



LEAFlet

*Newsletter of the West Coast
Legal Education & Action Fund*

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ANNUAL GENERAL MEETING

Hear about cyber misogyny

September 26, 2013

5:30 – 7:30 PM

Law Courts Inn, Vancouver

Register

2013westcoastleafagm.eventbrite.com

CONFRONTING CYBER MISOGYNY

By Sally Chang



A teen girl chats with men online and is told she's beautiful and perfect. She is asked to bare her breasts and does so. One man posts the picture on Facebook and sends it to her friends and family. She moves from school to school, but the image haunts her.

From sexualized online bullying to the rise of “revenge porn” sites, cyber misogyny—the term we use for gendered online hate speech—is increasingly affecting the lives of women and girls. The Internet provides a unique forum to infringe women’s dignity in a particularly toxic and terrifyingly public way. Yet even as extreme and insidious forms of hate speech go viral, the aggressors are able to remain faceless.

Canadian law is fragmented in dealing with these problems and its practitioners struggle with many questions. Would limiting online misogyny violate freedom of speech? Should the anonymity of perpetrators behind hate speech be protected? Canadian law has not adequately grappled with the issue of gender-based hate speech, especially in the Internet age. It is an area ripe for legal development.

There is a huge gap in law and policy in response to this issue. The safety of women and girls hangs in the balance. Although “cyberbullying” is a hot topic in the media, there is less discussion of how such bullying often involves sexism, racism, and other forms of discrimination. While males undeniably experience abuse online, the sheer vitriol directed at females has become impossible to dismiss. Yet the legal response in Canada is focused on non-gendered hatred. Moreover, the federal government has repealed the hate speech sections of the *Canadian Human Rights Act*, which means that hate speech on the basis of sex or gender is no longer forbidden under federal law.

With the support of the Law Foundation, West Coast LEAF is launching the Legal Responses to Cyber Misogyny project. We will examine the pros and cons of different legal strategies for protecting the security of women online and develop a clear understanding of how sexism, racism, and homophobia underlie cyber misogyny. The project’s ultimate goal is to make legal tools available for women and girls so they can assert their rights and respond to online hate speech when it happens.

LITIGATION UPDATE

On June 26, after 17 days of evidence and 5 days of closing arguments, the *Inglis* trial came to a close. This case was about a mother-baby program at Alouette Correctional Centre that allowed babies and their incarcerated mothers to remain together. The heart of the plaintiffs' case was that the cancellation of the program excluded all infants from the prison regardless of the mother's circumstances or the best interests of the child, resulting in a violation of their human rights.

Given the overrepresentation of Indigenous women in prison, the context of this case within the history in Canada of state interference in Indigenous families is highly important. The evidence showed that some of the women in this program had been the first in their families to be able to raise their own children for several generations.

The Court also heard criticism of how the corrections system is essentially built for men and how women's correctional needs are different. West Coast LEAF reminded the Court that this case is about substantive equality, which sometimes requires different treatment for different groups to fully realize equality rights. Nitya Iyer, co-counsel for West Coast LEAF, argued that formal equality—treating likes alike—will disadvantage women prisoners, who have unique needs based on their gender, along with their race, ethnicity, and family status. West Coast LEAF's intervention sought to ensure that the rights of Indigenous women and their children would be central to the Court's analysis.

COMMUNITY PARTNER PROFILE

Bard on the Beach

By Sally Chang



Photo by David Blue

Todd Thomson and Rachel Cairns star as Duke Orosino and Viola in *Twelfth Night*

Bard on the Beach, a Vancouver-based professional Shakespearean festival, regularly supports our Equality Breakfast. While in the midst of celebrating its 24th season, Bard on the Beach caught up with West Coast LEAF to give us a behind-the-scenes interview.

Shakespeare is famous for interrogating societal norms. This season's performance of *Measure for Measure* is a dark comedy about sex, death, and the hypocrisy of patriarchal justice.

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DONOR PROFILE

Roz Currie

By Roz Currie

I have been a West Coast LEAF donor for over 15 years, and have previously held positions of Vice President and President on the Board of Directors. I am inspired to continuously support them because of the deep systemic inequalities that continue to exist for women in British Columbia, in particular those marginalized by poverty, race, Aboriginal ancestry, disability, and other factors.

When I moved to Vancouver after completing my law degree at the University of Ottawa, I immediately became involved with West Coast LEAF because of its unique work in challenging laws and decisions that violated women's equality rights under the *Charter of Rights and Freedoms*. Its work continues to inspire me, especially the challenges in Court that promote women's equality rights, and the work with youth to help them understand legal concepts such as consent in the context of sexual assault law.

One of my most memorable moments was meeting former Supreme Court of Canada Madame Justice Claire L'Heureux-Dube when she spoke at one of West Coast LEAF's Equality Breakfasts. Madame Justice wrote some of the most important legal decisions related to women's equality, and she praised the work of West Coast LEAF in the courts. I felt I was in the presence of a true heroine and champion of women's equality!

Currently, I am the Director of BC's Office to Combat Trafficking in Persons, where our guiding principles are informed by principles in section 15 of the *Charter of Rights and Freedoms*, such as upholding the human rights of trafficked persons.

I am very proud to be a West Coast LEAF monthly donor, and I urge everyone to contribute in their own way to promoting women's full equality rights in BC.



West Coast LEAF

www.facebook.com/westcoastleaf

VOLUNTEER PROFILE

Carla Lewis

Carla Lewis is a senior litigator at Lewis McCourt Family Law and Mediation, with 28 years of experience as a dedicated family law practitioner. She is an educator, an avid volunteer, and a member of the Family Law Advisory and Legal committees at West Coast LEAF.

Please tell us how inequality has affected you. How does that inform your daily life choices?

Carla: In 1983, I applied for an articling job with a lawyer whose daughter was a criminal defence lawyer. I thought that indicated a positive attitude toward women in the profession. I had barely entered his office when he said, "I'm going to tell you why I would never hire a female lawyer." Looking back, this incident had a positive outcome: I articulated instead at Legal Aid Manitoba and met dedicated lawyers who still inspire me.

What was your most memorable moment at LEAF?

Carla: Reading the Supreme Court of Canada decision in *Rick v. Brandsema!* It was amazing to help edit LEAF's factum in this seminal case and to see how our top Court dealt with what Mr. Justice Fraser called the cancer of matrimonial litigation.

How has your experience in family law influenced your perspective on women's rights?

Carla: It is difficult enough to go through separation with the assistance of a lawyer. Without access to legal assistance, women and children do not receive what they are entitled to in law. The increasing emphasis on Alternative Dispute Resolution (ADR) is positive, as long as ADR is appropriate and women have access to meaningful legal help. Cuts to legal aid overwhelmingly impact women. I volunteer at Battered Women's Support Services. I see firsthand what women and children have to give up.

TRANSFORMING OUR FUTURE Equality, Freedom, and Cake

By Naomi Moses

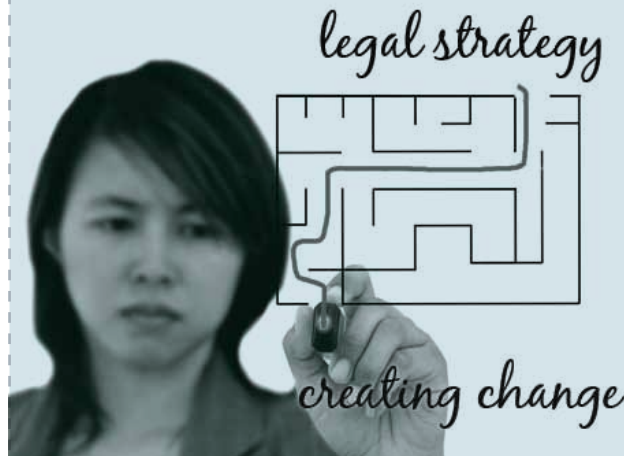
Last year I participated in Transforming Our Future, an invaluable course that taught me a great deal about the *Charter of Rights and Freedoms*, the concept of equality, and the direct effects of human rights law on people's lives.

As a lifelong activist and incoming UBC law student, I found the course content very interesting and relevant. I have been interested in human rights for a long time, but until this course I had never understood the difference between formal and substantive equality.

One exercise I found very useful in explaining this idea was a role-play in which small groups were asked to divide a cake among individuals with different backgrounds and needs. We quickly found that dividing the cake into equal slices (formal equality) was unfair and did not address people's differences (substantive equality). In addition to making us all want cake, this was a brilliant way to show why formal equality, in which the law treats everyone the same, still results in unfair outcomes.

This course has been so important in informing my activism. I can't wait to apply it to my future work as a lawyer.

STRATEGIES FOR CREATING TOMORROW'S WORLD, TODAY



Upcoming Transforming Our Future Workshop

This 2-day workshop explores concrete legal strategies to address systemic discrimination. Through problem-based learning and hands-on group work, participants will learn how to take abstract legal strategies and turn them into meaningful tools for change. Perfect for advocates, service-providers, and community organizers.

Next workshop: **November 28 to 29, 2013, in Vancouver**

Cost: \$100 (Some subsidies available. Contact us for more information.)

To register: Contact Chrissie at education@westcoastleaf.org

604.684.8772 x117

INVESTING IN WOMEN'S EQUALITY

West Coast LEAF is grateful for the ongoing support we receive from our donors, our members, and the Law Foundation of British Columbia. We also receive project support from our public funders.



Status of Women
Canada

Condition féminine
Canada



Chris Spencer Foundation

vancouver
foundation

DOUBLE YOUR DONATION THROUGH WORKPLACE MATCHING

Maximize the value of your donation to West Coast LEAF ... it won't cost you a dime.

Some workplaces encourage their employees to make charitable contributions by matching their philanthropic support. You may be surprised to learn that your company already does it.

Ask the HR or Charitable Giving department at your workplace for more information. They will tell you whether your donations to West Coast LEAF are eligible to be matched. Ask them for further instructions.

If there isn't a program in place, discuss the possibility of establishing one at your company. It's a great opportunity for your employer to get involved in the community.

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"It is a testament to Shakespeare's brilliance that he wrote plays about specific people in specific situations, in a specific time, yet the themes explored and the humanity of his characters are universal and therefore still resonate with us," says Director John Murray.

Murray describes the play's main character of Angelo as "a deeply religious man, in a deeply religious, conservative society, who self-righteously speaks out against premarital sex. In the next scene he fall[s] in lust with a nun, no less, and intends to rape her."

Marketing Director Heather Kennedy gave insight into one of her favourite Shakespearean heroines, Viola, from Bard's current production of *Twelfth Night*. Viola enters the play as a shipwrecked woman who disguises herself as a man to survive alone in a strange land. "What I find particularly powerful is how her situation reflects that of so many immigrant women who have come to our country without resources and from a painful past, brave women who've picked up the pieces and created a productive new life for themselves," Kennedy says.

The final curtains for this season fall on September 14, so hurry!

Themis Club Monthly Donors

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