

# LEAFlet

RAISING OUR VOICES FOR WOMEN'S EQUALITY

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2017 Equality Breakfast keynote speaker Dr. Cindy Blackstock



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## CONSTITUTIONAL CHALLENGE LAUNCHED FOR BC'S FAILURE TO PROVIDE LEGAL AID TO WOMEN FLEEING VIOLENCE

Drastic cuts to legal aid over the last 15 years have left justice out of reach for many British Columbians, particularly women in the context of family law.

After years of advocacy against the cuts and in favour of a justice system that serves British Columbians equally, West Coast LEAF is investing in systemic change through litigation. Confronting the reality of BC's broken legal aid system head on, West Coast LEAF and the BC Public Interest Advocacy Centre have launched a constitutional challenge against the Province of BC and the Legal Services Society for their failure to provide adequate family law legal aid to women fleeing violent relationships.

The ground-breaking case is brought on behalf of Single Mothers' Alliance BC and two individual women whose safety, well-being, and relationships with their children have been threatened by the severe lack of legal aid services available to them in their family law disputes.

The case alleges that the province has a constitutional responsibility to provide access to the justice system for women fleeing violent relationships or dealing with ongoing situations of abuse from their former partners. Currently, BC's legal aid scheme discriminates against women and children and violates their rights by putting them at further risk of violence and intense stress.

*Single Mothers' Alliance of BC Society et al. v. HMTQ in right of the Province of B.C. et al.* is expected to be heard by the Supreme Court of British Columbia in 2018.



**LEGAL AID CASE TEAM** L-R: Kasari Govender, individual plaintiff Nicole Bell, Raji Mangat, BCPIAC staff lawyer Kate Feeney, and Debbie Henry of Single Mothers' Alliance BC.

# DISMANTLING BARRIERS TO REPORTING SEXUAL ASSAULT

Public concern about the treatment of sexual assault victims in the criminal justice system has reached new heights—as has public pressure to reduce systemic barriers—to reporting this violent crime. The media is focusing the public’s attention on the high proportion of sexual assault reports that are dismissed as unfounded and on cases where judges have grossly mishandled sexual assault trials. The timing is opportune for working to identify how the criminal justice system can better respond to reports of sexual violence.

West Coast LEAF is excited to be embarking on an innovative project in partnership with the YWCA–Metro Vancouver called Dismantling the Barriers to Reporting Sexual Assault. To assess the current barriers and identify promising directions for change, we are talking to women who have experienced sexual assault about their experiences reporting or not reporting. Their firsthand knowledge will be foundational to the project. We are also conducting interviews with experts in academia and across the criminal justice system.

The project aims to identify strategies to reduce barriers in the justice system for sexual assault survivors through dialogue among key stakeholders – including frontline anti-violence activists and service providers, police, former Crown, retired judges, academics, and defence

counsel. The project intends to investigate how the justice system can better support victims of sexual assault while also respecting the constitutional and human rights of accused persons.

This project builds on West Coast LEAF’s long history of work on sexual assault law and policy. Since 1999, our rights-based youth workshops have been addressing violence, stereotypes, and sexual consent through a gendered lens, dispelling victim-blaming myths, and inspiring youth to resist cultures of violence. Recently, we intervened in the Canadian Judicial Council inquiry that recommended that former judge Robin Camp be removed from the bench for his egregious comments about a sexual assault complainant. And in early 2016, we intervened in *College of Massage Therapists of BC v Scott* to ensure that the public can be meaningfully protected from practitioners who have been reported for sexual violence.

With this project, we are deepening our understanding of the dynamics of inequality in the justice system, shaping future research and policy development, and ultimately working to realize the human rights of women who have experienced sexual assault.

This project is supported by Status of Women Canada.

## HOT OFF THE PRESS

### UPDATED *IS THAT LEGAL?*



*Is That Legal?* – our youth-friendly publication about the laws governing our lives online – has been in demand

since we published the first edition in 2014 as part of our #CyberMisogyny Project. Recently, we were thrilled to create a thoroughly revamped 2017 edition with generous support and collaboration from Legal Services Society.

The 2017 edition contains updates to the law (including information about sharing intimate images without consent, which became a criminal offense in 2015), explains sexual consent more fully, uses plainer language and a more accessible formatting, and integrates community input.

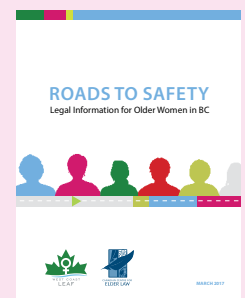
We are grateful to the youth, teachers, and community-based service providers who shared their vision and knowledge to help make this resource more relevant to diverse readers. We look forward to making *Is That Legal?* available in languages other than English later this year.

Visit our website for a free PDF download of *Is That Legal?* or for instructions about ordering print copies from Crown Publications.

### ROADS TO SAFETY BACK IN STOCK

Our *Roads to Safety* legal handbooks and multilingual wallet cards for older women fleeing abuse are back in stock. Visit [westcoastleaf.org/roads/](http://westcoastleaf.org/roads/) or

request copies by emailing Alana at [education@westcoastleaf.org](mailto:education@westcoastleaf.org).



## VOLUNTEER PROFILE

# MONIQUE PONGRACIC-SPEIER



Vancouver lawyer Monique Pongracic-Speier is pro-bono counsel, alongside staff lawyers at West Coast LEAF and BCPIAC, in our constitutional challenge to BC's legal aid scheme brought on behalf of Single Mothers' Alliance BC and two individual women plaintiffs. Monique maintains a practice with a significant focus on public law, including administrative, constitutional, and Aboriginal law. A founding partner with Ethos Law, she has argued cases at the Supreme Court

of Canada, at all levels of court in BC, and before various administrative tribunals. She is also an active volunteer in the legal community.

### *Can you share a little bit about your background and why you chose law?*

I'm a homegrown spud. I grew up in North Delta and did most of my schooling there. For grades 11 and 12, I went to school in White Rock, then I took my undergraduate education at SFU, worked for a couple of years, and took law at UBC.

The only partly tongue-in-cheek answer to why I chose law as a profession is because I figured it was going to be mighty hard to find a decent job with a graduate degree in philosophy. More seriously, I settled my sights on the legal profession because I saw an opportunity to do intellectually creative and socially useful work. I've been very fortunate to have opportunities to do precisely that since I started to practise. In fact, I've had a pretty charmed career, in terms of the issues I've been able to work on.

Commitments to creative legal thinking and to community are core values for my firm. That's why the Ethos website says, "We build a positive ethos through our practice."

### *How did you come to know about and volunteer with West Coast LEAF?*

My goodness. I am certain I knew about WC LEAF well before I went to law school. I suspect I first learned of WC LEAF's existence and activities while I was taking women's studies courses in the early 1990s.

When I was in law school, I connected with West Coast LEAF when I wrote a paper for my *Charter* course on the influence of intervenors in *Charter* cases. The folks in the WC LEAF office at that time generously gave me access to the facta WC LEAF had filed in various appeals.

Until recently, my volunteering with West Coast LEAF has been more passive than active – the volunteering of money. I've been a Themis [monthly donor] of WC LEAF for years. My active volunteering started last year when I was approached to work with WC LEAF and BCPIAC to bring a challenge to British Columbia's legal aid regime for family law matters.

### *What drew you to become counsel on this particular case? Why is this case important?*

I was drawn to the legal aid case, I think, because the legal issues are extremely interesting and the justice issues are extremely important. At the macro level, this case grapples with the scope of the state's responsibility toward the individual with respect to access to justice. Few other issues in our contemporary justice system are as fundamental and pressing as this one.

On the evidence front, I believe the case will illuminate the toll that lack of access to justice takes on women who need it for their own safety and security, or for the safety and security of their children. I believe the justice system needs to take cognizance of this evidence and to measure the state's constitutional obligations toward British Columbians in relation to it.

On a more personal level, how the state responds to problems that arise out of the intersections between economic inequality and other forms of inequality is a matter of inherent interest to me. I suppose I inherited the fierce social justice streak I saw in my grandmother during her life, and that I have always seen in my mother.

For me, it's bred in the bone that economic inequality must be taken into account in addressing other forms of inequality, and that it's up to each of us to do something about it.



**EQUALITY BREAKFAST 2017** L-R standing: Lisz Keallen, Cindy Blackstock, Gloria Macarenko, Kasari Govender, Eileen Vanderburgh, Wayne Robertson, Chelsea Siler, Stephanie Smith, Minister Suzanne Anton, Rosalind Campbell, Theresa Campbell

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**THANK YOU** to all who came out to mark International Women's Day, celebrate our community, and support West Coast LEAF at the Equality Breakfast in March! With a record turnout of 800 people, it was our biggest and most successful event ever – thanks to you. Your support will power our work for equality throughout the year.



We were inspired by the powerful words of Dr. Cindy Blackstock and her fierce and unflagging activism on behalf of Indigenous children in this country. If you missed it, you can find a video of her talk (filmed by videographer David Ng) and fabulous event photos (by photographer Johnny Lui) on our website.



We're proud of what we can achieve when we come together, and we are incredibly grateful to all of you for your sponsorships,

sustaining monthly gifts, and the generous donations you made to support equality in BC. Thank you for helping to keep West Coast LEAF strong and for ensuring that the Equality Breakfast remains, hands down, "the best event this side of noon."

We are grateful for the support we receive from our donors, funders, and members. Thank you to our current project funders:



We are grateful for the continuing support of the Law Foundation of BC. We acknowledge the financial support of the Province of British Columbia.