

# Women's rights are human rights

Parallel equality rights collide in Supreme Court constitutional challenge

**February 2008** – Iranian human rights lawyer and 2003 Nobel Peace Prize winner Dr. Shirin Ebadi will be speaking this week at the 21<sup>st</sup> annual Equality Breakfast for West Coast LEAF (Legal Education and Action Fund for women). Her message of equality and tolerance within the framework of culture and religion has an important resonance in Canada, with several current cases opening discussions around equality and faith.

A Montreal lawyer has challenged the constitutionality of the Canadian Divorce Act Amendment, section 2.1, and says that it does not allow for *Charter*-guaranteed freedom of religion. Lawyer Anne-France Goldwater says that the court-ordered penalty imposed on Jessel Marcovitz for refusing to give his wife a “get”, or traditional Jewish divorce, breaches his charter rights and imposes unconstitutional state sanctions on religious practices.

West Coast LEAF Executive Director Alison Brewin says, “The concept of religious freedom is a powerful one and an important value in our society. But if the law refuses to look behind claims of religious rights, the women of Canada simply cannot expect true and substantive equality. Women’s equality and religion do not have to conflict; however, when religion is used as a tool to limit women’s freedom, the law, particularly the *Charter*, has a role in addressing that lack of freedom. We need to find solutions that respect equality rights and provide freedom for religious beliefs and practices.”

Finding balanced solutions requires a dialogue between faith-based groups, the women who are a part of those groups, and the law. West Coast Legal Education and Action Fund has engaged in the Women’s Equality and Religious Freedom project since 2003, to examine all aspects of the interactions between these parallel rights.

West Coast LEAF Legal Director Kelly Roulette says, “Our Women’s Equality and Religious Freedom project is currently in its third and final phase. We are conducting research asking women how they assert their equality within their religious faith when many religions are male-dominated. We will use our final WERF report as a basis to make recommendations to the government on how to deal with the legal issue of polygamy, stemming from the Bountiful community, or to support any legal arguments if a reference question is ever put forth regarding the constitutionality of the polygamy law.”

Dr. Shirin Ebadi says, “Human rights is a universal standard. It is a component of every religion and every civilization.” Dr. Ebadi’s work has often reflected the need for balance between honouring religious beliefs and allowing for advances to create a more equitable and just society, and also stresses that both are possible without diminishing either one.

Dr. Ebadi will speak at the annual West Coast LEAF Equality Breakfast on Friday, February 29, 2008. The breakfast will be held at the Hyatt Regency Hotel beginning at 7:00 a.m. and celebrates International Women’s Day.

## For more information, contact:

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West Coast LEAF, a registered charity, was founded in 1985 to advance women’s equality in BC and Canada. LEAF and West Coast LEAF founders had a vision: that Canadian law would one day reflect full equality for women. As a non-profit organization, West Coast LEAF relies on support from donors to carry out its programs. Women in British Columbia and across Canada benefit from our advances in law and success in the courts.

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