



Be-LEAF in Equality! ... News from the frontline ...

LEAF Special Edition Update

October 2005

In This Issue ...

- **LEAF SCC BARNEY UPDATE**
- **PERSON'S DAY EVENTS MISSED IN OUR MOST RECENT EMAIL UPDATE**
- **DONATE TODAY!**

Hello LEAF Supporters!

From Everyone at LEAF!

LEAF SCC BARNEY UPDATE

LEAF/NWAC/DAWN COALITION DISAPPOINTED BY SUPREME COURT'S DENIAL OF EQUITABLE AND COMPREHENSIVE COMPENSATION FOR ABORIGINAL RESIDENTIAL SCHOOL SURVIVORS

On Friday, October 21st the Supreme Court of Canada released its decision in *Barney v. Canada* (Minister of Indian Affairs and Northern Development) and the United Church of Canada in which the Women's Legal Education and Action Fund (LEAF), the Native Women's Association of Canada (NWAC), and the DisAbled Women's Network (DAWN) Canada intervened in coalition. At issue is whether Aboriginal residential school survivors subjected to multiple forms of abuse are entitled to fair compensation for the violence and forced loss of language and culture inflicted at Indian residential schools (IRS).

The Coalition is disappointed that the Court found that Mr. Barney is not entitled to compensation for the physical and mental abuse inflicted upon him because this abuse was statute barred. The Coalition argued that the wrongs inflicted are indivisible, and that therefore limitation periods cannot be found to apply to some of the wrongs and not others – an example of the overlap of the abuse was that following one sexual assault, Mr. Barney attempted to drown himself in the bathtub; his dormitory supervisor then punished him by strapping him naked in front of the other boys. These types of wrongs and their consequences can't be carved up.

The Court paid no attention to the racism informing IRS policy. The Coalition argued that to understand the injustice of carving up the wrongs and denying full compensation for the IRS survivors, it is necessary to understand that Canada's IRS system was an integral part of its policy of Aboriginal forced assimilation and cultural genocide.



The Coalition argued that if the wrongs are analysed from an equality perspective, taking into consideration the racist motivations that lead to the creation of the indivisible web of violence, it should be found that to apply the limitation periods would perpetuate the racism originally associated with IRS. It is an unconscionable abuse of power for governments to rely on limitations periods to defend claims of institutional abuse, and governments should be restrained from doing so.

There is a patent inequity in allowing defendants to carry on free from liability, while the victim continues to suffer the consequences of the abuse. Because of this inequity the limitation periods at issue should be waived, as the Court has found should happen with respect to the application of sexual assault limitation periods in other cases.

The LEAF/NWAC/DAWN coalition is relieved that the Court has at least recognized the entitlement to compensation for sexual assault for survivors of residential schools, and also has left the door open to future claims for forced loss of language and culture.

Counsel for the LEAF/NWAC/DAWN Coalition is Marie Elena Tracey O'Donnell.

PERSON'S DAY EVENTS MISSED IN OUR MOST RECENT EMAIL UPDATE

RICHIBUCTO

- The Canadian Federation of University Women Kent present:
- 7th LEAF Person's Day Breakfast
- Saturday, October 22, 2005
- 9:00 am - 11:00 am
- Silver Birch Motel & Restaurant
- Speaker: Ann Pohl, MEd
- "Opening respectful encounters with at risk youth"

KITCHENER-WATERLOO

- The Zonta Club of Kitchener-Waterloo Present:
- 5th Annual Zonta Person's Day Breakfast in support of LEAF
- Friday October 28th
- Kitchener City Hall Rotunda
- 7:00 am to 8:30 pm
- Speaker: June McDonald
- "Fair Voting for Women"
- For tickets and information visit www.zontaclubkw.org

DONATE TODAY!

Your donations enable LEAF to pursue our work to ensure equality for all women and girls in Canada. Thank you for your ongoing support!

For more information, or to make a tax-deductible donation to LEAF:

- Call (416) 595-7170 x 228 or 225
- Email: donate@leaf.ca
- Mail your donation to LEAF, 2 Carlton St., Suite 1307, Toronto, ON M5B 1J3
- Donate online through CanadaHelps.org
- Charitable # 10821 9916 RR001

Quick Links...

- [About LEAF](#)
- [LEAF's Legal Work](#)
- [Support LEAF](#)

email: info@leaf.ca

phone: 1-888-824-LEAF (5323) or 416-595-7170

web: <http://www.leaf.ca>

[Forward email](#)

 **SafeUnsubscribe™**

This email was sent to info@leaf.ca, by info@leaf.ca
[Update Profile/Email Address](#) | Instant removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).

Powered by



LEAF | 2 Carlton St., Suite 1307 | Toronto | ON | M5B 1J3 | Canada