



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

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

February 2007

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**Hello LEAF Supporters!**

**Happy New Year! LEAF is excited to begin 2007 with a legal victory at the Supreme Court of Canada. See below for details.**

### LEAF IN THE COURTS

#### *Dickie v. Dickie:*

On February 9, 2007, the Supreme Court of Canada released a positive decision for women in *Dickie v. Dickie*, a case in which LEAF intervened. *Dickie* is a family law case that deals with the recourses and remedies available when parties, overwhelmingly men, are in breach of family court orders. The case specifically addresses whether the default of an order to provide security for costs or security for the payment of support obligations is punishable by a contempt of court order. The oral hearing was January 17, 2007.

The respondent in this case, Dr. Kenneth Dickie, is a man of means and resources, who, rather than meet his obligations to his former wife and children chose instead to use the courts to further their disadvantage. Dr. Dickie did not appeal the outstanding support orders against him, nor did he apply to vary them – he simply refused to comply with them.

It was telling that at the Supreme Court hearing in January, Justice J. LeBel said "There is, well, a smell I should say to the case, where your client appears to have lied to [his] former counsel, run away to Bahamas, failed to pay any support for a pretty long period of time."

In a 9-0 decision, the Supreme Court agreed in *Dickie* that men must be held

accountable to their family law obligations. The decision is consistent with LEAF's position that men such as Dr. Dickie who continue to disobey family court orders should be found in contempt of court. Ninety-seven percent of parents trying to avoid child support payments are men, and the problem of women and children living in poverty following relationship breakdowns has been recognized by the Supreme Court. The ruling should have a significant impact on the ability of women to resolve the problem of men who abuse the family justice system so as to perpetuate the exercise of power and control over them.

LEAF argued that the decision about what recourses and remedies are 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 *Charter* equality values. When men refuse to comply with family court orders, it can have serious economic consequences for women. For example, for women with two children living on \$1500/month, \$800/month in support can make the difference between being able to pay the rent or not. LEAF argued that for family law to work for women, contempt of court proceedings must be available to be applied to men who refuse to comply with family court orders – LEAF is pleased that the Supreme Court reached the same conclusion.

The Court also decided that judges have the jurisdiction to refuse to hear the appeals of parties who are in default of family court orders. This is significant because it means that judges can now refuse to hear from men who willfully refuse to comply with family court orders. This should help reduce the amount of frivolous and vexatious litigation brought in the family law context by men seeking to abuse the family law system.

LEAF is very grateful to our counsel in this case, Llana Nakonechny and Gillian Calder, as well as the LEAF *Dickie* subcommittee and our Ottawa agent, Christina Christie. Without the many volunteer hours dedicated by these women, the *Dickie* victory would not have been possible.

LEAF's factum is available at: <http://www.leaf.ca/legal-facta.html>

*CCR et. al v. HMQ:*

In November, 2006, LEAF applied for leave to intervene before the Federal Court of Canada 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 (STCA) 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 from the United States at a land border, which can result in their return to persecution and torture. The challenge claims that the Agreement is in violation of sections 7 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. Unfortunately on January 4, 2007, the Federal Court denied LEAF's application for leave to intervene. The oral hearing in this judicial review was February 5-6, 2007.

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. Certainly the 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 as the claims of refugee women often differ from those of refugee men in several respects and women face compounded disadvantage as victims of oppression and discrimination. For example, women refugee claimants often suffer harms that are either unique to their gender, such as female genital mutilation or forcible abortion, or harms which are more commonly inflicted upon women than men, such as rape as a form of genocide or domestic violence.

LEAF is very grateful to our counsel in this case, Fiona Sampson and Jetty Chakkalal, as well as the LEAF STCA subcommittee. The excellent hard work dedicated by these women to this intervention was inspiring. LEAF intends to make use of the work already done on this case in the future as it hopes to intervene before the Federal Court of Appeal when that Court hears this case.



## IN THE BRANCHES

**West Coast LEAF** invites you to its 20th Annual Equality Breakfast, Friday, March 16th, 2007. This year's event will feature Keynote speaker Dr. Sarah Weddington, Counsel in the landmark *Roe v. Wade* case.

Dr. Sarah Weddington is an internationally known attorney and spokesperson on women, leadership and public issues. She was counsel in the *Roe v. Wade* case, one of the most politically significant cases in U.S. Supreme Court history. Dr. Weddington is believed to be the youngest person ever to win a case before the U.S. Supreme Court.

This event helps support important legal and education work in communities in British Columbia. In particular, this event raises funds for West Coast LEAF's youth anti-violence workshops, "No Means No", and the development of our new Youth in the Workplace program.

**To order tickets contact Swathi Nirmal, Breakfast Coordinator at 604-684-8772 ext. 116 or email [breakfast@westcoastleaf.org](mailto:breakfast@westcoastleaf.org)**



## AT LEAF NATIONAL

**LEAF National's Equality Day Dinner** is to be held on Thursday April 19, 2006 at the RBC Plaza in Toronto. Join us for an intimate dinner with a special guest speaker (to be announced) and live auction of an exciting travel package. We are pleased to have RBC returning as the premier sponsor of this important fundraising event. Space is limited so contact us today at [info@leaf.ca](mailto:info@leaf.ca) to reserve your seat.



## A REASON TO GIVE TO LEAF

Did you know that in a recent poll conducted by the Association for Canadian Studies\* about how Canadians view the courts' *Charter* based decisions, 40% of respondents thought the courts have not done enough to protect women's rights through the *Charter*?

Through their contributions to LEAF 100% of our supporters demonstrate that they want the courts to do more. Are you among them?

\*Complete poll results can be viewed at <http://www.acs-aec.ca/CurrentEvent/Charter%20of%20Rights.pdf>

## WAYS TO GIVE TO LEAF

You can contribute to LEAF's work to advance women's equality in a number of easy and convenient ways. Here are some:

- **Become a monthly donor** – Make a monthly pre- authorized donation through your chequing account or credit card. This is simply the most convenient, cost-effective and sustaining way to support LEAF's work. Contact us at 1-888-824-5323 or at [info@leaf.ca](mailto:info@leaf.ca) for a donor reply card to start your monthly gifts.
- **By mail** – Send in a cheque, made payable to LEAF or give using a credit card.
- **By phone** – Call us at 1-888-824-5323. We'll be happy to process a credit card donation over the phone.
- **Online** – through the CanadaHelps link on our website: [www.leaf.ca](http://www.leaf.ca)
- **Through United Way** – United Way allows you to make "designated" donations by naming your charity of choice when making a donation to United Way. Make LEAF your designated charity.
- **Through workplace giving or matching gift program** – Check with your workplace to see if they have a gift matching program in place and designate LEAF as your preferred charity. If not, consider suggesting this initiative in your workplace.
- **Donate your Aeroplan or credit card rewards points to LEAF** – Aeroplan and most credit card companies allow you to donate your travel or rewards points to a charity. Check with Aeroplan or your credit card company to see how you can transfer your points to LEAF.
- **Charitable donation of shares and securities** – This way of contributing is growing in popularity due to recent tax benefits and the ease of transfer. Speak to your financial advisor about the benefits of this type of donation.
- **Attend a special event** – LEAF branches hold special fundraising events throughout the year, most notably the Person's Day Breakfasts in the fall. Also, look for LEAF National's RBC Equality Day Dinner in April, West Coast LEAF's Equality Breakfast in March, and other events throughout the year. Check our website for updates.
- **Host an event on behalf of LEAF** – it can be as simple as a dinner party with friends. Encourage your guests to make a donation LEAF. Contact us about how we can support you in this initiative.
- **Make an "in-kind donation"** – We are often looking for items to raffle,



auction, or give away as incentives to our fundraising program. Contact us if you have access to items that may be used as 'prizes'.

- **Name LEAF in your will** – Consider leaving a bequest to LEAF in your will. Please contact us if you require further information on how to make your legacy a lasting one.



***From the LEAF Board of Directors and all of us at the national office have a Happy International Women's Day!***



### *MORE INFORMATION*

The LEAF Email Update is published every two months. The next Update will be sent in April 2007. If you have questions about anything in this email or about the work of LEAF, please contact us at [info@leaf.ca](mailto:info@leaf.ca) or 1-888-824-LEAF (5323) or visit our website at [www.leaf.ca](http://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!

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

- Call (416) 595-7170 Ext. 228
- Email: [donate@leaf.ca](mailto:donate@leaf.ca)
- Mail your donation to LEAF, 60 St. Clair Avenue East, Suite 703, Toronto, ON M4T 1N5
- Donate online through [CanadaHelps.org](http://CanadaHelps.org)
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### *Quick Links...*



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