

Making The Case For

Feminist



Strategic



Litigation



How to Tell Impactful Stories About
Your Involvement in Precedent-Setting Cases

Who this messaging guide is for

We created this messaging guide for staff at gender-based violence (GBV) organizations who want to convey the impact of their involvement in feminist strategic litigation (FSL) to their audiences in a way that is clear, accessible, and compelling.

62% of GBV organizations across Canada have participated in FSL, and we know that many more are interested in getting involved because of the broader impacts it can have on the people they serve¹. However, we've heard that it can be difficult communicating about court cases and getting supporters on board because of the legalese involved.

Ensuring that your audience understands why your organization is getting involved in an FSL case and the impact of your involvement is critical to building support for this work, and for ensuring that information about court cases that affect the people you serve reach them.

This messaging guide maps out a simple framework that you can use to draft key messages about your involvement in FSL cases as well as guidance on how to write about common legal concepts so that you can cut through the legal jargon and convey the importance and impact of your work. At the end, you'll find a handy key message brainstorming sheet that you can use to put the framework into action.

Acknowledgements

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Women and Gender
Equality Canada

Femmes et Égalité
des genres Canada

Canada

¹According to an environmental scan of 98 representatives from gender-based violence organizations across Canada by LEAF in 2024.

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What is feminist strategic litigation?

Feminist strategic litigation (FSL) involves working with feminist lawyers, on court cases involving feminist issues, with systemic feminist goals. The “systemic” part of feminist strategic litigation is very important. Most court cases will only have impacts for those directly involved in the case (known as the parties), but there are some cases that have broad implications for people beyond just those in the courtroom.

For example

In [Janzen v. Platy Enterprises](#), two women filed a complaint about sexual harassment and verbal abuse from another employee at their workplace. The case went up to the Supreme Court of Canada, where the court ruled that sexual harassment is sex discrimination. **This decision granted all employees in Canada – not just the two women who made the complaint – legal protection from sexual harassment in the workplace.**

In [R. v. Kirkpatrick](#), a woman had consented to sex with someone on the condition that he wear a condom, but he did not wear a condom. The Supreme Court of Canada ruled that when a person consents to sex on the condition that their partner wear a condom, but the partner does not comply, the sexual activity in question is not consensual and constitutes sexual assault. **This applies to everyone, not just to the people directly involved in this case.**

In both these cases, LEAF got involved as an [intervener](#) to advocate for a legal decision that would result in systemic feminist change.

In sum, most court cases only affect those who are directly involved, but FSL is different: it can change the law for everyone.

For a deeper dive into FSL, take our self-guided course [Courting Change](#).



The public's baseline legal knowledge

What the everyday person knows about the legal system

Understanding how much the average person knows about the law is helpful for determining how much (or how little) legalese to use in your public communications. Through our public legal education workshops, which are offered to a diverse range of audiences across the country, we've developed an understanding of the average adult's baseline level of legal knowledge:

Most adults know about...

- The criminal legal system
- Legal concepts and players commonly portrayed by popular legal drama shows, like juries, judges, witnesses, and evidence

Legal concepts that are fuzzier for many adults include...

- The different bodies and processes within the legal system, for example family courts and housing tribunals; and the different levels of court
- Relatedly, the civil system, and how it's separate from criminal law (for example, that if you sue someone, they don't go to jail if you win your case)
- How law is created through common/case law

When LEAF develops communications about law for our public audience, we try do so with the following rules, keeping in mind that our core audience has a good grasp on gender equality principles:



Do

- Write for the everyday person
- Use simple, accessible language as much as possible
- Focus on personal impact



Don't

- Lead with legal terminology
- Assume people understand the legal system
- Write for lawyers or legal professionals

Example

For example, on a case about Canada's sex work laws:

Instead of: "The *Criminal Code* provisions infringe gender equality guaranteed under s. 15 of the *Charter* and cannot be justified under section 1."

Say: "Canada's sex work laws are discriminatory and harm sex workers by restricting their ability to work in conditions that protect their health and safety."

A note from Kat Owens, LEAF's Legal Director, on the tension between accessible communications and legal writing:



I understand the impulse to ensure that content written about legal cases is as detailed and comprehensive as possible, especially when there's a fear that any findings in a case might be misrepresented. At the same time, if the lay audience you're trying to reach through your communications has trouble understanding what a case is about, you risk alienating them. You may fail to build or grow support for your work. To strike a balance, consider including links to a more comprehensive case summary or factum alongside content that is more accessibly written for public audiences. Think about the purpose of public communications about a case as conveying how your work impacts people, rather than focusing on the legalese."



Developing key messages about an FSL case

This six-step framework will help you develop accessible, compelling key messages about your FSL participation that clearly demonstrate the importance of your work.

To use this framework, outline the case background, then build your messaging around these six questions:

Step

1. Shared value

What is a values-based statement, shared by your organization and your audience, that can be derived from the case?

Tips

Opening with shared values that your audience can relate to helps draw them in, and signals that the rest of your message is about something that they care about. Here, we're assuming that your existing audience shares your values, but if they don't, or if you want to reach a broader audience, we recommend checking out We Make the Future's [Guide To Messaging Our Freedoms](#) – which inspired question #1 – for tips on how to craft compelling values statements that cut across race, class, and gender.

2. People/issue

What is the issue in the case and who is being impacted?

Don't get into the weeds of the specific legal issue – instead, focus on how the issue is playing out in people's lives and going against the shared value. When a case involves a survivor, we encourage you to ensure that they/their experience is noted here as part of the issue, as appropriate.

3. Problem

What isn't fair?

Elaborate on why the issue is a problem and/or how it's negatively impacting people. You can lead into why you're getting involved here too, if it makes sense to.

4. Action

What are you doing about the problem?

You can touch on your legal argument (but make it high level and accessible – how would you describe the sum of your argument to a neighbour?), or who or what you're fighting for by participating in the court case.

5. Hope

What could change?

Frame this in the positive, that is what would happen if the court rules favourably. Don't get too stuck on the details of the policy or legal outcomes – instead, focus on how people will be impacted.

6. Call to action

What do you want people to do?

What's the next step that you want people to take? Calls to actions may change depending on what platform you're using and what additional communications or advocacy items exist (for example, whether there is a related letter-writing campaign you want people to take part in). Simple calls to action you can include reading more about the case on your website or donating to your organization.

Note

LEAF and the GBV organizations we've worked with primarily get involved in FSL through interventions, which is reflected in this framework. However, it can be adapted for other kinds of FSL involvement, i.e. starting a case or giving testimony. The basic outline remains largely the same: open with a shared value; then outline the issue/who is being impacted, why the issue is a problem, what you're doing about it, and what could change; and finally, end with a call to action.

Examples

Here are some examples of key messages developed using this framework, all based on real cases that LEAF has intervened in:

R. v. Kirkpatrick

Case background

This case deals with the boundaries of consent to sexual activity under Canadian criminal law. The complainant testified that she insisted the accused use a condom during sex. The first time he used one, but the second time he did not. This raises the question, which the Supreme Court of Canada now has to decide: if someone is asked to use a condom, but they do not comply, does the law consider the activity consensual?

Key message

1. Shared value

When someone consents to sex on the condition that their partner wears a condom, that consent must be respected.

2. People/issue

However, that wasn't the case for the survivor in *R. v. Kirkpatrick* – and the Supreme Court of Canada will now decide whether non-consensual condom removal, or “stealthing,” is sexual assault.

3. Problem

We know that stealthing violates consent, and that it's a violation far too many survivors of sexual assault have experienced – which is why we're getting involved in this case.

4. Action

On November 3, we're appearing before Canada's highest court in solidarity with survivors to argue that sexual activity with a condom and without a condom are separate acts that require separate consent.

5. Hope

If the court agrees with us, this will be hugely affirming for survivors, and send a clear message that when a person consents with sex on the condition that their partner wears a condom, wearing a condom is absolutely necessary to ensuring consent is respected.

6. Call to action

We'll be sharing updates on social media as this case develops – follow us on Instagram @leafnational to stay informed.

Ontario English Catholic Teachers' Association (OECTA) v. His Majesty the King in Right of Ontario et al

Case background

In 2019, the Ontario government enacted the *Protecting a Sustainable Public Sector for Future Generations Act*, 2019 (also known as “Bill 124”). Bill 124 imposed restraints that limited wage/compensation increases to 1% during each of three one-year moderation periods for public sector workers in the health care, social services, and education sectors. In 2022, a judge on Ontario’s Superior Court of Justice struck down the law for violating workers’ rights to freedom of association. The Ontario government appealed.

Key message

1. Shared value

Health care workers, educators, and social services workers provide invaluable care work that is essential to healthy, thriving communities – and deserve to be compensated fairly for their labour.

2. People/issue

However, in Ontario, these workers’ wages have been unfairly restricted by Bill 124, which limited their salary increases to just 1% a year for three years.

3. Problem

This is an attack on an already undervalued workforce that is largely comprised of women, and especially racialized women, who make up a large majority of workers in health care, education, and social services. We won’t stand for this, which is why we’re going to court to fight back against Bill 124.

4. Action

On June 20, LEAF will be appearing before the Ontario Court of Appeal in *OECTA v. Ontario* to argue that Bill 124 must be struck down for discriminating against women.

5. Hope

If the court agrees with us, these workers will have the opportunity to negotiate their wages fairly – and the government will be stopped from passing discriminatory laws like this in the future.

6. Call to action

Take action – join us in standing with these essential workers today by telling the Ontario government to repeal Bill 124: [*campaign link*](#)

Quebec (Attorney General) v. Kanyinda

Case background

Ms. Kanyinda, originally from the Democratic Republic of Congo, entered Quebec with her three young children via Roxham Road in October 2018. She made a refugee claim once arriving and obtained a work permit while her claim was being processed. She sought subsidized daycare but was denied because s. 3 of Quebec's *Reduced Contribution Regulation (Regulation)* excludes refugee claimants from eligibility for subsidized daycare. Ms. Kanyinda challenged this exclusion as indirect discrimination based on sex – since the regulation differentially impacts refugee claimant women – and as direct discrimination based on immigration status and citizenship.

Key message

1. Shared value

Everyone should have access to quality, affordable childcare.

2. People/issue

However, a regulation in Quebec explicitly excludes refugee claimants like Ms. Kanyinda, a mother from Congo, from accessing the province's subsidized daycare program – forcing them to seek out alternative, and often inaccessible, childcare options.

3. Problem

We know that Quebec's exclusionary regulation is discriminatory – and so does Ms. Kanyinda, who took the government of Quebec to court over this issue in 2021. However, instead of doing the right thing and extending subsidized daycare access to refugee claimants, the Quebec government has fought Ms. Kanyinda all the way up to the Supreme Court of Canada – which is where we'll be when the Court hears this case.

4. Action

On May 15, LEAF will be intervening in *Quebec (Attorney General) v. Kanyinda* to argue that courts must take an intersectional approach when deciding whether a law or regulation is discriminatory.

5. Hope

If the court agrees with us, then Quebec's exclusionary regulation can be struck down, and refugee claimants will be able to access subsidized daycare in the province – a huge win for gender equality.

6. Call to action

LEAF is able to get involved in important cases like this because of supporters like you. Make a donation today to help fight for a fairer future: [donate link](#)

Using your key message

Flip to page 15 for a handy worksheet that you can use to brainstorm key messages! Once you've developed a key message, it can be adapted for all sorts of communications, including a...

- Media quote
- LinkedIn post
- Instagram caption
- Newsletter blurb
- Donor email
- 30-second video
- And more!

As a case develops, your key messages can shift and be rearranged accordingly. You also don't have to follow this framework to a T – for example, the problem statement can lead into the action statement in the same sentence or paragraph if it makes sense to. Just remember to keep things concise and accessible, and to centre your message on personal impact.

Additional tips

- Sometimes, cases involve extremely complex legal issues that are impossible to neatly and accessibly package for public audiences. In these cases, still try to focus on the broader impact – who will be impacted, and how? Who are you standing with by getting involved in the case?
- When drilling down your key messages, ask yourself what information or details your audience doesn't necessarily need to know. Consider cutting out any information that isn't essential.
- To make your message more timely, link it to any current issues/trends that are relevant to the issues in the case.
- Emotions and personal stories are often more compelling than facts, so draw on those when it makes sense to.
- Avoid framing your message as a reaction to attacks from the opposition – try not to repeat any harmful messaging or stereotypes, even if the purpose is to call them out.



Explaining commonly used legal terms

Legal terms that are often used, but not always accessible

Here are some common legal concepts and words that come up often in FSL work, and what you can use either in place of the term or alongside it to make your writing more accessible. You don't necessarily need to avoid legal terms altogether, but adding a short explanation or interchangeably using an accessible alternative is always helpful.

<i>Legal term</i>	<i>Accessible alternative</i>
Litigation/litigating	Going to court, taking to court; for civil cases: suing, starting a lawsuit
Charter or constitutional challenge	Challenging a law, suing the government
Intervening	Getting involved in a court case, stepping into a court case, participating in a court case as a third party
Canadian Charter of Rights and Freedoms	Our fundamental rights, core rights and freedoms
Equality rights jurisprudence	What previous court decisions say about equality

Legal term

Accessible alternative

Supreme Court of Canada

The highest court in Canada

Tort

Legally recognized wrong, harmful act that the law gives a remedy for (often money or an order to stop the action)

Full names of policies and laws

Shorthands, when appropriate*

* *On using shorthands for policies and laws:* When possible and appropriate, consider avoiding referring to a law or policy by its full name if it is overly lengthy or inaccessible, or in cases where a government has framed a discriminatory law or policy in a neutral or positive way. For example, Saskatchewan’s anti-trans pronoun policy is officially called the *Use of Preferred First Name and Pronouns by Students* policy, and it was passed in a law that the government called the *Parents’ Bill of Rights*. Instead of recycling this misleading language, you can refer to this policy as “Saskatchewan’s discriminatory pronoun policy,” whether right off the bat or after introducing the policy’s official name.

You can also check relevant news articles to see if there are any appropriate shorthands for legislation that you can use. For example, Quebec’s Bill 21 bans certain public sector employees from wearing religious symbols at work – public audiences might not know what you’re talking about if you just refer to this law as Bill 21, but they’re more likely to know its shorthand, which is “Quebec’s religious symbols ban.”

Key message brainstorming sheet

1. Shared value

What is a values-based statement, shared by your organization and your audience, that can be derived from the case?

Probing questions: What is the issue at the centre of the case? What should be happening for people but isn't?

2. People/issue

What is the issue in the case and who is being impacted?

Probing questions: Why is there a court case in the first place? How are people being impacted by the issue? How does the issue go against the shared value?

3. Problem

What isn't fair?

Probing questions: Can you elaborate on why the issue is a problem? What needs to change for people impacted? How should people impacted be treated instead?

4. Action

What are you doing about the problem?

Probing questions: Who or what are you standing with or for? How would you sum up your organization's argument, making sure to centre it around personal impact, to someone who isn't a lawyer?

5. Hope

What could change?

Probing questions: How will people be impacted if the court rules favourably?

6. Call to action

What do you want people to do?

Probing questions: Is there anything that individuals can do to support? Do you have additional materials about the case that they might be interested in reading? If not, consider asking people to support your organization's work – whether by following you on social media, subscribing to your newsletter, or making a donation.

Accessible writing check-in

- ☐ Are you writing for someone who is not a lawyer or legal professional?
- ☐ Are you using accessible language where possible?
- ☐ Are you focusing on personal impact?