centre for Feminist Legal Studies, which just happened to be in Vancouver. I would have gone to Alabama for this! I had met Susan Boyd and Claire Young at conferences in England, and I had also heard of the Centre, which has a very strong reputation in England. I emailed Claire first, and then Susan, and they were kind enough to say they remembered me. It has worked out fabulously well: it's everything I could have expected, but it's exceeded my expectations too.

Can you talk about the research that you've been working on while at UBC?

There are two sides: the scholar side and the fun side. On the scholar side, the only focus was to give the talk, which I gave. I was trying to work out the relationship between feminism and children's rights. I've since written it up as a more complete working paper. That's allowed me to develop ideas a bit more, and from there, I have a platform from which to go on and publish. It was a great platform to pull together ideas that were in developing stages. I've also coded 15 out of 20 interviews with judges that I brought with me.

I've also been able to meet a lot of people: at the CFLS talks, and at the professorial candidate interviews. It's amazing how it sparks an idea for your own paper, or provides a catalyst for

tricky parts that you need to work out for your own work. To do that uncluttered by teaching or committee work or administration has been great.

What exciting adventures have you had during your stay here?

I came with a list of things that people said, "You must do the following." It was a long list, but I've managed to do a lot. The Art Gallery... I caught the end of the Chagall exhibition and went to see the Emily Carr work. The Museum of Anthropology, the beaches, Jericho Beach, Stanley Park... I was also invited to Bowen Island, and even though it rained, I did get a chance to walk around a bit.

I went up Grouse Mountain, and met up with an ex-pat from the UK. She took me snowshoeing and I might go cross-country skiing this weekend.

I was able to eat at Salmon on the Hill. I got to go to several bookstores, especially Women In Print. I picked up a book called, "Fighting Words", by Patricia Hill Collins, who was talking about the intersections between different groups of rights, how the black rights movements and the feminist movements have clashed. It was explained as "black women's search for justice," and explained really accessibly how black women have worked for their rights in different movements. I thought that would be useful for thinking about children's rights.

The nice thing about a sabbatical is that you have the freedom to think without other demands. It was great to open my diary and see that I only had to go to a talk at 12:30 and meet Kat at 2. I've been writing a diary to friends about what I've done this week, and the words I use are that I feel I have "no responsibility." I think all humans need this every so often.

Can you tell us a bit about the law department at Dundee University and any feminist legal studies activities that might be happening there?

I've been there 10 years, and there has been a steady increase in the number of women professors, which is very nice. There is a predominance of women students now too. I don't know how common that is elsewhere, whereas in the UK it's become common to have 55-60% women. There is a strong female presence and I do feel that affects how the department is run. The last two people running the department have been women. This is a contrast to other departments, like Psychology, where there are 3 female staff out of 25, and 80% female students. This creates a big imbalance, especially in the caregiving work running the department. That's not the case with law. The male col-



Fiona Raitt

Photo courtesy of the Department of Law, University of Dundee, Scotland.

leagues have been very gender conscious, updating their materials for gender-neutral language.

There are three feminist perspective courses: family law, criminal law, human rights, and one called gender. That's only four out of about fifty, but it's not bad compared to other law schools in the UK. It's reasonably good but it could be better. The courses are popular too, it's not as though there are just a few students in them. They seem to like them and to find them useful.

We try very hard to bring people in from outside. Scots law is its own distinct jurisprudence, and to be trained to be a solicitor in Scotland, you have to do Scots law. It tends to be very insular, and students could just do solid Scots law subjects: property, contracts, crime, etc. You could end up just attracting staff that are that narrow, but we have gone out to get as broad a base of international scholars as we can, in terms of their identity and their research. We currently have people from Greece, France, two from Canada, two from Australia, several from Ireland, one from Wales and the rest will be Scottish or English. We make a point of going out where we can to conferences in Europe and further afield because it's so important to work with other people. We have people working with government with their research, one working with the International Criminal Court in the Hague, some doing medical ethics particularly with respect to xenotransplantation, cloning, reproductive technologies. These are so key in how law will regulate medicine or science.

Our students say we're a very friendly department, and that's why I feel at home here. UBC has struck me as friendly and welcoming as well.

I've heard you had a feminist law practice before coming back to the university to work.

What does a feminist law practice involve? Any tips for those of us who might want to have feminist law practices in Canada?

I have to tell you, it happened by chance. I had practised in a local authority (municipal body), and then I had run a law centre. We gave free legal advice to anyone about anything, and we took cases so far before passing them on to other firms. Then I wanted to have my own practice. I hadn't been in practice long enough to do it - you couldn't set up unless you were in partnership with someone who had practised for five years. I asked a colleague from the municipal job if she was interested in going back to setting up her own practice. She knew all about the financing, and she said yes. We set it up in Dundee, because I had established a base there from the law centre. I had contacts with tenants' groups, women's groups, lots of different advice agencies and employment agencies. They needed legal help, and very few law firms were willing to take on that kind of work.

When we set out, we literally had a filing cabinet that was empty: no clients and no income. You have to take anything that comes your way. We found quite quickly we were getting lots of referrals from women's aid and rape crisis centres. Our setting-up coincided

with a new act called the "Matrimonial Homes Act," a piece of legislation that for the first time allowed a woman who was being abused to go to court for an interdict saying, "Stop beating me. You are excluded from the house." Power to arrest could then be attached to the court order. That was a huge breakthrough in terms of legal protections for women, so there were queues of women wanting to get these. So to learn how to do them, I trotted off to court to get an interdict... and I did! After getting a bit of guidance from the judge, it was granted, and we became quite proficient at getting them.

Without it being organized, we became the first port of call when women had a problem. We then started finding in the family cases that we were doing things that were very simple, but that took courts aback. You could say these were feminist strategies, and some of the lawyers we were up against said that. It seemed more to me that these were common sense. When we first went to court, if you were looking for child support payment, it was very badly argued. Lawyers would say, "oh well, my client has custody of the children and they're eight and two, so forty dollars a month is right." They had a rule of thumb without reference to anything that a child of eight got a certain amount, a child of two got another, and there was no rationale. So we would take along a spreadsheet saying what the nursery cost was, what the nappy cost was, what groceries and transit and everything cost. Of course, on forty dollars you couldn't support that child. It led to a steady increase in the amount of child support pay-

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ments being made, which didn't make us very popular with lawyers supporting their male clients. But it changed things - now it would seem negligent to go to court without that kind of evidence base.

Another argument, that was fresh when we introduced it but is now well-accepted, is that when there was evidence of violence, women didn't want

there to be access to the children. Or the woman would not want to be present at the handing-over of the children, because of the risk of violence. So we would ask that access occur at the Family Law Centre, or that there be no access because of a history of violence. Judges would always say to us, "Okay, there's evidence of violence toward the mother, but is there evidence of violence toward the children?" If that second part wasn't there, access would be granted. There were few judges that would take the extra step to connect violence toward the mother to potential for violence against the children. There was no acknowledgement that it was about male abuse of power. It was seen as two dysfunctional adults. There has been a shift of that over the last 10 years, and that's good.

After ten years, we were pretty tired, pretty burned out. We had some offers of mergers and buy-out. We'd had a clear structure at the firm: four women employees, weekly meetings. It was really important that we all had the same working philosophy. It would have been harder to do that in a bigger firm - we didn't operate in that hierarchical way. We decided we would sell the firm, and we looked around and found a firm that we liked. It was men and women, but it was a really good firm. We had liked being on the other side with

Continued on p. 8

War, Sexual Violence Against Women, and International Law

By Kerry Lynn Okita (Law I)

Mass sexual assaults against women have accompanied each and every war in recorded history. This violence can be traced as far back as the Trojan War and as recently as current conflicts in the Congo and Uganda. Up until recently, this long history of gender-specific violence has been accompanied by complete impunity for perpetrators. Developments in international criminal law, however, have begun to dissolve this immunity and recognize wartime rape as a crime against humanitarian law that violates the most basic and fundamental human rights. The Rome Statute, which created the International Criminal Court (ICC), is particularly

innovative for its inclusion of gender crimes. These inclusions have significantly altered a long history of marginalization and dismissal of gender based offences.

At the Nuremberg and Tokyo tribunals following World War II, rape was neither listed as a crime nor was it ever independently prosecuted. The few times sexual violence did appear within the transcripts of the court, its occurrence was used to emphasize the heinousness of other crimes while neglecting to recognize any violation of human rights. Control Council Law No. 10, which was adopted by the Allied forces in 1945, did include rape within the definition of crimes against humanity. The significance of this inclusion, however, remained symbolic as rape was never prosecuted under these laws. It wasn't until the UN created two *ad hoc* tribunals in the 1990s that wartime rape became recognized and prosecuted as a violation of humanitarian law.

In 1993 and 1994, the Secretary General of the United Nations created the International Crimi-

nal Tribunals for the former Yugoslavia (ICTY) and Rwanda (ICTR) respectively. The founding statutes of these courts as well as the ensuing jurisprudence rapidly developed the prosecution of gender crimes. The jurisdiction of the ICTR explicitly included rape as a violation of Geneva Conventions and both courts included rape within the offense of crimes against humanity. Sexual violence, however, was not included as a war crime, genocide, or within the definition of grave breaches. Therefore, when prosecuting acts of sexual violence the courts were limited by numerous constraints.

Several notable judgments of the ICTY and the ICTR, however, worked vehemently to reduce the limitations imposed on prosecuting gender crimes and to reverse the long history of disregard surrounding these crimes. For instance, the 1998 *Akayesu* decision of the ICTR provided international law with its first definitions of both rape and sexual violence. This case was also pivotal as history's first genocide conviction by an interna-

tional court. This monumental decision also held that rape constituted an act of genocide with regard to the enumerated elements of killing; inflicting serious bodily and mental harm; inflicting conditions of life calculated to bring about the physical destruction of the group; imposing measures intended to prevent births; and forcibly transferring children of the group. This judgment, therefore, was the first time in history that rape and sexual violence were effectively prosecuted within the crime of genocide.

Of similar importance, the ICTY's 1998 *Celebici* judgment categorized sexual violence as a form of torture under the crime of grave breaches for the first time in international law. The category of grave breach is reserved for the most serious of crimes and is the only category that has customarily given rise to automatic universal jurisdiction. The holding in the *Celebici* judgment, therefore, elevated the crimes of rape and sexual violence to the highest level of offences for the first time in international law.

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The Rome Statute is the first international instrument which explicitly includes the crimes of rape and sexual violence in the definitions of both crimes against humanity and war crimes.

The unparalleled advancements of these cases and several others, however, were still subject to several limitations. Without the explicit inclusion of rape and sexual assault within the definitions of grave breaches, genocide, and war crimes, the facts of each case require constant application to the enumerated categories. Furthermore, the lack of explicit recognition within the statutes of the tribunals obscured the crimes of rape and sexual violence by not allowing their independent recognition. Rather, in order to be recognized as human rights violations and prosecuted, rape and sexual violence had to be incorporated and filtered through already existing crimes that were not intended for their inclusion. This tremendous constraint, however, was acknowledged and a significant effort was put forth to minimize it at the ICC.

The Rome Statute was adopted on July 17, 1998 and came into force creating the ICC on July 1, 2002. This statute not only created the world's first permanent international criminal court, but also instituted the most developed recognition of gender crimes in history. The codification of crimes in the ICC reflects jurisprudential advancements made by both the ICTY and the ICTR, along with furthering the acknowledgement of sexual violence as an independent crime. The form and content of the Rome Statute was developed over time by all the state parties with a vast amount of input from innumerable organizations, including several women's human rights

organizations.

During negotiations leading up to the adoption of the Rome Statute several issues regarding the inclusion of gender crimes were highly debated. For example, the inclusion of the term *gender* within the statute was opposed by several parties who feared that the term might be interpreted as meaning sexual orientation. This particular issue was resolved when the term was explicitly defined as exclusively "two sexes, male and female, within the context of society." There was also significant resistance to the codification of the crime *forced pregnancy*. Several state parties were concerned that this could be misunderstood as legislating abortion. During discussions, however, a qualification was added to the crime of *forced pregnancy*, which stated that the definition "shall not in any way be interpreted as affecting national laws relating to pregnancy." These issues, along with many others related to gender crimes, were debated by the parties and resulted in the adoption of the Rome Statute.

The Rome Statute is the first international instrument which explicitly includes the crimes of rape and sexual violence in the definitions of both crimes against humanity and war crimes. This codification unequivocally recognizes the gravity of the crimes and enables their independent prosecution. The statute is also innovative for its specific enumeration of forced pregnancy and sexual slavery within

the definition of both crimes for the first time in an international treaty. The wording of the statute also extends crimes against humanity and war crimes to include "any other form of sexual violence..." enabling the court discretion for the consideration of gender violence. These additions within the statute are tremendously significant as they act to legally acknowledge sexual violence as a fundamental violation of human rights.

The Rome statute adds gender as a ground of persecution detailed under the definition of crimes against humanity. This inclusion is the first time that gender has been recognized by an international criminal court, which allows jurisdiction over instances where women are targeted particularly because of their gender. This is an important inclusion because in the past acts that were committed exclusively against women required a direct connection to an enumerated persecuted group in order to be prosecuted. Therefore, this addition in the statute allows women to be protected regardless of their attachment to a particular group.

Advancements with regard to gender crimes in the Rome Statute, however, are not reflected in the crime of genocide. As discussed previously, the first conviction of genocide by an international court held that rape constituted each enumerated offence under the crime. However, this holding was not codified within the Rome statute. Rather, in 2000 a finalized

SUPREME COURT OF CANADA JUSTICE LOUISE ARBOUR: APPOINTED AS THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

By Kerry Lynn Okita (Law I)

The Centre for Feminist Legal Studies would like to congratulate Supreme Court Justice Louise Arbour on her recent appointment as the United Nations High Commissioner for Human Rights. On February 20th of this year, Justice Arbour announced that she will leaving the bench in late June and relocating to Geneva in order to begin this challenging assignment.

Prior to her appointment as the UN High Commissioner for Human Rights, Louise Arbour became highly recognized in the area of international human rights in 1996 when she was appointed Chief Prosecutor to the International Tribunals in the former Yugoslavia and Rwanda. During her time in this position, Arbour achieved a tremendous reputation for her perseverance and courage in the protection of human rights. Among her many successes, Arbour was responsible for altering the history of international law by indicting the first standing head of state, Slobodan Milosevic. This indictment resulted in Milosevic's current prosecution at the Tribunal.

Justice Arbour then retired as Chief Prosecutor in 1999 when she was appointed to the Supreme Court of Canada. While many regret the loss of Justice Arbour from the bench of our highest court, we are delighted that her dedication will serve the greater international community as UN Commissioner of Human Rights.



The position of UN High Commissioner for Human Rights was established by the UN in December of 1993 and has since been filled by three exemplary individuals. The first Commissioner, José Ayala-Lasso of Ecuador, served from 1994 until 1997 and was pivotal in establishing the position as well as furthering the UN dedication to the protection of human rights. Mary Robinson, former President Ireland, was the second High Commissioner holding the position from 1997 until 2002. During her office, Mrs. Robinson was influential in reorganizing contemporary human rights priorities and was the first Commissioner to travel to China and initiate human rights cooperation with the UN. The third Commissioner, Sergio Vieira de Mello of Rio de Janeiro, was appointed in 2002 after long commitment to human rights protections beginning in 1969. In May of

2002 he was asked by the Secretary General to take a four month leave from his position in order to serve as their special representative in Iraq, where he was tragically killed in a bombing in August of that year.

Justice Louise Arbour will be the fourth person appointed to this prestigious position and will no doubt live up to the high standard set by these exceptional individuals. She is appointed for a four-year term.

27th Annual Women & the Law Dinner—A Big Success!

The UBC Law Women's Caucus would like to thank everyone who attended the 27th Annual Women & the Law Dinner, held at the Law Courts Inn on February 26th, 2004. The Honourable Chief Judge of the Provincial Court, Carol Baird Ellan, talked about many of her own experiences as a woman in private practice, working for the Crown, and on the bench. Always a candid speaker, Chief Judge Baird Ellan observed that the profession may not have advanced much beyond the day when she was told by a man in her firm, "You're blonde, you're beautiful. You don't have to work—you could go to Hawaii!" The event was very well-attended by students, faculty and staff from the law school, practitioners and community professionals, and law students were especially appreciative of those who sponsored student tickets. We hope to see everyone again next year!



PUBLIC RELEASE OF SEX WORKERS' AFFIDAVITS

By Kat Kinch (Law III)

On March 1, 2004, Pivot Legal Society's Sex Work Committee released 91 affidavits taken from sex workers in Vancouver's Downtown Eastside. The affidavits were accompanied by a short report documenting findings from the project, which included a strong call to the government to repeal Canada's criminal laws on prostitution, and to remedy poverty, inadequate housing, violence against sex workers, health and addiction problems, and discrimination and ill-treatment from law enforcement authorities.

The Committee also wrote legal arguments revisiting the constitutionality of the 1990 *Prostitution Reference*, relying on the affidavits as evidence of fresh violations of sex workers' rights to freedom of expression, life, liberty and security of the person, and equality. The Committee then argued that these human rights violations cannot be justified in a free and democratic society in 2004, in light of the heavy impairment of sex workers' rights, and the serious harms they have experienced.

Pivot has called for the federal government to re-strike the Justice Subcommittee on Solicitation Laws, which dissolved when Parliament prorogued in the fall, and to allocate sufficient resources to that subcommittee in order for cross-country hearings to be held. It is Pivot's expectation that sex workers will be consulted, meaningfully and consistently, in any law reform initiatives that will affect them.

The Sex Work Committee was made up of sex workers, lawyers, law students, and community activists. Many UBC law students participated in this year-long project as co-authors and affidavit-takers, including: Katrina Pacey (Law III), Karen Mirsky (Law III), Ondine Snowdon (Law III), Kat Kinch (Law III), Elin Sigurdson (Law II), and Jaime Ashby (Law II).

The affidavits and the report are available in full at www.pivotlegal.org.

CONCLUSION:

War-Time Sexual Violence Under International Law

Cont. from p. 5 text was released elaborating on the definitions of the crimes within the statute including genocide. Both rape and sexual violence are mentioned in a footnote with regard to the crime of causing serious bodily and mental harm under the offence of genocide. This supplementary material is not binding, but rather has been categorized as having a persuasive character on the court; therefore, it is unclear how this construction will be used by the court in the prosecution of gender crimes.

Both the advancements and deficiencies of the Rome statute have yet to be interpreted by the ICC as no cases have been tried before the court. Therefore, it will be very interesting to see how the prosecution of gender crimes is undertaken and how these crimes are received by the court. While there still remains a vast amount of improvement to be done in the area of women's rights in international law, the relatively rapid advancements of the last decade are extremely encouraging. Hopefully, the momentum gained by these developments will be sustained through future prosecutions at the ICC and the awareness surrounding the issue of gender crimes continues to grow.

For more information regarding the issue of wartime rape, contact:

Kerry Lynn Okita at kerryokita@hotmail.com.

Specific information relating to the judgments of the ICTY and the ICTR can be found at their websites: <http://www.un.org/icty> and <http://www.icttr.org>.

Information regarding the ICC can be found at <http://www.icc-cpi.int/php/index.php>, and gender crime specific information regarding the court can be found at <http://www.iccwomen.org/archive/index.html>.

INTERVIEW WITH VISITING SCHOLAR FIONA RAITT (CONTINUED)

Cont. from p. 3 many of them, and we wanted to pass on our clients to people we could happily recommend. Most of our clients have stayed with them. Liz, my partner, went off to be a reflexologist, and I went and played with horses for six months. I had ridden since I was eight and I wanted to see if I could do it full-time. After six months though, my brain wasn't getting enough exercise. I had done my riding instructor exams, and my management exams, but it wasn't quite enough.

By chance, I went back to the university to get a reference, and the person I was seeing said there was a vacant post coming up. I thought that sounded quite good, and I was very lucky to get the appointment. But it was purely fortuitous, and has worked out very well.

Can you talk about the feminist legal community in Scotland, and how it compares with ours here in BC or in Canada?

First of all, Canada is streaks ahead of the feminist legal community in Scotland or the wider Britain. The Scottish feminist legal community is not even identifiable - there isn't a group that you could contact, that you could say they comprise this community in Scotland. There are a few feminist legal scholars. I would say there are less than ten that I could identify in Scotland. There are more in England, but not a lot more. In terms of legal practitioners, apart from when I was in practice... there are a few women in Edinburgh, which has the main law courts. If there were thirty feminist practitioners throughout the whole of Scotland, that would be a generous estimate. There are practitioners who would promote a woman's case quite well, but they would not identify as feminist. They would not see that as politically smart.

I once appeared on the radio to debate the lack of women in senior positions in law in Scotland (universities, law firms and judges).

It was opposite the chief executive from the Law Society. Later he introduced me to the president of the Law Society as "the rabid feminist." It was intentional - he had no respect for even the perspective. He still works there.

The climate is not great. You can certainly write and publish from a feminist perspective, but if you want to be promoted, it's not the only perspective you publish from. It's not the only string in your bow, and the other parts need to be mainstream. There is freedom in the academy, but it's got boundaries.

On a more local level, in the university at Dundee, friends and I have set up a group called "Focus on Women." It's for all women, including graduates, across campus. It was set up in response to what we identified as bullying in departments, of women staff by male colleagues, or denials of promotion because women had gone part-time or had come back from maternity leave. It was set up as a discussion group to share experiences, to get support and mentoring from others. This is the ninth year, and now we are actually paid by the university for staff development. We run courses of our choice, largely for women staff, dealing with bullying, harassment, promotion, preparation of CVs, interviews, how to tackle these difficult issues in their departments. It gives lots of us who used to be practitioners a practical outlet for the feminist work we want to do. But you couldn't have called the group "Women & Feminism," because you couldn't get people to come. People were afraid, and if they already felt isolated, you couldn't get them to come to a meeting like that. But that's what we talk about, so it works this way.

With regard to the feminist community here, I've met with Sue Wilkinson, who is at SFU, and I'm meeting Dorothy Chunn. I also met Annabel Webb (from Justice for Girls), and now I've run out of time to go back to meet her again. I've also been to three talks at Women's Studies, and I get the sense there

are good pockets of work being done at the university and elsewhere. But when I look at the networks that exist in Canada, such as LEAF, there is nothing equivalent in the UK. It might be the sheer size of the population, but it perhaps may also be that your Charter has given legitimacy to women pushing for equality that we haven't seen in the UK. It's been seen in the UK as a fringe activity, but here it's central to your constitution, and that gives it a different status. But I'd like to hear the perspective of Canadians coming to the UK. I'm lucky to be going back to Dundee at the time of the Women's Arts Festival. It covers films, literature, sculpture, design, a whole range of activity over a three-week period. So maybe we've found different outlets, and law hasn't been one of them.

When I came here, my various colleagues said when they heard I was going to Vancouver that, "I know where you're going! Give my regards to Claire and Susan!" That's how widespread the reputation is, Vancouver was all I needed to say. It's also known as a warm and friendly set of people, not just in the Centre, but throughout. People have been really helpful, even on the street. You might get a different experience in the UK. And no one has said that they don't understand my accent. It's a very tolerant, accepting community. Everyone is genuinely interested in visitors, which is lovely.



With Prof. Susan Boyd, Chair in Feminist Legal Studies.



With student Katrina Pacey.



With students (from left) Sara Fairbridge, Kat Kinch, Chani Campbell, and Geoff MacDonald.



With Professor Margot Young.

The Honourable Claire L'Heureux-Dubé visited UBC Faculty of Law on Friday, March 5, 2004. She met with a group of students, including students representing the Centre for Feminist Legal Studies, the Women's Caucus, and the Social Justice Action Network. Full story on p. 10.

A Visit with the Former Madam Justice Claire L'Heureux-Dubé

By Kat Kinch (Law III), with notes by Agnes Huang (Law II)

It is no surprise that West Coast LEAF's annual Equality Breakfast was sold out this year. When I discovered that The Honourable Claire L'Heureux-Dubé would be the speaker on March 5, I resolved to be there, and I'm sure I wasn't the only one. Indeed, when journalist Patricia Graham introduced the former justice of the Supreme Court of Canada, the assembly responded with a standing ovation even before The Honourable L'Heureux-Dubé began to speak. There is no question that her service to the law, the detail and intelligence shown in her many decisions and dissents, and her role in the advancement of women's equality have earned her widespread respect.

At the breakfast, The Honourable L'Heureux-Dubé discussed the constitutionalization of equality, from the Persons Case through to current jurisprudence under the *Canadian Charter of Rights and Freedoms*. She described her perspective on feminism as "the extraordinary notion that women are persons." She also credited LEAF not just with writing the best briefs that came before the Supreme Court of Canada, but with contributing to the development of substantive equality principles in constitutional law.

Later the same day, The Honourable L'Heureux-Dubé attended UBC's Faculty of Law for an informal session with students, organized by Professor Margot Young. She responded to students' questions, giving her opinions on the development of sec-

tion 15 of the *Charter*, the responsibility of lawyers to perform a public service, the *Anti-Terrorism Act*, the proposal of a parallel Aboriginal justice system, the International Criminal Court, animal rights, Madam Justice Arbour's analysis of section 7 of the *Charter* in the *Gosselin* case, evidentiary accommodations for witness recanting in domestic violence cases, the marijuana and spanking decisions recently handed down from the Supreme Court of Canada, the upcoming appointment of a new Supreme Court of Canada justice, and child protection and the human dignity of children. She also complimented the work of feminist legal scholars, noting Professor Susan Boyd in particular, for providing new and contextual analyses to the Court.

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The following day, The Honourable L'Heureux-Dubé spoke to a group of prospective law students, returning to the theme of a lawyer's role in providing critical services to the public. She also took the time to chat casually with many people considering attending UBC's Faculty of Law.

In a year when UBC has seen many eminent visitors, The Honourable L'Heureux-Dubé's visit was certainly a high point for the Faculty of Law. She provided not only the opportunity to reflect on the legal progress of women's equality, but the opinions and the analysis of one who has been a key thinker in that process.



Former Madam Justice L'Heureux-Dubé, B.A., LL.L. Born in Quebec City in 1927. Educated at Monastère des Ursulines, Rimouski, Collège Notre-Dame de Bellevue, Québec, University Laval Law Faculty, LL.L. (cum laude), 1951. Called to the Québec Bar, 1952. Appointed to the Superior Court of Québec, February 1973, Québec Court of Appeal, October 1979 and Supreme Court of Canada, April 15, 1987. She retired July 1, 2002, and has since been named a Companion to the Order of Canada.

See www.scc-csc.gc.ca for more details.

SEXUAL ASSAULT SUPPORT CENTRE OPENS ON CAMPUS

By Kerry Lynn Okita (Law I)

This year Women Against Violence Against Women (WAVAW) Rape Crisis Centre initiated the Sexual Assault Support Centre (SASC) in collaboration with the Alma Mater Society. This centre is the first of its kind at the University of British Columbia: it operates a crisis line and a support network on campus for survivors of sexual assault. Located in the Student Union Building (SUB), SASC not only provides a drastically needed and highly sensitive service to students, but also furthers awareness surrounding the issue of sexual violence.

SASC originally began as a pilot project between WAVAW and the AMS as The Young Women's Project. This year, after extensive program development and securing funding thanks to a successful student referendum, SASC was instituted as a permanent service on the campus of UBC. Lisa Lafreniere, who was previously the Young Women's Project Coordinator, was joined by co-coordinator Julia Payson, a UBC student. These two women, along with the enlistment of 17 volunteers, created the network of services and support provided by SASC.

The services available to the university community from SASC include immediate crisis counseling as well as ongoing one-on-one counseling and support groups. The Centre also pro-

vides court accompaniments; referrals and information; and assistance with Crime Victim Assistance forms, Victim Impact Statements and Third Party Reports. These services and advocacy work are also combined with a powerful commitment to raising awareness on campus of issues of sexual and gender violence. The centre publishes material available to students regarding topics such as sexual assault myths and drink spiking. Its coordinators and volunteers are also available at many campus events staffing tables, speaking, and even providing workshops for students. As

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emphasized by co-coordinator Julie Payson, the Centre is essential for its specialization in advocating and informing survivors of sexual assault about their options, but it is also significant for creating a space for students to get involved with anti-oppression work.

Earlier this year SASC was particularly successful in coordinating an excellent week of events for Anti-Violence Week. Throughout the week of February 23rd to 27th SASC coordinators and volunteers staffed tables in the SUB and organized an array of activities, including a clothesline project, Vaginapalooza coffeehouse, and a Groove-A-Thon. During Anti-

Violence week SASC also held UBC's first Take Back the Night march. All of these exciting events were put on by the SASC with the immense support of their volunteer base, and provided students with the opportunity to learn and engage with anti-violence issues.

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The programs and awareness provided by SASC continue to be developed as the Centre remains in its infancy. If present work is any indication of future progress, however, it is clear that UBC and its students have gained a truly invaluable resource.

More information about Sexual Assault Support Centre can be found by calling 604.827.5180, emailing sasc@ams.ubc.ca, or at the Centre located in the UBC SUB at rooms 57/58. More information about Women Against Violence Against Women Rape Crisis Centre can be found at their website www.WAVAW.ca.

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Musqueam people, whose traditional
territory we are on, and thank them
for allowing us to be here.

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