



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

The Bi-monthly Email Update of the Women's Legal Education and Action Fund October 2006

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Hello LEAF Supporters!

From the LEAF Board

Another fall is upon us. It is the season in which LEAF Branches across the country are busy preparing for **Persons Day celebrations**. We invite you to attend an event in your area. See the list of locations under the "**In the Branches**" section of this newsletter, or visit our website for details at www.leaf.ca.

Legal Update

LEAF intends to seek leave to intervene in the following upcoming cases:

1. *Dickie v. Dickie*:

Dickie is a family law case that deals with the recourses and remedies available when parties, primarily men, are in breach of family court orders. It focuses on whether the default of an order is punishable by a contempt of court order. Usually defaults relate to non-payment of court costs or support payments to women. Inherent in the subject of support are fundamental sex equality issues. In the majority of support cases women are owed support by men and when they do not receive it, or receive less than

case that the decision about recourses and remedies available when men are in breach of family court orders should be made in consideration of the sex inequality so often associated with support orders, and in a way that is consistent with section 15 equality values. LEAF will argue that in order for family law to work for women, contempt of court orders must be applied to men who refuse to comply with court orders for support.

The appeal in this matter is scheduled to be heard by the Supreme Court of Canada on January 19, 2007.

2. Canadian Council of Refugees et al. v. Her Majesty the Queen

LEAF intends to intervene in *Canadian Council of Refugees (CCR) et al. v. Her Majesty the Queen*. This case deals with a challenge to the constitutionality of the Safe Third Country Agreement between Canada and the United States that was signed in December, 2001 and went into force in 2004. The Agreement prevents refugees from seeking safe haven in Canada if they are seeking to enter the country from the United States at a land border. Such entry attempts can result in their return to their country of origin, where they could face persecution and torture. The challenge claims that the Agreement is in violation of sections 7 (security of the person) and 15 of the Charter, as well as in violation of Canada's international human rights obligations. The applicants are seeking a declaration that the Agreement is invalid and unlawful.

The Agreement's designation of the U.S. as a "safe" third country is problematic because of the failure of the U.S. to respect the rights of refugees relating to torture, persecution and sex discrimination. It is difficult to assess the direct impact of the Safe Third Country Agreement because many of those who are barred from requesting Canada's protection are not identifiable, and are not in a situation to challenge the Agreement. Statistics and individual narratives establish that the Agreement has had a devastating effect on some of the most disadvantaged people in the world. The Agreement has had an especially devastating effect on women refugees because the claims of refugee women often differ from those of refugee men in several respects. Most notably, women face compound disadvantage as victims of oppression and sex discrimination. For example, women refugees often suffer harms unique to their gender, such as female genital mutilation or forcible abortion. Other harms are also more commonly inflicted upon women than men, such as domestic violence or rape as a form of cultural genocide.

This judicial review is scheduled to be heard by the Federal Court in February, 2007.

3. Brown and the Canadian Human Rights Commission v. the National Capital Commission and Canada Public Works

Brown involves a complaint of disability discrimination by Bob Brown against the National Capital Commission and Canada Public Works. Bob Brown, a quadriplegic, alleges that the construction of steps in Ottawa in 1999, known as 'the York Street steps' constitutes discrimination because of disability. The steps lead to Sussex Drive from Mackenzie Avenue and the public park at the top of the hill. There are no ramps, elevators or alternative means of access at the site. Mr. Brown has also raised concerns about the inaccessibility of the York Street steps for parents with children in strollers and older people with mobility impairments. The case constitutes an opportunity to argue in support of a more advanced and progressive understanding of

the duty to accommodate disability, including the duty to consult with stakeholders in a context with excellent symbolic value in which disabled persons have been denied access by a Crown agency to a public site at the heart of the nation's capital. That service providers cannot rely on cost related arguments, or arguments relating to aesthetics, to defend a discriminatory situation of their own creation are important points of law to be decided in this case.

Brown is under appeal to the Federal Court and will be heard at the end of the winter, 2007.

Loss of the Court Challenges Program - Implications for LEAF

The Court Challenges Program (CCP) was a federally funded non-profit agency. Its mandate was to provide financial assistance for important court cases that advance language and equality rights guaranteed under Canada's Constitution. The CCP was a source of funding for many LEAF interventions heard before the courts. These cases have made a difference for women's equality in Canada. In September 2006, the federal government eliminated funding for the CCP. The cancellation means that LEAF must find other sources of funds to fulfill our mandate to advance women's substantive equality under the *Charter of Rights and Freedoms*. Intervening in current and future cases will be dependent on LEAF's ability to find sustainable support to fill the gap left by the termination of the CCP.

In response to this loss, LEAF will launch an aggressive fundraising campaign beginning with our fall direct mail appeal. Monthly contributions from supporters via preauthorized cheque or credit card is a key way to ensure that we can continue to be a voice for women's equality before the courts. Fundraising appeals in the months ahead will place giving through monthly contribution front and center. If you are currently not giving on a monthly basis to LEAF please help us jumpstart our campaign to increase monthly giving by switching to this option now.

Logo Competition

After 21 years, LEAF is ready for a more vibrant look. Our new logo will symbolize the renewed energy, enthusiasm and growth at LEAF National. We invite submissions of a logo that captures the essence of LEAF and appeals to all persons who share our mandate of women's equality.

Judging will be done by an appointed committee and if the right logo is found it will become LEAF's new national symbol to be featured on all LEAF communications. The winning entry will be profiled nationwide to thousands of people in LEAF's database and to the greater public, and the artist will receive a \$250 honourarium. For contest details, visit the LEAF website at www.leaf.ca.

LEAF Book Launch

LEAF's new book, *Making Equality Rights Real: Securing Substantive Equality under the Charter* is now available. The book is a collection of articles by leading Canadian equality rights academics and practitioners, all contributors to LEAF's *Law* project. It critically reviews the state of equality rights law in Canada since the Supreme Court's decision in *Nancy Law v. Canada*, and examines potential future litigation strategies and analyses to support the advancement of women's equality rights. *Making Equality Rights Real* is edited by LEAF National Legal Committee members (Fay Faraday, Margaret Denike and Kate Stephenson) and also includes a preface by former Supreme Court of Canada Justice, the Honourable Claire L'Heureux-Dubé.

Thanks go to the Elementary Teachers' Federation of Ontario, Status of Women Canada, the LEAF Foundation and the Court Challenges Program for their support of the project.

Copies of the *Making Equality Rights Real* can be obtained from Irwin Law Books at www.irwinlaw.com/books.aspx?bookid=127.

At National

LEAF National will host the Toronto Persons Day Breakfast on Tuesday November 7th at the Royal York Hotel. This year's event will feature lawyer, author and activist **Maureen McTeer**. Sponsorship opportunities are now available. To reserve your table or for more information, contact Andrea Guarino at a.guarino@leaf.ca or call (416) 595-7170 Ext. 320.

In the Branches

LEAF Halifax Hosted its Persons Day Breakfast on Wednesday October 18th at Jane's on the Common Restaurant. This year's event featured **Kathy Coffin**, a Senior Policy Analyst and Activist at the Nova Scotia Supreme Court level. **Maxine Tynes, the first African Canadian to win the People's Poet Award read a poem selected for the occasion.**

LEAF Manitoba will host its 16th annual Persons Day Breakfast on Friday, October 20th at the Winnipeg Convention Centre. This year's event will feature singer, songwriter and community activist, **Heather Bishop**. For more information contact Betty Hopkins at (204) 453-1379.

LEAF Ottawa hosted its 16th annual Persons Day Breakfast on Wednesday, October 18th at the Delta Ottawa. This year's event featured **Senator Nancy Ruth**.

LEAF Regina will host its annual Persons Day Breakfast on Friday October 27th. This year's event will feature philosopher and farm activist **Nettie Wiebe**. For more

information contact Darlene Juschka at darlene.juschka@uregina.ca or call (306) 790-9164.

LEAF Sudbury will host its annual Persons Day Breakfast on Friday October 20th at the Great Hall, Laurentian University. This year's event will feature Human Rights Advocate, **Sally Armstrong**. For more information contact Tannys Laughren at tlaughren@laurentian.ca or call (705) 675-1151 Ext. 1064.

West Coast LEAF will host Persons Day events in the following locations:

Victoria: Was held October 17th at the Princess Mary Restaurant; and featured keynote speakers: **Jody Paterson and Lauren Casey** of Prostitutes Empowerment Education and Resource Society (PEERS).

Chilliwack: Hosted by supporter, Jean Scott on October 21st at the Rhombus Hotel featuring keynote speaker: **Fran Watters**, Founding Mother of West Coast LEAF and a special viewing of West Coast LEAF's new film *Transforming Women's Future*.

Langley: October 24th at the Coast Hotel & Convention Centre featuring keynote speaker: **Melanie Mark**, President of the Urban Native Youth Association.

For information about all West Coast LEAF events, contact info@westcoastleaf.org or call (604) 684-8772.

The Zonta Club of Kitchener-Waterloo, will host a Persons Day Breakfast on Friday October 20th at the Transylvania Club. This year's guest speaker will be **Kiloran German** of Equal Voice. Proceeds from the event will go to LEAF. For more information visit www.zontakw.com.

Thanks to **LEAF Edmonton**, which held its Persons Day Breakfast celebration prior to the distribution of this newsletter. The hard work of volunteers and support of guests is greatly appreciated.



Comings & Goings

LEAF is pleased to announce the hiring of **Mitzi Reinsilber** who will assume the position of **Director of Fund Development** in the national office as of November 7th. Mitzi brings over seven years of direct fund development experience to LEAF honed during her tenure at Sistering, a prominent Toronto women's agency where she has held the position of Resource Development Manager for five years. Mitzi's career encompasses over 10 years in the non-profit sector with organizations such as MediaWatch and various women's organizations in Toronto including LEAF, where she was employed in 1999. Mitzi holds a Bachelor of Arts degree in Women's Studies and English Literature from York University, and has studied various courses in non-profit management and fund development. She is also a member of the Association of Fundraising Professionals. We are excited to welcome Mitzi to the LEAF family.

After seven years as LEAF's **Database Administrator**, **Henry Chan** has left the national office to pursue a career in architecture in Chicago. Although we are sad to



see him go, we congratulate Henry on his new position, thank him for his many years of service to LEAF and wish him every success in his exciting adventure. Good luck Henry. You will be missed!

Congratulations

Each year, the Governor General's Awards in Commemoration of the Persons Case honours six Canadians for their outstanding contributions in promoting women's equality. LEAF extends congratulations to Toronto branch member and volunteer, Seema Shah, who has been chosen to receive this year's Youth Award. Seema is being recognized for her extensive work on women's issues carried out at Parkdale Community Legal Services where she advocates for women with physical and mental disabilities and women subjected to various types of abuse; at LEAF where she has been an active volunteer in the 'No Means No' early teen outreach program; Pro Bono Students Canada, which she was involved with from May 2005 to May of this year; and with the Community and Legal Aid Services Program since September 2005. The 24 year old third year law student at Osgoode Hall was also Chair of the Gender Equity Committee at McMaster University in 2003, directed a two-day White Ribbon Campaign to end violence against women, worked at Riverdale Immigrant Women's Centre during the summer of 2001 and served as a member of the Toronto Planning Committee of the 9th International Women's Health Conference, which took place in Toronto in August 2002.

Seema will receive her award at a ceremony presided over by Governor General Michaëlle Jean at Rideau Hall in Ottawa on October 18th. Congratulations Seema!

More Information

The LEAF Email Update is published every two months. The next Update will be sent in December 2006. If you have questions about anything in this email or about the work of LEAF, please contact us at info@leaf.ca or 1-888-824-LEAF (5323) or visit our website at www.leaf.ca.

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 Ext. 228
- Email: donate@leaf.ca
- Mail your donation to LEAF, 60 St. Clair Avenue East, Suite 703, Toronto, ON M4T 1N5
- Donate online through CanadaHelps.org
- Charitable # 10821 9916 RR001

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