

FEMINIST  
NEWS &  
VIEWS

WHY I'M A FEMINIST | ABORTION ACTIVISTS MOBILIZE

Fall 2022 | Vol. 36 No. 3

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reinstate abortion rights. While the U.S. Senate is half Democrat, half Republican, current rules require a 60-vote majority for a Senate bill to pass.

Canada had its own legal showdown on abortion on January 28, 1988, when the Supreme Court of Canada—in *R. v. Morgentaler*—ruled that hospital therapeutic abortion committees, whose permission was required to secure an abortion, violated women’s security of the person rights under Section 7 of the Canadian Charter of Rights and Freedoms.

The court punted the issue back to Parliament and Brian Mulroney’s Conservatives attempted to re-introduce abortion restrictions. But in a dramatic victory in January 1991, female pro-choice Conservative senators voted in solidarity with Liberal senators, and the bill resulted in a 43-43 tie, which meant it did not pass.

In the highly polarized U.S., no one expects pro-choice female Republican senators will follow suit. In the meantime, Biden signed an executive order on July 22 to help protect access to medical abortions, to the abortion pill, and to contraception. He also directed

the attorney general to provide free legal services to organizations providing reproductive health services.

Meanwhile, the Women’s March Action—the activist arm of the Women’s March Foundation that sprang to life to protest Donald Trump’s presidential election in 2016—is working at the state level to fight new ballot measures against abortion, to add more voters to the rolls, and to help elect pro-choice candidates.

Women’s March Action has targeted 16 states and is working in tandem with existing community organizations to add more Democrats to Congress. In the U.S. November midterm elections, all 435 members of the House of Representatives are up for election, as are 35 Senate seats.

Despite the claims of far right-wing politicians, it’s often lost amid the polarized political climate of the U.S. that polls show between 63 and 72 percent of Americans support *Roe v. Wade*. It was a carefully constructed Supreme Court, stacked by three pro-life judges appointed by Trump, that quashed reproductive rights protections and could, many fear, quash same-sex marriage next. Hopefully *Roe v. Wade* supporters turn out to vote in November. ❀

**It was a carefully constructed Supreme Court.**

## Pregnant? Punishing Indian Working Women

by DEEPA KANDASWAMY

On Dec. 31, 2021, the State Bank of India—the largest bank in India with branches worldwide—issued a circular notice stating that a woman who is more than 12 weeks pregnant would not be hired as she would be considered “temporarily unfit,” and could join the bank within four months after delivery if she obtained a fitness certificate from her doctor.

This was followed by protests by various organizations. All India Democratic Women Association (AIDWA) said in a press statement, “The new year gift to women by State Bank of India is one

coated with discrimination.” The All India State Bank of India Employees Association had raised the issue with regard to pregnant women candidates, and termed the amendment as “discriminatory and [lacking] medical logic and scientific rationale.”

With continued protest by women associations and activists, the State Bank of India withdrew the circular on Jan. 29, 2022. However, another public sector bank, Indian Bank, refused to end the policy. Despite protests, it was firm that the clause would stay. Swati Maliwal, chairperson of the Delhi

“Cancel Canada Day” event aimed to shed light on the impacts of Canada’s residential school system.

The event was held for the first time on Canada Day in 2021, not just in Winnipeg, but in many cities across the country. The slogans and hashtags #CancelCanadaDay and #EveryChildMatters are linked to the movement.

“On July 1, 2021, two statues of British monarchs were toppled during a rally aimed at replacing national holiday celebrations with actions in memory of hundreds of Indigenous children buried in unmarked graves at residential schools across the country,” CBC News stated.

These gestures of resistance are a response to colonial violence which has been inflicted on Indigenous Peoples in Canada. There is widespread support of the Cancel Canada Day movement, which suggests a wider consciousness has been raised regarding the legacy of residential schools and anti-Indigenous racism in this country in general.

Local artist Blanche Chief, who was selling jewelry and orange T-shirts at Assiniboine Park that day, suggested to CBC News that it could be time to have a different holiday in place of Canada Day. “It’s now maybe time to have a day to remember the colonial genocide that took place in Canada. It’s not a day for celebration.”



**KANSAS VOTES TO PROTECT ABORTION RIGHTS**

The U.S. Supreme Court’s overturning of *Roe v. Wade* now makes abortion a procedure that can be determined and outlawed by individual states.

“Abortion is now illegal or heavily restricted in at least 12 states following the Supreme Court’s historic decision in June to overturn *Roe v. Wade*,” reported NPR, who published a colour-coded map of American states with abortion bans in place, pending, or on hold.

A victorious vote in Kansas on Aug. 2 is providing encouragement to abortion activists. NPR reported that 58.8 per cent of people in the state of Kansas voted “no” to removing abortion protections in their constitution. *BUST* calls it “a decisive victory that



## nelliegrams

certainly couldn't be taken for granted in this traditionally conservative state," noting how meaningful it must be for other people living in red states.

"A record of five states will be voting on the protection of abortion rights in their state this year, and Kansas may serve as an indicator of how these votes will shake out," says *BUST*.

In an official statement made by United States President Joe Biden, he expressed that the outcome and the record high voter turnout is an indication of the need for abortion access.

"Congress should listen to the will of the American people and restore the protections of Roe as federal law," he said, additionally promising "meaningful action to protect women's access to reproductive health care."



### COLOMBIANS CELEBRATE NEW PREZ

Al Jazeera reported that women's rights activists have high hopes for Colombia's new

Commission for Women (DCW), sent a show cause notice to Indian Bank and also wrote to the Governor of Reserve Bank of India on June 19, 2022. This finally resulted in the banks dropping the clause, but the fitness certificate was still required after delivery.

### WHY IT MATTERS

A World Bank study published in 2022 indicated a severe drop in the female labour workforce in India, despite an increased percentage of educated women over the same period.

Is the clause legally valid? I asked Professor Dipika Jain, vice dean and director of the Centre for Justice, Law and Society at Jindal Global Law School and she replied, "Persons who are more than 12 weeks pregnant are not legally unfit to work under any provision or statute. Such a clause is discriminatory and unconstitutional for it amounts to discrimination which is prohibited under Articles 14, 15, and 16 of the Indian Constitution. It is also contrary to the provisions of Code of Social Security, 2020, which mandates the

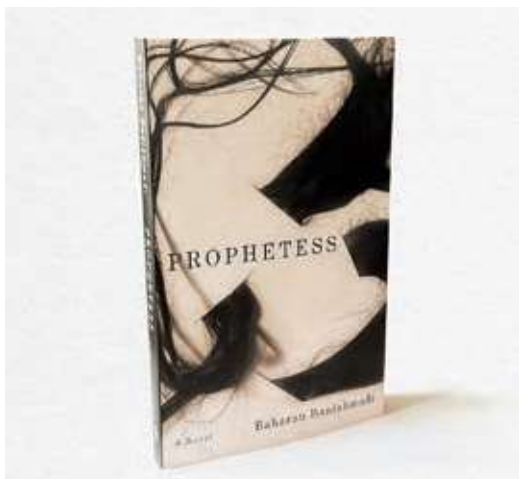


Swati Maliwal, chairperson of the Delhi Commission for Women, was part of a campaign that forced India's banks to drop their policy of refusing employment to new recruits who are pregnant.

provision of maternity benefits among other things."

"There is also judicial precedent that states that denying a woman employment on the basis of her pregnancy is an arbitrary and illegal act," Jain said in a *Herizons* interview. "In an earlier case of 1989, the Madras High Court in *S Amudha v Chairman, Neyveli Lignite Corporation* revoked a similar regulation where a woman who was over four

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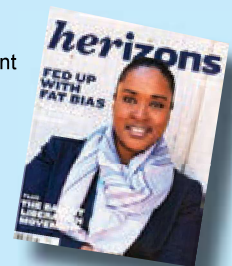
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A non-profit organization, *Herizons* is published by Herizons Magazine Inc., P.O. Box 128, Winnipeg, MB R3C2G1 204-774-6225 [www.herizons.ca](http://www.herizons.ca)

  
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WOMEN'S NEWS & FEMINIST VIEWS



months pregnant was declared temporarily unfit for employment.”

Despite the introduction of discriminatory policies time and again, Indian courts have declared them to be illegal. I spoke with Dr. Manorama Pinakapani, a medical doctor and founder-president of Community Health Education Society, to inquire whether there is a medically valid reason for such rules, and she confirmed that there is not. “Earlier, women candidates who were six months pregnant were allowed to join the bank subject to various conditions. Bank employment at that stage is not likely to interfere with pregnancy or the normal development of the foetus, or lead to miscarriage,” Dr. Pinakapani said in a *Herizons* interview.

Jain believes that the amendments are more founded on patriarchal and capitalist notions than medical reasoning. These notions “view motherhood and pregnancy as hurdles to productivity and perceive pregnant persons as liabilities. This is further complicated by paternalistic and protectionist ideologies

that restrict pregnant persons’ access to public life owing to growing fear of danger and harm to the pregnant person and the foetus,” she said.

From a medical and legal perspective, it appears that the Indian government doesn’t want to provide paid leave due to morning sickness, and prefers to deny maternal benefits to pregnant women, unless they are threatened by courts. Asking someone to choose between their reproductive rights and the right to employment is illegal, and it’s ironic that this is happening when the Indian Finance Minister is a woman.

On July 20, 2022, Maliwal of DCW tweeted, “After DCW summons, Indian Bank has withdrawn its discriminatory guidelines terming pregnant women unfit. DCW had also pointed out that Fitness certificate of the bank sought only women specific diseases of Uterus/Breasts. The same has also been now withdrawn by the Bank.”

For now, this has put a stop to the insensible demands of the banking sector. ❀

## The amendments are more founded on patriarchal and capitalist notions than medical reasoning.

## why i am a feminist

### Leslie McCurdy

by RENÉE BONDY

Leslie McCurdy is an actor, playwright, singer, dancer, choreographer, and mentor based in Windsor, Ontario. She performs her one-woman plays, *The Spirit of Harriet Tubman*, *Things My Fore-Sisters Saw*, and *Lady Ain’t Singing No Blues* for audiences across North America. *The Leslie McCurdy Story: On the Money*, a documentary film about her work as an artist-activist, is featured on CBC Gem.

**What does the word feminism mean to you?**  
When I was a little girl, I liked to do “boys’ things.” I liked to play sports, I was good at math; I was competitive.

They were just “allowing” girls to play sports in schools then. So, I was called a tomboy. I couldn’t understand why, as a girl, I couldn’t be appreciated for those things. So, in part, my feminism comes from recognizing very young that girls were considered of different capabilities and abilities than boys. As a kid, my purpose was to prove girls could do boy things better than they could!

My sisters and I were raised to let it be known that we may be Black, we may be women, but do not let anyone ever think that diminishes us in any way. I grew up in an activist household. Activism is generational on both sides

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government, led by Gustavo Petro, a left-wing former rebel fighter.

Petro, who took office in August, has promised to protect women from violence and enact rural and land reforms to give women better access to ownership.

Colombia’s new vice-president, Francia Márquez (pictured), is a former activist who gained hero status after surviving an assassination attempt in 2019 by men wielding firearms and grenades. She is the country’s first Afro-Colombian vice-president.

“This is the first presidential campaign that has a platform—known as a feminist platform—that tries to put women’s issues at its core,” Gimena Sánchez-Garzoli, Colombia director at the Washington Office on Latin America, told Al Jazeera.

“For the first time, women are going to be heard,” echoed activist Carmen García in an interview. “For the first time, we women who are victims of the armed conflict are going to stop suffering in this [war].”

Although Colombia has laws in place to prohibit human trafficking, the practice is widespread, affecting primarily refugee women and girls from Venezuela. Petro has vowed to hold peace talks with rebel groups believed to be responsible for trafficking.



### MALAYSIAN ANTI-HARASSMENT LAW

Malaysia’s sexual harassment measures are being celebrated by gender rights activists.

“This bill would apply to any person, in any context,” said Daniella Zulkifili, spokesperson for the Association of Women Lawyers, in an interview.

The legislation, passed in July, goes beyond the workplace to cover settings such as educational institutions, medical clinics, public transportation, sports clubs, and online harassment.

While survivors can sue harassers in civil courts, most victims cannot afford legal counsel for a protracted legal case. Betty Yeoh of women’s rights social enterprise Engender Consultancy, told Al Jazeera that according to a 2019 survey, “sexual harassment happens to 35 per cent of women and 17 per cent of men in Malaysia.”



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The bill creates a new tribunal adjudicated by experts in law and sexual harassment. It would have the power to order a range of remedies in addition to financial ones, such as a public apology or counselling, and tribunals must act within 60 days.

Community groups are insisting no “manels” are put in place (panels without female representation) and that other diversity factors be implemented.



### BRAZILIAN PRO-CHOICE ACTIVISTS HOPEFUL

The Washington Post reported that a Brazilian judge who denied an 11-year-old rape victim’s request for an abortion was secretly recorded and is now being investigated by the country’s legal watchdog. In a May 9 hearing, Judge Joana Ribeiro Zimmer referred to the rapist as “the father of the baby” and asked the girl to “hold on a little more” to save it.

As a result of this and similar cases, abortion rights are expected to be a major issue in the upcoming October election in Brazil, where far-right President Jair Bolsonaro will be challenged by left-wing former president Luiz Inácio Lula da Silva, who is pro-choice.

In the most recent case, the girl did not know she was pregnant until the 22nd week of pregnancy and repeatedly stated she didn’t want to give birth. The hospital to which her mother took her for an abortion said it could only perform the procedure up to 20 weeks. Abortions in Brazil are only permitted in cases of rape, when the person’s life is in danger, or in cases of severe fetal abnormalities.

Lawyers argued that Brazil’s law makes no mention of a limit on when an abortion can be performed. However, doctors and those who have abortions can face years of imprisonment and the country’s health ministry requires doctors to report to police anyone who seeks an abortion after being raped.

Support for abortion rights in Brazil is growing. Abortion rights activists hope Brazil will join the “green wave” of abortion legalization that has recently swept Mexico, Colombia, and Argentina. ❀



Leslie McCurdy in her one-woman play, *The Spirit of Harriet Tubman*.

of my family, and I respect the legacy I maintain and uphold. I am the culmination of the work of my ancestors.

### *How has your way of thinking about feminism changed over time? Where are you in your thinking today?*

Still today, I think it’s women who are going to save the world. Male structures all around us seem to be choking the life out of the world—literally—choking the life out of human beings, choking the life out of our environment. The traditional male-dominated way of thinking is all about money and accumulation of wealth, whereas many women have a more inclusive attitude and perspective, and concern about helping human beings grow, not profits grow. Research has shown that if you give microloans to women, they will invest in and better their communities. Men tend to invest in themselves. I don’t know if that’s innate or something that has developed culturally, but it is a difference. I think

it’s really important for women to have a presence, to use their influence to help restore balance to the world.

Today, I’m involved in the politics of anti-Black racism. I founded a local organization, the Black Council of Windsor-Essex. I always hope every woman finds her personal empowerment, a way to give her best self to the world.

*Your work as a writer and performer speaks to a direct connection between feminist activism and the arts. When you bring your one-woman shows about women of African descent, like Harriet Tubman, Marie-Joseph Angélique, Rose*

*Fortune, Mary Ann Shadd and Viola Desmond to theatres and schools across North America, what feedback do you receive, particularly from younger audiences?*

Children say, “Why don’t we know this? Why isn’t this being taught to us?!”

Children aren’t afraid of learning the truth. It’s adults who are afraid of the truth because the mis-learning in their education leads them to feel guilty. If history is taught properly and truthfully, then people can get past their guilt; they can see the inequities and join in fixing them. I find that young people don’t assume

**“Children aren’t afraid of learning the truth.”**

**LESLIE MCCURDY**

an “if we fix something for them, it’s going to take something away from me” attitude.

I think performance touches people emotionally and resonates with them, which makes it easier for people to swallow the message of activism. When you talk about politics after a performance, the politics has roots. We see our humanity in the arts. ❀