

COURSE: LAWS 4903C Advanced Legal Topics:
Patriarchy, Human Rights and Informal Justice

TERM: Winter 2021

PREREQUISITES: Fourth-Year Honours Standing

CLASS: Day & Mondays January 11 - April 05
Time: 2:30-5:30

Room: Course will be delivered **synchronously via Zoom**

INSTRUCTOR: Rehana Hashmi with Donna Johnson
(CONTRACT)

CONTACT: Office Hrs: **By appointment. Email Rehana to arrange a Zoom call. All students are strongly encouraged to make an appointment with Professors Hashmi and Johnson.**

Telephone: 613-601-5500 Rehana Hashmi

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donnajohnson@cunet.carleton.ca

CALENDAR COURSE DESCRIPTION

This practical, field-based course will be co-taught by Rehana Hashmi, Activist in Residence at the Department of Law and Legal Studies at Carleton University and Woman Human Rights Defender from Pakistan; and Donna Johnson, feminist activist working for social justice for three

decades.

COURSE DESCRIPTION

This course will put women at the centre of an important conversation about the relationship between customary justice and state laws, formal courts and global legal frameworks. In the Global South, up to 80% of disputes are resolved through informal justice systems. Marriage and divorce, theft, property rights, religious disputes, crimes against women, etc., are regularly mediated through tribal, religious and community-based mechanisms. These mechanisms have their roots in traditional patriarchal attitudes and practices that often disadvantage and harm women. Women's access to informal justice may be limited or denied. Women may be convicted, punished and criminalized without having committed any crime. Female persons may be used as compensation to settle family and tribal feuds. Though many countries in the Global South have their own formal justice systems and many have signed and ratified the U.N. Human Rights Conventions, traditional practices are deeply entrenched and often prevail despite being in conflict with international human rights standards and the rule of law. We will examine practices and mechanisms of informal justice at specific locations and with specific cases to discern whether the process and outcome has weakened or strengthened universally accepted human rights for women—bearing in mind that justice for women in the Global North has also proved elusive, with legal practices and mechanisms regularly failing them. The course will feature conversations with prominent women human rights defenders.

EVALUATION

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

- **Class Attendance and Participation 20%**

This is a seminar course where participation is required. You will be assigned to a specific breakout group and work with those same students throughout the course.

- **Weekly Journal 40%**

The journal is your personal reflection on the previous week's readings, films, presentations by guest speakers, class discussion and class process. What did you learn that was new? How is it related to your life and experience? What questions arise for you? Where do you disagree? How are you challenged? You will submit 10 journals—minimum 400, maximum 500 words—begin

ning Week 2; the last one is due Week 11. Please place your journal in the Drop Box on CuLearn

before the following week's class. Your journals are worth 5 marks each and your final mark will be determined by your best 8 marks. You will earn 5 points for a reflection that is handed in on time and combines your thoughts and personal reflections on the week's class. All late submissions will be marked out of 3 and will not be accepted beyond 7 days late.

- **Final Essay and Presentation to Class 40%**

Final essay (30%): Each student will select a country and explore in depth, from a feminist perspective, a particular woman human rights defender, social movement, or case study – and write a critical essay related to the course themes of patriarchy, informal justice and human rights. Suggested countries are Afghanistan, Bosnia, Burundi, Canada, Egypt, India, Iran, Israel, Kenya, Pakistan, Palestine, Saudi Arabia, South Sudan, Sudan, Syria, Turkey, Yemen. You may also choose another country. The critical essay will be 2500 words maximum, excluding cover page, bibliography (APA style) and any possible appendices. You will be evaluated on both content and form. Due in CuLearn Drop Box by the last day of classes, April 12, 2021.

Personal presentation on essay (10%): Sign up for Week 11 or Week 12. Each student will make a 10-minute presentation on key themes and learnings from their research for their final essay.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

The granting of extensions is determined by the instructor who will confirm whether an extension is granted and the length of the extension. For requests for extensions lasting less than 7 days, please complete the form at the following link and submit it to the instructor prior to the assignment due date: <https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf>.

Extensions for longer than 7 days will normally not be granted. In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days).

CLASS SCHEDULE

- **Week 1 (January 11th): Introductions/course objectives/administration/key concepts/ feminist ways of working. What is patriarchy?**

Rehana's story.

Film: *Difret* (2015), part 1 - On bride kidnapping or "marriage by capture"

Required Readings:

Karkera, Tina. 'The Gang-Rape of Mukhtar Mai and Pakistan's Opportunity to Regain Its Lost Honor'. *Journal of Gender, Social Policy & the Law*, Volume 14, Issue 1, 2006. <https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1279&context=jgspl>

The Express Tribune, Pakistan. 'Mukhtaran Mai's review appeal: Activists cry for justice.' (April 29, 2011).

<https://tribune.com.pk/story/158722/mukhtaran-mais-review-appeal-activists-cry-for-justice/>

Shams, Shamil. 'Mukhtaran Mai: 'More Pakistani women are demanding their rights now'. (2019, March 25). *Deutsche Welle*, Germany.

<https://www.dw.com/en/mukhtaran-mai-more-pakistani-women-are-demanding-their-rights-now/a-48049179>

- **Week 2 (January 18th): Customary justice, state laws, patriarchy: a feminist analysis**

Film: *Difret*, part 2

Guest Speaker: Khawar Mumtaz, Lahore, Pakistan. Feminist, activist, writer, woman human rights defender.

Required Readings:

National Commission on the Status of Women, Pakistan. (2017). *Women, Violence and*

Jirgas: Consensus and Impunity in Pakistan https://culearn.carleton.ca/moodle/plugin-file.php/4388672/mod_resource/content/3/Women%20Violence%20%20Jirga%20Booklet.pdf

Human Rights Watch. (2018). *Young Woman's Murder in Kyrgyzstan Shows Cost of 'Tradition'*. <https://www.hrw.org/news/2018/05/31/young-womans-murder-kyrgyzstan-shows-cost-tradition>

Supreme Court of Pakistan rules on Dec 31, 2018 that the operation of jirgas, panchayats

etc. violates Pakistan's international commitments and articles of the Constitution.

<https://www.dawn.com/news/1458038>

- **Week 3 (January 25th): Lives under patriarchy: the feminist vision for women and girls**

Guest speaker: Kamla Bhasin, New Delhi, India. Feminist activist, poet, author.

Required readings:

Gilligan, Carol and Snider, Naomi. *Why Does Patriarchy Persist?* Polity Press, Cambridge, 2018. P.1-16.

Bhasin, Kamla. Because I Am a Girl, I Must Study.

<https://www.youtube.com/watch?v=t93jLhaM2pY>

- **Week 4 (February 1): Sacrificing women for patriarchal honour**

Guest speakers:

Nice Lengeti, Kenya. Working to stop female genital mutilation and advocating for alternative rites of passage for African girls.

Fahima Hashim, Sudan. Woman human rights defender in exile. Founder and Director, Salmamah Women's Resource Centre, Khartoum, an organization with a mandate to document violence against women and demand reforms to Sudan's legal system.

Required readings:

The Guardian, London. 'Kenyan efforts to end FGM suffer blow with victims paraded in open defiance.' (October 21, 2020)

<https://www.theguardian.com/global-development/2020/oct/21/kenyan-efforts-to-end-fgm-suffer-blow-with-victims-paraded-in-open-defiance>

Al-Nagar, Samia, Tønnessen, Liv. COVID-19 and the urgent need to protect Sudanese women against violence. Bergen: Chr. Michelsen Institute (Sudan Brief 2020:5). 2020.

<https://www.cmi.no/publications/7276-covid-19-and-the-urgent-need-to-protect-sudanese-women-against-violence>

- **Week 5 (February 8th): Indigenous populations in global north and south. Canada continues to struggle to address this country's most urgent human rights issue. Indigenous populations of Pakistan are struggling to preserve their culture and heritage**

Guest speakers:

Caroline Laude, Canada. Activist for Indigenous people's rights.

Syyed Gul Kalash, Pakistan. Archaeologist, woman human rights defender.

Akiko Wada, Pakistan. Japanese born; lives with and advocates for Kalash community in northern Pakistan.

Required Readings:

Kingston, Anne. 'Let's finally call 'violence against women' what it really is.' *Macleans*, Dec 1, 2019. <https://www.macleans.ca/opinion/lets-finally-call-violence-against-women-what-it-really-is/>

Dale, Amanada, Mattoo, Deepa, Voss, Amy. Submissions to the Special Rapporteur on Violence Against Women. Barbara Schlifer Commemorative Clinic. April 16, 2018. <https://schliferclinic.com/wp-content/uploads/2018/08/The-Special-Rapporteur-on-Violence-Against-Women.pdf>

Bellrichard, Chantelle. 'Urgent actions' needed to address violence against Indigenous women and girls – UN report'. *CBC News*, April 27, 2018. <https://www.cbc.ca/news/indigenous/un-special-rapporteur-violence-against-women-1.4637613>

Johnson, Donna F. When will the violence against women stop? *Ottawa Citizen*, December 6, 2017. <https://ottawacitizen.com/opinion/columnists/johnson-when-will-the-violence-against-women-stop>

(February 15th - Winter Break Week-No Class)

- **Week 6 (February 22nd): UN Conventions (CEDAW, CRC, CESC): Implementation, limitations. Universal Periodic Reviews and Shadow Reports**

Film: *The Vienna Tribunal* (1994). Gerry Rogers, Canada. Shut out from the 1993 U.N. World Conference on Human Rights in Vienna, Austria, women hold their own conference in the basement of the conference centre.

Required Readings:

UN Convention on the Elimination of All Forms of Discrimination Against Women

(1979). UNICEF Policy and Practice, June 2011. https://www.unicef.org/gender/files/CEDAW_In_Brief_For_Adolescent-Web_Version.pdf

Universal Periodic Review – Third National Report of Pakistan. Geneva Centre for Justice, December 13, 2017.

<https://www.gicj.org/conferences-meetings/upr-sessions/1306-pakistan-s-upr-2017>

- **Week 7 (March 1st): Parent’s Circle: A story of hope out of Israel and Palestine. The process of reconciliation as a prerequisite for achieving human rights and a sustained peace**

Guest speakers:

Robi Damelin, Israel and Layla Alsheikh, Palestine. Active in Parent’s Circle, a grassroots organization of Palestinian and Israeli families who have lost immediate family members due to the conflict.

Required reading/viewing:

The Parallel Narrative Experience. https://www.theparentscircle.org/en/pcff-activities_eng/narrative-pne_eng/

Tornquist, Sigrid. What Color Are Their Tears? The Life and Work of Robi Damelin of Israel. Joan P. Kroc Institute for Peace and Justice. University of San Diego. 2014. <https://www.sandiego.edu/peace/documents/ipj/Robi-Damelin-Israel.pdf>

Laufer, Erez, Laufer, Miri. *One Day After Peace*. 2012.

- **Week 8 (March 8): Women human rights defenders: courage, risks, consequences**

Rehana will tell the story of Karima Baloch, 37 years old, woman human rights activist in exile from Pakistan; found dead in Toronto on December 21, 2020.

Guest speakers:

Ketty Nivybandi, Burundi. Woman human rights defender in exile. Secretary General, Amnesty International Canada (English section).

Nazik Kabalo, Sudan. Woman human rights defender in exile. Founder of the Sudanese Women Human Rights Project.

Required Readings:

UN General Assembly, Resolution Adopted: Protecting Women Human Rights Defenders. December 18, 2013.

<https://www.awid.org/news-and-analysis/first-resolution-protecting-women-human-rights-defenders-adopted-un-amid-strong>

Human Rights Watch Report on WHRDs

<https://www.hrw.org/news/2020/12/11/together-we-must-protect-and-support-whrds-middle-east-and-north-africa>

Voices at Risk: Canadian Guidelines on Supporting Human Rights Defenders. Global Affairs Canada (2019).

https://www.international.gc.ca/world-monde/assets/pdfs/issues_development-en-jeux_developpement/human_rights-droits_homme/rights_defenders-guide-de-fenseurs_droits_en.pdf?_ga=2.59671403.796879194.1578256364-712696494.1544039276

- **Week 9 (March 15th): Issues of minorities: discrimination, violence, human rights abuses**

Rehana will speak about blasphemy laws in Pakistan and the case of Asia Bibi and Salman Taseer.

Guest speakers:

Chinnaiah Jangam, Department of History, Carleton University; activist for Dalit and Muslim rights in India.

Noosheen Alaverdi, Iran, forced to flee due to persecution of Bahá'í faith.

Required Readings:

The Telegraph (2010). 'Asia Bibi is spared the death sentence in Pakistan.' October 31, 2018. <https://www.youtube.com/watch?v=3EeyqhafxEE>

Asia News (2017). 'Salman Taseer's son risks prosecution for blasphemy.' January 4, 2017. <http://www.asianews.it/news-en/Salman-Taseer's-son-risks-prosecution-for-blasphemy-39574.html>

- **Week 10 (March 22nd): Rights of refugees and gender justice in conflict and post-conflict situations**

Guest Speakers:

Sabiha Husic, Bosnia. Director of Medica Zenica. Tirelessly working to promote justice and services for survivors of sexualized wartime violence in Bosnia and Herzegovina.

Rima Tarazi, Palestine. Musician, composer, long-time leader in the General Union of Palestinian women.

Anila Noor, Feminist, activist, refugee, Amsterdam-based member of the European Migrant Advisory Board.

Required readings:

Rokhideh, Maryam. The River of Humanity: The Life and Work of Sabiha Husic of Bosnia-Herzegovina. Joan P. Kroc Institute for Peace and Justice. University of San Diego. 2013. <https://www.sandiego.edu/peace/documents/ipj/Sabiha-Husic-Bosnia.pdf>

For Bosnian Women, No Justice – and No Seats

<https://foreignpolicy.com/2019/10/03/bosnian-women-balkan-war-no-justice-and-no-political-power/>

UNHCR: Figures at a glance: 79.5 million forcibly displaced persons at end of 2019

<https://www.unhcr.org/figures-at-a-glance.html>

Sexual violence against refugee women on the move to and within Europe.

https://www.euro.who.int/_data/assets/pdf_file/0018/319311/9-Sexual-violence-refugee-women.pdf?ua=1

- **Week 11 (March 29th): Individual presentations, class questions and discussion**
- **Week 12 (April 5): Final presentations, questions and class discussion. Course review and personal reflections**



Final paper due April 12

ACADEMIC ACCOMMODATIONS

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows: <https://carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf>

Pregnancy obligation

Please contact me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, visit the Department of Equity and Inclusive Communities (EIC): <https://carleton.ca/equity/>

Religious obligation

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, visit the Department of Equity and Inclusive Communities (EIC): <https://carleton.ca/equity/>

Academic Accommodations for Students with Disabilities

If you have a documented disability requiring academic accommodations in this course, please contact The Paul Menton Centre (PMC) at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your Letter of Accommodation at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with me as soon as possible to ensure accommodation arrangements are made. Please consult the PMC Website for their deadline to request accommodations for the formally-scheduled exam (if applicable) <https://carleton.ca/pmc>

Plagiarism

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the

Internet. Plagiarism is a serious offence. More information on the University's Academic Integrity Policy can be found at: <https://carleton.ca/registrar/academic-integrity/>

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: <https://carleton.ca/studentsupport/svpolicy/>

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

For more information on academic accommodation, please contact the departmental administrator or visit: <https://students.carleton.ca/services/accommodation/>

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations: <https://carleton.ca/law/current-students/>