

WINTER SESSION 2015  
S 13:00 TO 16:30  
Location ICT 114

Instructor:  
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FACULTY OF ARTS  
LAW AND SOCIETY 335  
EQUALITY ISSUES

DETAILED COURSE OUTLINE PART 1 of 2

**\*\*It is strongly recommended that you print off and bring these \*\*items to class.**

JANUARY 17,  
2015      **INTRODUCTION**  
The Canadian Legal System  
Law and Social Change

**READINGS**

**\*\*Canadian Charter of Rights and Freedoms**

Link: <http://www.canlii.org/en/ca/const/const1982.html>

*R v Morgentaler* Link: <http://canlii.ca/t/1ftjt>

JANUARY 24,  
2015      **Women's Rights, Social Change, and Feminist Legal Theory**  
Overview

**READINGS**

Pellatt, *"Equality Rights Litigation and Social Change"*

Link: [http://heinonline.org.ezproxy.lib.ucalgary.ca/HOL/Page?handle=hein.journals/cajwol12&g\\_sent=1&id=131](http://heinonline.org.ezproxy.lib.ucalgary.ca/HOL/Page?handle=hein.journals/cajwol12&g_sent=1&id=131)

Devlin\*\*, *"Jurisprudence for Judges..."*

Link: <http://heinonline.org.ezproxy.lib.ucalgary.ca/HOL/Page?handle=hein.journals/queen27&id=173>

findlay\*\*, *"With All of Who We Are"* (pages 1-11) Link:

<http://www.barbarafindlay.com/uploads/9/9/6/7/9967848/withallofwhoare.pdf>

Mossman\*\*, *"Feminism and the Law: Challenges and Choices"*

Link: <http://heinonline.org.ezproxy.lib.ucalgary.ca/HOL/Page?handle=hein.journals/cajwol10&id=21>

Monture-Angus\*\*, *"Ka-nin-geh-heh-gah-e-sa-nonh-yah-gah"*

Link: <http://heinonline.org.ezproxy.lib.ucalgary.ca/HOL/Page?handle=hein.journals/cajwol2&id=177>

5. MacKinnon\*\*, “From Practice to Theory”

Link: <http://heinonline.org.ezproxy.lib.ucalgary.ca/HOL/Page?handle=hein.journals/yjfem4&id=19>

### **Handout #3 on D2L**

JANUARY 31,  
2015

*Class meets at  
Taylor Family  
Digital Library  
Room 440 B&C*

### **HOW TO DO BASIC LEGAL RESEARCH**

Law Librarian

**Meet to work on Group Projects**

FEBRUARY 7,  
2015

### **HUMAN RIGHTS & DISCRIMINATION**

Video – Discrimination and the law  
Human Rights and Discrimination

### **EQUALITY**

Definitions of equality  
Gender equality/ Discrimination  
Harassment  
Transgendered persons

### **READINGS**

\*\**Alberta Human Rights Act* Link: <http://canlii.ca/t/81xx>

McKay-Panos, “Equality?” Link:

<http://ezproxy.lib.ucalgary.ca/login?url=http://search.proquest.com.ezproxy.lib.ucalgary.ca/docview/219926518?accountid=9838>

*R v Kapp*\*\* Link: <http://canlii.ca/t/1z476>

*Withler v Canada (Attorney General)*, [2011] 1 SCR 396

Link: <http://canlii.ca/t/2g0mf>

### **Handouts #4, #6, #10 on D2L**

### **Part 2 of Detailed Course Outline**

## EVALUATION

### GROUP PROJECT 30%

Each group of up to 6 students will choose one of the following topics for a classroom presentation. The form of presentation will be up to the group. You might choose a panel discussion, a debate, or even a dramatic presentation. The quality of your presentation is important. Try to avoid simply reading your written report, as this tends to be boring and difficult to follow. The presentations should involve the whole group, and should be 15 to 20 minutes in length, with 5 minutes for questions to follow. One written brief per group is due on **28 March 2015**, and should be 10-15 pages long (double-spaced, with normal margins and 12 point font). Briefs should set out the background to the topic, and outline the content of the presentation. The group presentation should include the views of the group members on how the issue would be dealt with in a society that features equality for everyone.

Your group members will grade you on your contribution to the project (5%). I will grade you on the group's written brief (15%) and the group's presentation (10%).

### Topics and Dates:

**MARCH 28, 2015**

**(a) Women and Minority Persons in Prison**

What is the profile of women and/ or other minority persons (e.g., Aboriginal persons, mentally disabled persons) in Canadian prisons? What reforms or other accommodations have taken place over the last few years to improve conditions for women and minorities who are incarcerated in Canada? What other equality issues arise for persons in prisons?

**(b) Access to Justice**

Has legal aid historically been available to assist women and minorities with legal problems? Under what circumstances do people have the right to state funded legal counsel? In what way is this an issue of equality?

**(c) Poverty and Equality**

Is poverty an equality issue? How? What is the profile of people living in poverty in Canada and Alberta, and what are the issues facing such people? Are there sufficient legal protections for those living in poverty in Alberta?

**(d) Prostitution**

How is prostitution currently regulated in Canada and in Alberta? Should it be regulated? How? What are the equality issues in prostitution regulation?

**APRIL 4, 2015**

**(a) Judicial Intervention in Pregnancy and Birth**

In what ways, and in what circumstances have the courts intervened in women's pregnancies and the births of their children? How do these interventions impact upon women's rights? Are the interventions justified? What alternatives to the legal system are available?

**(b) Reproductive Technologies**

How are reproductive technologies currently regulated in Canada? What are the proposals for new regulations? How do you think they should be regulated, if at all? Why? How do equality issues arise in this context?

**(c) Pornography**

How is pornography currently regulated in Canada? What issues arise with respect to the way pornography is regulated? Should it be regulated? Does it cause harm? To whom? Why has this been such a divisive issue within the feminist movement?

**(d) Children's Rights**

What are some of the key issues regarding children's rights in Canada? What is their role in family law decision-making? Are they dealt with equitably by the criminal law system? Are there any equality issues evident in legislation that deals with children (e.g., prostitution, child welfare, family, young offenders)?

**APRIL 11, 2015**

**(a) Immigrant and Refugees and Equality Issues**

What special equality issues face refugees and immigrants in Canada? For example, can women claim refugee status on the basis of gender? Under what circumstances? What issues face immigrants employed as domestic workers? Are immigrants and refugees accorded the same level of legal protections as Canadian citizens?

**(b) Aboriginal Persons**

What are some of the equality issues currently facing Aboriginal persons in Canada? Are there any legal protections for Aboriginal persons beyond those in the Charter and human rights legislation? How will Aboriginal women be affected by self-government?

**(c) Sexual Identity and Equality**

What are some of the current equality issues faced by transgender persons in Canada? How has the state dealt with these issues? How has the state dealt with similar issues in the LGBT community? How should the state deal with these issues?

**(d) Disabled Persons**

What are some of the issues facing disabled persons in Canada? What duties to accommodate exist on the part of employers and service providers? Has the equality movement adequately addressed issues relating to disability?

**(e) Women and Minorities in Politics**

Why are women and minorities significantly under-represented politically at the federal, provincial, and territorial levels in Canada? Why is this important? Can there be any law or policy changes that would alleviate this situation?

These are only suggestions for how you might deal with your topic. It is up to each group to decide how to handle their topic. Do not try to present too much material. An in-depth presentation on a small part of one of these topics will be better than a general outline.

**MID-TERM EXAM 30%**

This will be a two (2) hour exam that will test students on identifying social, legal, and equality issues through a combination of short answer and essay style questions.

**FINAL EXAM 40%**

The final exam will be closed book, to be scheduled by the Registrar.

