

LawFemme

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

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Fighting Homophobic Violence in South Africa: Witnessing Courage, Resilience and Hope

by Peggy Lee, Law III

For six months, while on exchange at the University of Cape Town Faculty of Law, I had the privilege of working in solidarity with Triangle Project, a LGBTI (lesbian, gay, bisexual, transgender, intersex) human rights organization based in Cape Town, South Africa (www.triangle.org.za/). Triangle Project spearheads the Western Cape "End Hate 07-07 Campaign" against homophobic violence. The campaign is named in commemoration of the date when two black lesbians, Sizakele Sigasa and Salome Masooa, were murdered (7 July 2007).

Despite progressive constitutional and legislative protections, LGBTI human rights in South Africa continue to be regularly violated as LGBTI individuals remain targets of homophobic violence. Misogynist violence and heterosexist discrimination remain daily realities

of South African life. Many homophobic hate crimes are committed against black lesbians and transgender women living in townships or rural areas. Violence is perpetrated as a means to maintain patriarchal power and reinforce the heteronormative social order.

These realities are compounded by the inherited and continuing apartheid legacy of rampant violent crime and deep structural inequalities.

Homophobic Hate Crimes

Unlike individual crimes, hate crimes are directed at an entire group of people but focus on an available victim. Hate crimes are aimed at intimidating and oppressing many people at once. Homophobic hate crimes against LGBTI include murders, rapes, sexual or physical assault, intimidation and harassment. Most homophobic hate crimes in



(Continued on page 3)

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Mobilizing, Networking, Energizing, and Deepening the Roots of the Young Feminist Movement Across Canada

ReBELLES 2008

By Rebecca Aleem, Law II

From the 11th - 13th October 2008, hundreds of young feminists from across Canada will descend on Montreal for the first ever Pan-Canadian Young Feminist Gathering known as ReBELLES 2008/Waves of Resistance. (www.rebelles2008.org).

Aimed at women aged 14-35, ReBELLES 2008 will gather the greatest diversity of young women and young feminists possible, coming from various environments, diverse social classes, and different regions of the country.

ReBELLES 2008 emerged from a pan-Canadian preparatory meeting (*The Consulta*) held near Ottawa from May 2nd - 4th 2008. During this gathering, participants from across the country shared and reflected on the oppressions encountered by young women and on the struggles of young feminists. It was also during this meeting that a concept for a gathering was discussed in more detail, as was the need to increase and strengthen relationships amongst young feminists from different parts of Canada. Hence, ReBELLES 2008 was born!

The main objective of this gathering will be to provide a solid foundation for the feminist movement by mobilising and creating strong networks within the young feminist community. Young women and young feminists will be able to meet, exchange ideas, share their analyses and experiences, discuss issues af-

fecting them directly, collectivise their feminist struggles, and socialize.

ReBELLES 2008 will also aim to be lively, dynamic and inspiring for the participants by using various methodologies and facilitating techniques of both workshops and plenaries, avoiding the lecture style as much as possible.

Young women and young feminists will be able to meet, exchange ideas, share their analyses and experiences, discuss issues affecting them directly, collectivise their feminist struggles, and socialize.

In addition, there will be an open space for artists to contribute work that reflects their lives and struggles. There will be art exhibits, screenings of feminist films and documentaries, as well as a show organized by and for young feminists.

This aspect of the gathering reflects the understanding that young women and young feminists express themselves in different manners and that diverse artistic expressions are welcome.

Mobilization efforts for the ReBELLES gathering have been ongoing across Canada. A group of women is already mobilising across British Columbia, and here at the Faculty of Law we hope to contribute to this process by organising a group of up to 10 feminist law students to attend ReBELLES 2008. We are currently in the process of fundraising for this event and hope to have the necessary funds raised by October.

If you are interested in assisting with fundraising and/or attending this event, contact Rachael Manion at: cfls@law.ubc.ca

Fighting Homophobic Violence, *cont.*

South Africa are not reported to authorities as many LGBTI survivors fear retaliation and secondary victimization from discriminatory officials. These hate crimes take place within the context of a deeply troubled nation that has the highest rates of violence against women for a country that is not at war.

Listed below are some of the documented murders of black lesbian women occurring in South Africa in the last two years. On 4 February 2006, eighteen-year-old Zoliswa Nkonyane was threatened with rape for being a 'tomboy lesbian' and then stoned to death by a mob of twenty men in the township of Khayelitsha. On 7 July 2007, 34-year-old Sizakele Sigasa and 23-year-old Salome Masooa were tortured, raped and shot execution-style in the township of Soweto. On 22 July 2007, 23-year-old Thokozane Qwabe was raped and shot in Ladysmith. On 28 April 2008, 31-year-old Eudy Simelane was stabbed, tortured and mutilated in the township of Kwa-Thema. On 20 June 2008, 21-year-old Sibongile Mphelo was raped, shot and mutilated in Strand.

Courage and Resilience

Despite the hostile climate of homophobic violence, dedicated LGBTI activists and community members continue to organize, raise awareness and give support to hate crime survivors and families of the victims. Each time that we received news of another homophobic killing, I was deeply saddened. But I could not succumb to my fears as I witnessed the immense and inspiring courage of those around me – especially the brave survivors of hate crimes. As a volunteer legal advocate, I accompanied outreach workers and survivors of hate crime as they navigated police stations, hospitals and shelters in the access to justice process. I also met with

families of the victims and accompanied them to the police to demand information and proper investigation of the murder of their loved ones. Protests were organized at each court hearing to assert a visible LGBTI presence and vocalize demands for justice.

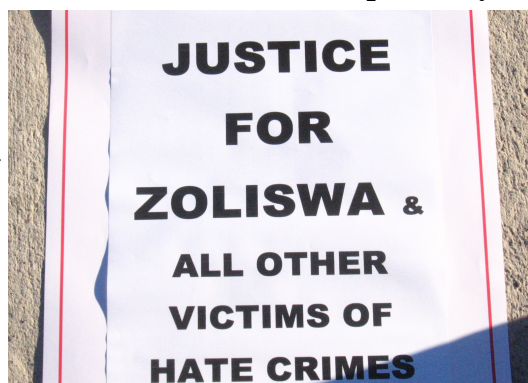
Solidarity and Hope

The liberation struggle that dismantled legal apartheid in South Africa produced one of the most progressive constitutions in the world. The promise of comprehensive constitutional and human rights protections for LGBTI in South Africa and elsewhere is yet to be fulfilled. We are still awaiting justice for the victims of homophobic hate crimes in South Africa as few cases have been brought to trial and those that have are hampered by continual procedural delays. The liberation struggle is not complete and much solidarity work needs to be done.

Upon my return to Coast Salish territory, I reflected on the commonalities between South Africa and Canada's oppressive colonial histories. There is much that we can learn from South Africa's transformative constitution that explicitly recognizes the need to change the structural injustices of the past. I have been privileged to be able to work in solidarity and learn from many marginalized communities. My short time in South Africa was a poignant reminder that inequality in any form is an obstacle to genuine freedom for all.

As one South African scholar, Kopane Ratele, wrote:

[I]f the liberation struggle was meant to free us from oppression, it must have been to free us from all kinds of oppression....Liberation has no plural. Being an indivisible whole, liberation cannot be partitioned. It is radical. To opt for anything else is to endanger it.



UBC Law is Proud to Welcome Emma Cunliffe to the Faculty!

By Rachael Manion, Law III

The UBC Law community is ecstatic that Emma Cunliffe will stay on at UBC as an Assistant Professor as she is routinely described as an engaging professor by her students, and is a warm and welcoming presence in any context. Emma taught Evidence last year while working on her Ph.D. dissertation, which considers how knowledges about science, motherhood and legal process interact within criminal trials to produce gendered criminal subjectivities. The title of her dissertation is “Getting Away with Murder? Law, Science and Motherhood.” The project considers how guilt is established when a mother is accused of murdering more than one of her children.

After completing her LL.B. at the University of Melbourne, Emma practiced competition and administrative law for several years at Deacons, a major Asia-Pacific law firm. When asked about her choice to move into criminal law from such a seemingly different area, she replied that her experience at Deacons fuelled her interest in the relationship between legal and other knowledges. Her current research is solidly grounded in theory concerning the processes by which knowledge that is traditionally external to law, such as the economic theory behind competition law, becomes integrated and interpreted as legal knowledge.

Emma’s research for her dissertation focuses on fact-finding within the criminal law and, in particular, the processes by which the criminal law turns an individual and their behaviour into the subject of analysis. Emma particularly explores the accused’s role in the criminal trial process and the kinds of inferences that are drawn from the accused’s behaviour and mothering practice. She is also interested in scientific understandings of infant death, and

how these understandings draw from and contribute to social beliefs about appropriate mothering.

This summer, she attended the trial of a woman in Guelph, Ontario who was accused of murdering two of her four children. The murders were committed 4 years apart and one of the central issues of the case was whether she should be convicted of murder or infanticide. Infanticide is one of two gender-specific offences in the Criminal Code; it applies when a mother kills a young child while she has not fully recovered

from “the effects of giving birth to the child” and, as a consequence, “her mind is then disturbed.” (*Criminal Code*, R.S.C. 1985, c. C-34, s. 233.) The trial had a profound effect on Emma and on her research.



Throughout the preparations for the trial, Emma had a degree of contact with both the prosecution and the defence, as well as the judge. The experience of sitting in the courtroom while the accused’s psychiatrists and family members testified had an “extra power” compared with Emma’s previous text-based research into transcripts and court records. It reinforced how central the questions of subjectivity and law’s power to categorise women are to

criminal law and legal theory.

Emma has been a steady presence at UBC Law, regularly contributing to the Centre for Feminist Legal Studies, Outlaws, and the Graduate Law Students’ Society while serving as a Law Faculty Graduate Studies Committee Representative. After a summer spent researching and moving into her new office, Emma will be teaching Evidence and first-year Criminal Law this coming year. You can reach Emma at cunliffe@law.ubc.ca in Room 247, or find her in the halls to say hello and congratulations!

Centre for Feminist Legal Studies

**Invites you to our
OPEN HOUSE
Wednesday, September 10th
from 12:30-2:00pm**



**COME FOR FOOD, FUN, AND DISCUSSION
MEET OUR DIRECTOR, PROFESSOR SUSAN BOYD
CHECK OUT OUR RESOURCE CENTRE!**

**Located in Annex 1 across
the parking lot.**

Entrance by the North parkade

Once inside, follow the signs!



**The Centre for Feminist Legal Studies is a great place
for students to study, discuss classes and social issues,
and to relax outside of the law school!**

**During the year, feel free to drop by - we've got
a fantastic space equipped with comfy couches,
a computer, wireless internet, and kitchen facilities.**

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

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

Position Available: Student Coordinator of the CFLS

The Centre for Feminist Legal Studies invites applications from law students for the position of Centre Student Coordinator during the 2008-09 academic year. The position is for 5 to 10 hours of work per week, under the supervision of the Director of the Centre.

The **duties of the Student Coordinator** include assisting the Director in the running of the Centre and building the resource library, helping to organize the speaker series and other events, publicizing the Centre's activities in the student body and in the community, organizing student volunteers for the Centre, liaising with Women's Caucus, helping to answer queries about the Centre's activities, updating the website, and conducting occasional research for the Centre or the Director. Preference will be given to applicants with a strong background in feminist knowledge and/or activism, excellent organizational and interpersonal skills, prior involvement in the Centre, a willingness to facilitate a relationship between feminist legal studies in the university and feminist law workers in the community, and a commitment to enhancing feminist legal studies and research.

Your application should include your resumé, grades, and a cover letter explaining your background and interests and why this position appeals to you. Also, indicate whether you would be available for work during summer 2009.

Please submit your applications to Professor Susan B. Boyd, Director, Centre for Feminist Legal Studies, Room 233, Curtis Law Building, 604-822-6459, boyd@law.ubc.ca

Deadline: September 30, 2008

If you have any questions, please do not hesitate to contact Rachael, the current coordinator, at cfls@law.ubc.ca.

Women's Court of Canada: En Route!

The only duty we owe to history is to rewrite it. – *Oscar Wilde*

The quips of Oscar Wilde rarely serve to inspire a revolution, least of all a legal revolution. However, his comment above serves as a guiding force for the Women's Court of Canada, an initiative driven by a group of female lawyers and academics who decided to rewrite pivotal Supreme Court of Canada cases on equality. The frustration often felt after reading many judgments in the field of equality law provided the impetus for this new legal project, which is funded by the Law Foundation of British Columbia, the Law Foundation of Ontario, and the federal Department of Justice.

The purpose of the Women's Court of Canada is to spur a debate about the actual content of equality law in Canada, by rewriting key Supreme Court of Canada decisions from a feminist perspective. The first Women's Court of Canada took place on March 6, 2008 at Osgoode Hall Law School (York University) and its first decisions were published in "Rewriting Equality", a special issue of the *Canadian Journal of Women and the Law* (18(1)). The group has since received a very positive response. Denise Réaume reports in the *Law Times* (March 17/24, 2008, p. 5) that the group has inspired the Feminist Judgments Project in the United Kingdom and has also been contacted by equality groups in India and South Africa for support in developing their own local initiatives.

The Women's Court of Canada is planning to come to Western Canada this year. The tour also includes a stop at the University of Manitoba, the University of Victoria, and should be at UBC in early March. The schedule will likely involve a panel discussion on the developments of litigation under s. 15 of the *Canadian Charter of Rights and Freedoms*, but please watch for details on the Centre for Feminist Legal Studies website (law.ubc.ca/faculty/cfls/)!

Marlee Kline Essay Prize Award Winners

The Marlee Kline Essay Prize for 2008 was awarded to both Andrea Mosher and Aileen Smith. The Prize is for the best submitted legal essay by a UBC LL.B. student exploring intersectional feminist analysis.

Andrea Mosher's paper was entitled "Parenting by Specific Performance: Legal Parentage by Intent and Contract in Same-Sex-headed Families." Aileen Smith's paper was entitled "Sex Inequality in a Colonial Landscape: The Intersecting Oppressions of Aboriginal Women."

Both papers were excellent and engaging pieces of legal research. If you have a chance, please congratulate these students. Please see p. 8 for information on next year's deadline for nominations and applications.

Auriol Gurner Young Memorial Award Winners

The 2nd Annual Auriol Gurner Young Memorial Award in Law was awarded to Ashleigh Keall and Brittany Skinner, in recognition of the range of their feminist contributions at the law school and in the larger community.

This award is for a student in the LL.B. program who has made significant contributions to feminism and the law, for instance through academic achievement, volunteer work, community activism, or work with a feminist organization.

The Steering Committee of the Centre for Feminist Legal Studies adjudicated the award and would like to thank all those who applied or nominated others. Please see p. 8 for information on next year's deadline for nominations and applications.

The F-Word Feminist Radio Show

This summer, **The F Word**, Vancouver's only feminist radio program, began broadcasting on **Saturday mornings between 8 and 9 AM** on Co-op Radio CFRO 102.7 FM (www.coopradi.org). You can now find feminist perspectives on current events and hot topics every Saturday morning!

This radio program promotes women's voices on a variety of issues and represents an opportunity for different communities to connect and communicate with each other, and to share information with people who are just discovering feminism.

If you would like to provide input, a review, or a press release for an event, the F-Word programmers invite you to send them an email at feminisms@gmail.com.

Family Law Research Assistant Required (2008-09) AUTONOMOUS MOTHERHOOD PROJECT

To work with Professors Susan Boyd and Fiona Kelly on a socio-legal study of autonomous mothering (mothering outside of marriage or cohabitation) and its different forms, past and present. The position involves locating and summarizing relevant Canadian and international case law, legislation and academic commentary.

Applicants who have taken Family Law, or who are familiar with current debates about custody, access and parenting law, will be preferred. The applicant must also have excellent research and writing skills and qualify for Work Study.

Please **submit your applications**, including a cover letter, law school grades and resume, to Professor Susan B. Boyd at boyd@law.ubc.ca by **5 pm Thursday Sept 11th**.

Auriol Young Memorial Award in Law



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

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

Nominations or applications for the award must be submitted to Professor Susan Boyd, Chair in Feminist Legal Studies, by **April 3, 2009**. You can submit via email to boyd@law.ubc.ca or in hard copy to the Fishbowl. Please provide a letter explaining the candidate's contributions to feminism and law and attach the candidate's resume.

Marlee G. Kline Essay Prize



The **Centre for Feminist Legal Studies** will award a \$250 prize to the best essay written by an LL.B. student attending UBC during the 2008-2009 academic year, addressing the themes identified in the above quotation in relation to a topic dealing with law or legal regulation. The prize is offered in the name of Marlee Kline, a feminist U.B.C. law professor who died in November 2001. The essay should be written for a U.B.C. course, seminar, or directed research project and must incorporate feminist research and analysis.

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

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

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

DEADLINE: May 8, 2009

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

(Marlee Kline, 1989)

CFLS 2008 FALL LECTURE SERIES

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

Susan B. Boyd Professor, Chair in Feminist Legal Studies, UBC Faculty of Law	CFLS Open House 2008 with UBC Feminist Faculty <i>at CFLS in Annex One</i>	September 10, 2008
Zara Suleman West Coast Legal Education and Action Fund (LEAF)	Justicia in Your Face: Addressing Race and Gender in Law Schools and Legal Education	September 17, 2008
Susan B. Boyd Professor, Chair in Feminist Legal Studies, UBC Faculty of Law	<i>Discussion</i> <i>Co-Sponsored with LSCU</i> Students' Experiences with Discrimination at UBC Law	September 24, 2008
Sunera Thobani Associate Professor, Centre for Women's and Gender Studies, UBC	War and Gender Relations	October 1, 2008
Equity Committee	Equity Town Hall	October 8, 2008
Sarah Rauch Director, First Nations Legal Clinic, UBC Faculty of Law	Mothers and Babies in Prison	October 15, 2008
Peggy W.Y. Lee Law III, UBC Faculty of Law	Hate Crimes Against LGBTI in South Africa: Homophobic Violence as Patriarchal Social Control	October 22, 2008
Margaret Wright Associate Professor, UBC School of Social Work	Judicial Decision-Making in Child Sexual Abuse Cases	October 29, 2008
Harsha Walia Community Organizer, No One Is Illegal	<i>Co-sponsored with LSCU</i> Intersection of Class, Race and Gender in (Im)migration	November 5, 2008
UBC Feminist Faculty and Upper Year Students	Exam Tips	November 12, 2008
Margot Young Associate Professor, UBC Faculty of Law	Geneva Dispatches: Last Month's United Nations Review of Canada under the Women's Convention	November 19, 2008

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