University of British Columbia, Faculty of Law

LawFemme: CFLS News

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In This Issue

Theme Issue:
Legal Feminism and Canadian Women: How Does Canadian Law Affect Different Women in Canada?

Women in Canada come from a plethora of cultures and circumstances, which create a wealth of experiences in Canadian society. Simply walking down any street in Vancouver indicates that there is not just one category of "Canadian Women" but a multiplicity of people who span all social locations, including: economic situations; ethnic backgrounds; sexual preferences; religious denominations; gender norms; physical and mental abilities... the list goes on and on. These factors all intersect and affect women's experiences to varying degrees. They also constitute powerful notions of identity, including how women self-identify and how the world reflects identities onto them. One of the challenges of feminism, therefore, is to remain complicated by this assortment.

> "The various intersections between gender, race, class, sexual orientation, and other differentiating characteristics, affect how and when all women experience sexism."
>
> Professor Marlee Kline 1989

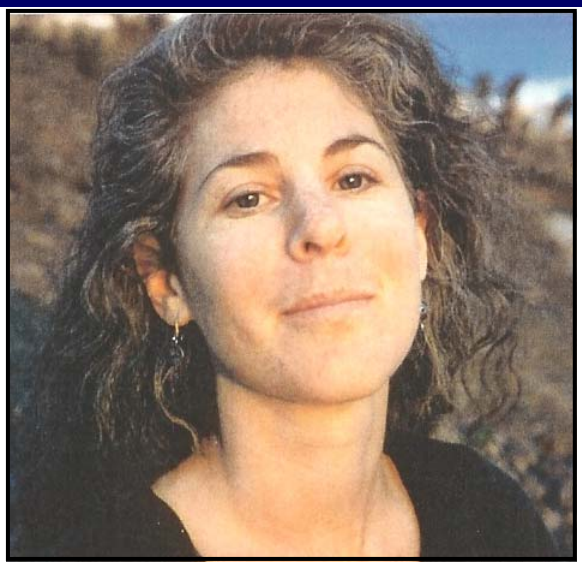
This issue is dedicated to recognizing and embracing diversity among Canadian women through an engagement with legal feminism. Inspiring this issue was the Inaugural Marlee Kline Lecture and our honoured guest, Judge Mary Ellen Turpel Lafond. Both Professor Kline and Judge Turpel Lafond are extraordinary examples of women whose work recognizes the significance of social location when exploring how women experience Canadian law.

The contributors to this issue look at various aspects of how Canadian law affects different women. Kylie Walman's article examines how sentencing provisions potentially decrease legal protection for aboriginal women. Agnes Huang describes the Gendering Asylum project, which is investigating how Canada's refugee legislation affects women. Laura Track reports on a development effecting Islamic women in Ontario and Maia Tsurumi's article reports on PIVOT Legal Society's challenge of Sex Trade Laws in Canada.

These articles all portray the impact of Canadian laws on specific groups; however, they are by no means exhaustive of the issues facing Canadian women. This issue serves as a limited illustration of the myriad of concerns that are encompassed by legal feminism in Canada and affirms the need to retain an open and contextual analysis when dealing with issues of legal feminism.

Kerry Lynn Okita, Law II

MARLEE KLINE LECTURESHIP IN SOCIAL JUSTICE



The Inaugural Marlee Kline Lecture in Social Justice honours the memory of Marlee Kline. This lectureship not only recognizes Professor Kline's rich contribution to the law school community but also reflects her belief in the central role social justice concerns must play in legal education and law.

Our goal is to raise $250 000 to establish an endowment that will support annual guest lectures to UBC law and an essay prize in perpetuity. The Marlee Kline Lectures will provide an invaluable opportunity for UBC students, faculty, alumni, legal professionals and the general public to learn about current issues in the area of social justice.

To make a special gift to this endowment, contact Janine Root, Development Coordinator, UBC Faculty of Law, 1822 East Mall Vancouver, BC, V6T 1Z1; telephone: (604) 822-6266; email: jroot@law.ubc.ca.

Professor Marlee Kline, a member of the UBC Law Faculty and the Centre for Feminist Legal Studies, died on November 29, 2001, after a long courageous fight against a serious form of leukemia. Her passing, at age 41, was a great loss to the intellectual community at UBC, and especially to the feminist legal community.

Marlee Kline had been a professor of law at UBC since 1989. She is remembered as an inspiring teacher, brilliant scholar, and engaged and supportive colleague. She was a committed feminist and social justice advocate concerned about the intersecting needs and rights of women, children, First Nations people, and low-income people.

Professor Kline was awarded the 2001 J.C. Smith Scholar Award, in recognition of her outstanding contributions to our Faculty of Law in teaching, research and administration. Her research focused on the areas of child welfare law, restructuring of the welfare state, and the structures of sexism and racism within the law. Professor Kline's work on the complex interactions between race, anti-Semitism and gender was foundational, and inspired many legal academics in Canada and around the world.

Professor Kline also had a significant impact on many students, particularly those who were marginalized within society or within the law school. She taught a number of courses, including Feminist Perspectives on Law, Feminist Legal Theory, Social Welfare Law, and Property Law. Colleague Margot Young observed: "I know how dedicated Marlee was to teaching, how much time she put into her classes and into providing extensive feedback on student work. Marlee was committed to a critical, challenging, and engaged study of law and legal institutions. She worked hard to incorporate alternative and diverse perspectives into class materials and discussion. She also offered to many students the kind of support and regard that made it possible for them to flourish during their law school studies."

Professor Kline was a compassionate and supportive colleague. As her colleague Ruth Buchanan said, "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," despite her numerous responsibilities within and beyond the university. Many of our lives were touched, and changed, by Professor Kline's approach to law, teaching, and her insight about law and relations of power.

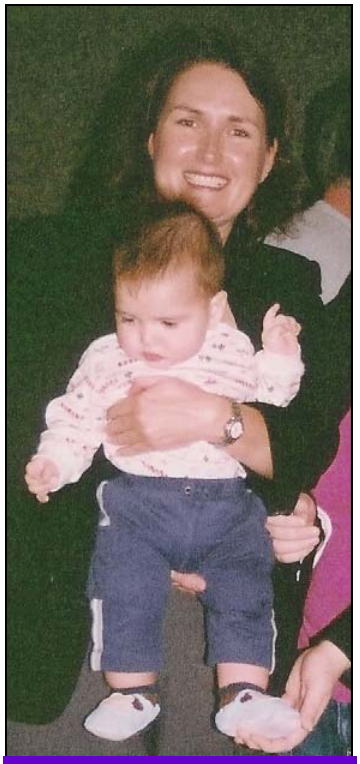
Professor Kline also contributed a great deal to the university and academic communities. Within the law school, she worked hard to strengthen the First Nations Law Program, as well as Feminist Legal Studies. She was English Co-Editor of the Canadian Journal of Women and the Law from 1998-2000, and Director of the UBC Centre for Feminist Legal Studies during 1998-99. She was also active in the Women's Studies community.

Many lives were touched, and changed, by Marlee Kline's approach to law, her teaching, and her insights about law, justice, and power.

The Honourable Judge Mary Ellen Turpel Lafond: Leading by Example

By Kerry Lynn Okita, Law II

The inaugural Marlee Kline Lecture in Social Justice commenced with Judge Turpel Lafond's discussion of the impact Professor Kline's work has had on her personally. The Honourable Judge expressed the validation she found in Professor Kline's work that culture and race matter when considering the impact of the law. Speaking not only as a judge, but as an aboriginal woman, mother, scholar and wife, Judge Turpel Lafond described the law as a public trust. This trust must be situated in the context of the society that it affects and influences. She stressed the need for leadership and mentorship within the legal profession, in order to maintain the public service of law, with particular regard to issues affecting First Nations women in Canada.



Judge Turpel Lafond with son, Isaiah Denning Lafond

Judge Turpel Lafond discussed the need to recognize both the social and legal inequalities facing First Nations women. In order to eradicate the social indifference suffered by First Nations women, Judge Turpel Lafond stressed the necessity of contextualization when examining the impact of the law. In particular, she examined the unresponsiveness with regard to aboriginal victims in the criminal justice system and noted the recent Amnesty International Report, *Stolen Sisters*, which explores the discrimination and violence experienced by First Nations women in Canada. The Judge stated that many aboriginal women and girls have a great mistrust of the legal system and resist any form of engagement with the law. This sentiment results not only from the law's inadequate response to their needs and insufficient protection of their interests, but also because aboriginal women are cognizant of the negative effect the legal system has had on their communities.

In order to address these issues, Judge Turpel Lafond said that the legal profession needs to be viewed as a public service. Not only must the law be tolerant and multi-ethnic, but flexible and open with the ability to reach out to people's experiences and to address the needs of the most vulnerable groups in society. The Judge views a strong affirmation of an ethic of public trust as the only way to broaden the culture of the legal profession; in so doing, the legal profession can remain open to new ideas that embrace difference and understanding without the appropriation of experiences.

Judge Turpel Lafond's words described the need for strong support and leadership in order to affirm a conceptualisation of the law as a public service. As an academic, judge, lawyer, mother, and professor, Judge Turpel Lafond incites this leadership by example. Her amazing list of accomplishments, her warm and accessible nature, and her captivating honesty command the highest level of respect that only comes from true inspiration.

Honourable Judge Mary Ellen Turpel Lafond of the Muskeg Cree Nation is a renowned academic, educator, lawyer, and judge. She is also the proud mother of four and was accompanied by her youngest son, Isaiah, on her trip to Vancouver. Among her many credentials, she has been chosen as one of Time Magazines top 100 Global Leaders and top 20 Canadian Leaders of the next millennium. Currently, Judge Turpel Lafond sits on the Saskatchewan Provincial Court and was the first Treaty Indian to be appointed in that province. Prior to her appointment, Judge Turpel Lafond attended Osgoode Hall Law School (LL.B. 1985), Cambridge University (LL.M in International Law in 1988) and Harvard Law School (PhD in 1991). She was also the first Aboriginal person tenured as a law professor and taught at a number of universities. Judge Turpel Lafond practised law on the Asimakaniseekan Askiy Reserve in Saskatoon and in Nova Scotia representing many First Nations individuals and organizations, including the Native Women's Association of Canada, the Assembly of First Nations, the Assembly of Manitoba Chiefs, and the Federation of Saskatchewan Indian Nations.

Balancing Rights: Aboriginal Women and the *Gladue* Provision

By Kylie Walman, Law II

In 1996, a series of amendments to the Criminal Code Sentencing Provisions were enacted. Included in these amendments was section 718.2(e) which obligates sentencing judges to consider sanctions other than incarceration where reasonable. This section also instructs judges to take into account the particular circumstances of aboriginal offenders. Since the *Gladue* (*R. v. Gladue,* [1999] 1 SCR 688) decision in 1999 where the Supreme Court of Canada clarified application of the provision to aboriginal offenders, issues have arisen regarding the provision's effect on aboriginal women, particularly those who have been assaulted by their spouse.

Spousal assaults committed by aboriginal male offenders are predominately committed against aboriginal women; therefore, application of this provision may result in lesser sentences for these offenders and arguably, less protection for aboriginal women.

Spousal assaults committed by aboriginal male offenders are predominately committed against aboriginal women; therefore, application of this provision may result in lesser sentences for these offenders and arguably, less protection for aboriginal women. In both *Gladue* and the 2000 decision of *Wells* (*R v. Wells,* [2000] 1 SCR 207), the Supreme Court clearly held that consideration of aboriginal circumstances cannot supersede other objectives and principles of sentencing. Judges must continue to consider an appropriate sentence for the particular offender, offence, victim, and community. Moreover, in *Wells* the Court commented that Parliament could not have intended section 718.2(e) to result in lesser protection under the law for aboriginal victims. Unfortunately, the discretionary nature of sentencing and the number of factors that must be considered makes it very difficult to determine whether this provision is being applied properly and in a way that does not threaten the protection of aboriginal women. This issue was raised by the women of the Liard First Nation in Watson Lake, B.C. who claim that a decision of the B.C. Provincial Court put the women of the community at risk.

Watson Lake, Yukon, a small community just north of the B.C. border, has the highest rate of spousal assault in the Yukon at four times the average. In February 2004, Justice Shmidt of the British Columbia Provincial Court imposed a suspended sentence with a two year term of probation on Daniel Morris, a former Chief of the Liard First Nation (*R. v. Morris*, [2004] B.C.J. No. 476 (PC)). The charges resulted from an assault which took place in June of 2003. Upon finding his spouse in her vehicle with another man, Morris took her to an isolated location and beat her for over two hours. At some point during the brutal assault Morris' spouse agreed to have sexual intercourse with him, in hopes of ceasing the assault, however, Morris continued to beat her. At trial, Morris pleaded guilty to the assault and forcible confinement of his common law wife. In his reasons for sentence, Justice Schmidt concentrated on Morris' circumstances as an aboriginal offender and commented at length on the prevalence of spousal assault in the community of Watson Lake. Justice Shmidt, despite his awareness of the deep divisions in the community regarding Morris' sentence, stated he hoped that the terms of Morris' probation, which included a potlatch and a men's sharing circle, would lead to healing within the community.

Liard Aboriginal Women's Society submitted a letter to the court stating that the women of Watson Lake were fearful of the male leadership and the possible use of their power to silence women who speak out against violence.

Both the Kaska Tribal Council and the Liard Aboriginal Women's Society (LAWS) presented their views to the court. The Kaska Tribal Council supported a community based sentence and expressed their willingness to facilitate any terms of probation. However, LAWS submitted a letter to the court signed by approximately fifty community members stating that the women of Watson Lake were fearful of the male leadership and the possible use of their power to silence women who speak out against violence. LAWS claimed that members of the Kaska

Tribal Council are too close to the issue to maintain objectivity. Furthermore, they stated that the vulnerability and fear experienced by women in the community would only be magnified by the imposition of a community-based sentence. Although Justice Schmidt commented on the letter from LAWS, he expressed hope for a healing of the division and ordered that the Kaska Tribal Council and LAWS work together to devise a plan for Morris' community service. LAWS refused to be involved and at the time the case was appealed Morris had yet to begin community service.

The Crown appealed the sentence to the B.C. Court of Appeal where in June of 2004, Morris' sentence was overturned and a sentence of 12 months incarceration and two years probation was ordered (*R. v. Morris*, [2004] B.C.J. No. 1117 (CA)). The court held that the sentence imposed at trial was clearly unfit and unreasonable in light of the circumstances of the case.

The involvement of LAWS in this case raises the issue of the effect of section 718.2(e) on aboriginal women. Although Morris' original sentence was overturned, it provides a clear example of the potential to deny aboriginal women equal protection under the law. This occurred even though the *Charter* guarantee of equality is specifically aimed at groups who have suffered disadvantage and is intended to ensure that disadvantage is not perpetuated. Aboriginal women currently experience significant disadvantage within Canadian society and unfortunately, within aboriginal communities. According to numerous studies the number of aboriginal women who have experienced physical abuse at the hands of a husband or common-law spouse is approximately 80%. Aboriginal women also experience poverty, unemployment, and death by violence at significantly higher rates than non-aboriginal women. Clearly, aboriginal women are a group at which the spirit of section 15(1) of the *Charter* is aimed.

Unfortunately, there is an immense gap between what should occur, based on purposes and objectives of the law, and what in fact does occur in the courts.

This issue, however, is complicated by the fact that section 718.2(e) is intended to ameliorate disadvantage experienced by *all* aboriginal peoples. Parliament has recognized that the incarceration of aboriginal offenders has reached alarming rates and the overuse of this sanction, which bears little resemblance to traditional aboriginal approaches to sentencing, has exacerbated the serious social issues facing many aboriginal communities. Section 718.2(e) is the remedial response to over-incarceration of, and the imposition of a culturally-alien justice system, on aboriginal peoples. Therefore, the objective of the provision seems to be in line with the principle of substantive equality and the amelioration of disadvantage within section 15(1) of the *Charter*, making it very difficult for aboriginal women to claim that this provision in fact violates the *Charter* guarantee to equal protection under the law.

Aboriginal women are a group at which the spirit of s. 15(1) of the *Charter* is aimed

Section 718.2(e) has not faced a *Charter* challenge; however, if the issue was to come before the courts, it would be extremely difficult to overcome the ameliorative purpose of the provision. A challenge would also have to address the fact that if the section was applied appropriately, with all pertinent principles and objectives of sentencing being taken into consideration, the provision shouldn't deny aboriginal women equal protection under the law. Unfortunately, there is an immense gap between what should occur, based on purposes and objectives of the law, and what in fact does occur in the courts. The trial decision in the *Morris* case is a clear example of the latter situation.

The Supreme Court of Canada has clearly stated that the protection of aboriginal women should not be affected by the objectives of s.718.2(e) (*Wells*). However, this is precisely what occurred in the *Morris* case and many would argue has occurred in numerous other cases. There is no doubt that most aboriginal women would want to see the issue of over-incarceration addressed. However, aboriginal women should not have to bear the adverse effects of this objective. Unfortunately, without a *Charter* challenge of the validity of section 718.2(e) or a more direct ruling from the Supreme Court of Canada, this issue will remain open and the protection of aboriginal women, under the law, will remain tenuous.

Gendering Canada's Asylum Regime

By Agnes Huang, Law III

The Gendering Asylum project was initiated in May 2003 to explore how changes to the refugee determination process introduced by the *Immigration and Refugee Protection Act* (*IRPA*) affect women seeking asylum in Canada. When *IRPA* came into force in June 2002, it marked the first major overhaul to the legislative regime since the late 1970s.

Housed at the UBC Faculty of Law and funded by the Status of Women Canada Policy Research Fund, the Gendering Asylum project is inter-disciplinary and national in scope. The project's principal investigator is Dr. Catherine Dauvergne, Associate Professor of Law at UBC and Canada Research Chair in Migration Law. She is joined by co-investigator Dr. Leonora Angeles, a professor with the Centre for Human Settlements and the Department of Women's Studies at UBC. Several research associates were also hired to work on various parts of the project, including Danya Chaikel (Law III) and myself.

There has been little analysis of how procedural aspects of Canadian refugee legislation and policies are gendered, raced and classed.

The Gendering Asylum project aims to do just that – we are identifying aspects of Canada's laws and practice which may enhance or constrain access to the refugee determination system and to other types of protection.

The Gendering Asylum project involves five components:

1. conducting interviews with refugees and refugee claimants, and with key informants (academics, community/legal advocates, lawyers and decision-makers)
2. evaluating Canada's new refugee laws and comparing them to the Federal Government's commitment to gender-based equality, and to international best practice standards
3. creating an annotated bibliography
4. compiling relevant statistics
5. making policy recommendations to the Federal Government

Conducting gender-based analysis (GBA) of its policies and programs is a commitment the Canadian government has made since the 1995 World Conference on Women in Beijing, China. Several departments, including Citizenship and Immigration Canada (CIC), have set up GBA Units to undertake impact reviews and train staff on gender equality issues. A commitment to gender equality is also built into *IRPA* itself. The Act states that decisions taken under it are to be consistent with the Canadian *Charter of Rights and Freedoms* and in compliance with international human rights conventions to which Canada is a signatory: s. 3(3). As well, the Ministers with responsibilities under the Act are to report annually to Parliament on the gendered impacts of the legislation: s. 94.

In the past, much of the focus of the GBA discussion has been on what happens at refugee hearings and on how claims are decided. There has been quite a lot of commentary on the gender-based persecution guidelines developed in the mid-1990s by the Immigration and Refugee Board (IRB) – the administrative tribunal vested with the authority to adjudicate refugee claims – and Canada's leadership in this area. In contrast, there has been little analysis of how procedural aspects of Canadian refugee legislation and policies are gendered, raced and classed. The Gendering Asylum project aims to do just that – we are identifying aspects of Canada's laws and practice which may enhance or constrain access to the refugee determination system and to other types of protection.

In particular, we are exploring each stage of the refugee determination system that a person may encounter in the process of seeking asylum in Canada: arrival and initial interview; detention and detention hearings; refugee hearings; applications for permanent residency and family reunification; accessing options following a negative refugee determination, such as judicial review, Pre-Removal Risk Assessment and humanitarian and compassionate applications; and removal from Canada.

The outcome of this project will be a report with

context, analysis and policy recommendations, which we will submit to Status of Women Canada in March 2005. Much of the report will be based on the more than 100 interviews we have held with key informants and refugees and refugee claimants in Montreal, Ottawa, Toronto and Vancouver. Our analysis will also draw from our review of the legislation, policies, procedural manuals and other relevant documents, as well as international conventions and frameworks related to refugees and gender.

One of the challenges for us has been that a number of developments in the legislative regime have taken place since we started the project.

- At the governmental level, some responsibilities related to the refugee determination process under *IRPA* have been shifted from the Minister of Immigration to the Canada Border Services Agency (CBSA), created in December 2003 under Solicitor General of Canada. The CBSA is now responsible for immigration enforcement (detention and removals) and interviews at ports of entry.

- At the IRB level, the Chairperson introduced a number of guidelines that affect the conduct of refugee hearings. Two in particular are under our review: the use of videoconferencing instead of in-person hearings, and the change in the order of presentations at hearings (with the Refugee Protection Officer or Minister's representative questioning the claimant first; that is, before the claimant's own counsel.)

- At the legislative level, the Safe Third Country Agreement between Canada and the United States, which would restrict the ability of persons who arrive by land in Canada via the US from seeking asylum here, is closer to becoming a reality. Canada has already gazetted its regulations and the US is set to do so; it is expected that the Agreement will come into effect by the end of this year.

- At the broader policy level, the Minister of Immigration, Judy Sgro, has for some time now been talking about overhauling the refugee determination system (as had all immigration ministers before her.)

The Gendering Asylum project is an opportunity to influence the direction of refugee protection in Canada. Given the current negative public perception of refugee claimants and refugees, we hope our report and recommendations can ensure that Canada maintains its commitment to its own and international human rights standards in the way it treats those who come to Canada seeking asylum.

For more information please check out the Gendering Asylum Website at:
www.genderingasylum.org.

The Centre for Feminist Legal Studies has been a great support for the Gendering Asylum project. Most of us working on the project are also involved with the Centre and the Centre provides us with space for our resource materials and our website.

Sharia Law in Canada?

By: Laura Track, Law II

Canada's commitment to the two goals of respect for diversity and multiculturalism on the one hand, and ensuring the equality of all citizens on the other, is being tested by the current debate regarding the use of *sharia* law in Ontario. Under the 1991 *Arbitration Act* religious tribunals in the province are empowered to make binding decisions about matters such as property, inheritance, and family law, including child and spousal support, and custody determinations, in hope of relieving backlog in the courts. Orthodox Jews have been settling civil cases in religious tribunals for years now, and many Muslim communities argue that they should be accorded the same right to apply their religious teachings to such disputes.

Sharia is the centuries-old system of Islamic justice based on the writings of the Qu'ran. Its followers hold that it is the supreme law that governs all Muslims, and that following its dictates is the only way for a Muslim to live true to his or her faith.

Sharia is the centuries-old system of Islamic justice based on the writings of the Qu'ran. Its followers hold that it is the supreme law that governs all Muslims, and that following its dictates is the only way for a Muslim to live true to his or her faith. However, there is no consistent interpretation of the laws and they are applied differently in every region in which they operate. *Sharia* has been used to justify amputations, beatings, and the stoning of women for such transgressions as flirting or suspicion of extra-marital affairs. Of course, such results would never be permitted in Canada, but there are still fears that women will continue to be discriminated against under any form of *sharia* law. Proponents of the system's use in Canada, however, say that tribunal decisions will respect the supremacy of the *Charter* and will be consistent with its equality guarantees, and any decision can be appealed to a civil court to ensure that this is so. Moreover, no one will be forced to have their disputes resolved in this way; participation in the arbitration will be voluntary.

However, there are many vocal opponents to this potential development in Canadian law. Many Muslim women say that they came to Canada to escape this harmful and discriminatory legal system, which places the interests of men far above those of women in a number of ways, including limiting the amount that women can receive as an inheritance to one half of what men receive, restricting the length of time women can receive spousal support, and ensuring that only men can initiate divorce proceedings.

Many Muslim women say that they came to Canada to escape this harmful and discriminatory legal system, which places the interests of men far above those of women in a number of ways.

They also argue that the notion of voluntariness is a farce and a smokescreen, the reality being that women will feel obligated by their community to subscribe to a *sharia* tribunal's determination, and that no woman would appeal such a decision for fear of being censured and ostracized by her religious community. Others argue that creating *sharia* courts would represent a further attempt to separate and "otherize" the Muslim community, who already face discrimination and marginalization here in Canada (for example, think about Maher Arar). There is also the argument that the Canadian convention recognizing the separation of church and state, or perhaps in this case mosque and state, precludes *any* religious tribunal from making decisions of a legal nature.

Marion Boyd, former Ontario Attorney-General and Minister Responsible for Women's Issues, has been charged with reviewing the *Arbitration Act* to assess its impact on vulnerable people in inheritance and family law contexts. She faces the unenviable task of having to decide whether *sharia* can be accommodated under the current legislation, or whether *sharia* law is so fundamentally different from other religious laws that its application cannot

Sharia in Canada Continued

be justified under the current regime. If she opts for the former, one would hope it would be with some caveats and qualifications. Perhaps the Act could be modified to exclude issues of inheritance or family law. Perhaps standardized training for all decision-makers on the equality guarantees contained in the Charter, and counseling and education for all participants on their basic rights and freedoms, could be made mandatory. Or perhaps there is nothing that could allay the well-founded fear that women would continue to be subjugated under what has traditionally been an incredibly repressive legal regime. Nonetheless, some see in all of this a potential opportunity for the development of a progressive, tolerant, "Canadian-ized" form of *sharia*, one consistent with our stated commitments to both gender equality and respect for cultural diversity. There is no doubt that this is a difficult and contentious issue; Ms. Boyd's report was widely expected to be delivered this past September, but as I write this, no report has yet been made.

Some see in all of this a potential opportunity for the development of a progressive, tolerant, "Canadian-ized" form of *sharia*, one consistent with our stated commitments to both gender equality and respect for cultural diversity.

For more please contact: Canadian Council of Muslim Women at: http://www3.sympatico.ca/ccmw.london/

CFLS Speaker Series Spring 2005 Schedule

Lectures are held on Thursdays at 12:30 to 1:30pm in room 157 (Curtis Law Building)

Everyone welcome!

January 6th: ***Professor Kellye Testy*** (Associate Dean, University of Seattle Faculty of Law)
"Feminist Analyses of Corporate Law, Governance and Accountability"

January 13th: ***Frances McQueen*** (Coordinator, Vancouver Area Survivors of Torture)
"Gender-based claims at the Immigration and Refugee Board: Principals and Practise"

January 20th: ***Kelly MacDonald, LLM*** (Barrister and Solicitor, Vancouver, BC)

January 27th: ***Dr. Wendy Chan*** (SFU School of Criminology)

February 3rd: ***Sarah Khan*** (BC Public Interest Advocacy Centre)
"Overview of Current Litigation and Women's Socio-Economic Rights"

February 10th: ***Dr. Dorothy Smith***
"Institutional ethnography"

February 17th: **No Speaker**- Reading Week

February 24th: ***Dr. Carole Blackburn*** (UBC Department of Anthropology and Sociology)

March 3rd: ***Caryn Duncan*** (Vancouver Women's Health Collective)

March 10th: ***Dr. Becki Ross*** (UBC Sociology and Women's Studies)

For more information on the Speaker Series check out our website at http://faculty.law.ubc.ca/cfls

PLEASE JOIN THE CFLS IN OUR SIXTH ANNUAL

LAUNCH EVENT AND CELEBRATION

CELEBRATING:

THE CENTRE FOR FEMINIST LEGAL STUDIES

LAUNCHING:

SPECIAL EDITION OF THE CANADIAN JOURNAL OF WOMEN AND THE LAW IN MEMORY OF MARLEE KLINE

EDITED BY:UBC PROFESSOR AND DIRECTOR OF THE CFLS, SUSAN BOYD
UBC PROFESSOR MARGOT YOUNG

AND

HUMANITARIANISM, IDENTITY AND NATION:

MIGRATION LAWS OF AUSTRALIA AND CANADA

BY UBC PROFESSOR CATHERINE DAUVERGNE
PUBLISHED BY UBC PRESS, 2005

THURSDAY, FEBRUARY 3RD, 2005

6:30-8:30PM

REFRESHMENTS WILL BE SERVED

ANNEX I, FACULTY OF LAW, UBC, 1822 EAST MALL

(THE ANNEX IS ACTUALLY ON WALTER GAGE ROAD, ACROSS THE PARKING LOT FROM THE FACULTY OF LAW MAIN BUILDING NEXT TO THE PARKADE)

PLEASE RSVP BY JANUARY 28TH TO:

604-822-6523 OR CFLS@LAW.UBC.CA

PIVOT LEGAL SOCIETY: UPDATE ON THE SEX WORK LAW REFORM PROJECT

BY: MAIA TSURUMI, LAW II

Pivot Legal Society (www.pivotlegal.org) is a non-profit organization that uses the law to advance the interests of marginalized persons. Pivot is active in Vancouver's Downtown Eastside and focuses its efforts strategically to address the legal and human rights challenges commonly faced by those on the fringes of society.

Pivot initiatives are multi-pronged campaigns on specific issues that incorporate litigation, legal education, legal research, community empowerment and public education. One such initiative, the Sex Work Law Reform Project**,** produced a constitutional analysis of the criminal laws relating to adult prostitution based on 91 affidavits taken from street level sex workers primarily in Vancouver's Downtown Eastside. (www.pivotlegal.org/sextradereport/)

The Sex Work Law Reform Project, produced a constitutional analysis of the criminal laws relating to adult prostitution based on ninety-one affidavits taken from street level sex workers primarily in Vancouver's Downtown Eastside.

The report is called *Voices for Dignity: A Call to End the Harms Caused by Canada's Sex Trade Laws*. It argues that the current criminal laws are unconstitutional and recommends the repeal of sections 210 (Keeping common bawdy-house), 211 (Transporting person to bawdy-house), parts of 212 (Procuring) and 213 (communicating for the purposes of prostitution) of the *Criminal Code of Canada*. The *Voices for Dignity* report has received a positive response from members of the federal, provincial and municipal governments.

This year, the Law Foundation has provided funding to continue the work of the Sex Work Law Reform Project. In the second phase of the project, Pivot will address two important questions: 1) what form of regulation, if any, should replace the current criminal laws relating to sex work ; and 2) how will the various areas of law affect the rights and interests of sex workers in a decriminalized environment?

In order to answer the above questions, Pivot is examining the existing municipal, provincial and federal legislation that is relevant to decriminalized sex work (labour, municipal, social welfare, corporate, tax, immigration, family, criminal and health law). The objective is to examine the potential effect of these laws on sex workers in a decriminalized legal environment and to evaluate whether, under decriminalization, the laws can facilitate working and living conditions consistent with the rights, needs and interests of sex workers. Pivot is conducting focus groups with sex workers from various areas of the industry (street level, in-call/massage parlour and out-call as well as male and female workers) and reviewing the relevant laws. The final result will be a report containing an analysis of the legislation and a set of recommendations for law reform that will be provided to all levels of government. This report will be completed by the summer of 2005.

Pivot is also lobbying the federal government to place the human rights of sex workers on the Parliamentary agenda. Specifically, Pivot wants the federal government to reconvene the Parliamentary Subcommittee on prostitution to review the criminal laws surrounding sex work.

The approach to law reform implemented in the sex work project has involved an inclusive model that calls on the expertise of sex-workers, community activists, law students, lawyers and law professors. Pivot welcomes volunteers interested in contributing to ongoing research and legal analysis relating to phase two of the sex work law reform project. *We are currently seeking senior lawyers available to provide legal analysis and share expertise.*

To get involved, please contact one of the three project coordinators: Cristen Gleeson at cristen@pivotlegal.org, Stacey at Stacey@pivotlegal.org or Yvonne at Yvonne@pivotlegal.org.

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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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