

WC LEAF

— Women's Legal Education & Action Fund —

14th Annual Equality Breakfast



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MARCH 8, 2001

— VANCOUVER, BRITISH COLUMBIA —

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Agenda

- 7:30 am Breakfast
- 8:00 EMCEE: Bridgitte Anderson
- 8:05 Welcome: Alisa Noda, President of W.C. LEAF
- 8:10 Remarks: Honourable Ujjal Dosanjh, Premier
- 8:20 Keynote Address: Dionne Brand
- 8:40 Closing Remarks: Beverley Burns

The Head Table

Alisa Noda, President, West Coast LEAF
Beverley Burns, Equality Breakfast Committee Co-Chair
Honourable Ujjal Dosanjh, Premier of the Province of B.C.
Dionne Brand, Keynote Speaker
Bridgitte Anderson, Master of Ceremonies
David Brine, Q.C., Chair, Law Foundation of BC

What is LEAF?

W.C. LEAF was founded in 1985 along with LEAF National, by a group of far sighted women who wanted to ensure that *The Canadian Charter of Rights and Freedoms* was interpreted in a way that truly advanced women's equality. It is our vision that Canadian law will one day reflect equality for all women. West Coast LEAF promotes women's equality through public legal education, law reform and litigation. LEAF's litigation strategy is to intervene on carefully selected cases at the Supreme Court of Canada. We have just celebrated our 13th court victory in a row and are working on several Public Legal Education projects, which will become the cornerstone of our work in the future. All women- women of colour, aboriginal women, women in poverty, women in abusive relationships, marginalized women, need their equality rights addressed. West Coast LEAF works for them.

Breakfast Committee

Beverley Burns	Co-Chair
Tracey Brown	Co-Chair
Kristine Helgason	Volunteer Coordinator
Heather Kirsop	Breakfast Coordinator
Melanie Leung	Ticket Sales
Carolyn MacEachren	Public Relations
Melissa Tyson	Media Relations
Susan Ellis	Member
Carly Shore	Member



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Keynote Speaker Dionne Brand

Dionne Brand is an award winning poet, novelist and essayist. Her seven volumes of poetry include *Land to Light On* which won the Governor General's Award for Poetry and the Trillium Award for literature in 1997. The Globe and Mail said of her poetry, "Every once in a rare while a book of poetry - because it is poetry- appears on the literary landscape and breaks your heart... The impeccably crafted sequence contains the spirit and soul of human fealty, which acts as a shield against the brutality of human history."

Dionne Brand's fiction includes the critically acclaimed novels *In Another Place Not Here* - a 1998 New York Times notable book, and *At the Full and Change of the Moon* - a 1999 Los Angeles Times notable book.

Her works of non-fiction include *No Burden to Carry: Narratives of Black working women in Ontario 1920's-1950's*, a collection of oral histories; and *Bread out of Stone*, a book of essays for which Adrienne Rich called her "a cultural critic of uncompromising courage, an artist in language and ideas, an intellectual conscience for her country."

Brand is currently the Ruth Wynn Woodward Professor in Women's Studies at Simon Fraser University. She has been writer in residence at the University of Toronto, Assistant Professor of English at the University of Guelph and has taught at York University.

LEAF CASE UPDATES

Blencoe V. Andrea Willis and the British Columbia Human Rights Commission et al

Robin Blencoe was a BC cabinet minister who had sexual harassment complaints filed against him under the *Human Rights Act*. Blencoe applied for a stay of the proceedings two years after the complaints were filed, on the basis of unreasonable delay. The issues that arose at trial were whether the Charter applies to proceedings under the *Human Rights Act* and, if so, whether the delay in proceedings had resulted in a violation of Blencoe's rights to security of the person, as protected by section 7 of the Charter. At trial, it was held that the Charter did not apply to such proceedings, however this finding was reversed on appeal. LEAF intervened in this case at the Supreme Court of Canada, arguing that this interpretation and application of Charter rights could have serious implications on the ability of women to have sexual harassment claims investigated and adjudicated.

Jennifer Conkie, former Board member and chair of the West Coast LEAF Legal Committee, was co-counsel in the Supreme Court of Canada appearance. On October 5th, 2000, the SCC ruled that, while the Charter would apply to such proceedings, Mr. Blencoe's rights under section 7 of the Charter had not been violated, as such a delay did not constitute a violation of his right to security of the person. The court asserted that, if there was any psychological harm suffered by Blencoe due to the prejudicial effects of the human rights complaint, they were the consequence of the charge, the subsequent publicity and the political fallout, not the delay in the human rights proceeding itself.

Little Sister's Book and Art Emporium v. Canada

The Little Sister's case involved the seizure of materials bound for Vancouver's Little Sister's Bookstore in accordance with the *Customs Act and Tariffs*, on the grounds that such materials were "obscene" as defined by the Criminal Code of Canada. At trial, the constitutionality of such legislation was questioned, and the court held that the legislation was constitutional, but needed to be correctly administered by customs officials. At appeal, it was held that this legislation was unconstitutional, but still upheld under s.1 of the *Charter*. LEAF intervened at the Supreme Court of Canada in July of 1999 to argue about the application of obscenity law, and the need for it to be done in a constitutionally sensitive manner. LEAF sought a declaration that the Customs legislation be of no force and effect. The Supreme Court of Canada has not yet rendered a decision.

The "No Means No" Youth Project

The "No Means No" project involves the development of a school-based curriculum intended to educate and empower young adolescents aged 11-14 regarding the legal definitions of consent and sexual assault. The "No Means No" project has its roots in *R. v. Ewanchuk*, a case involving the issue of consent in situations of sexual assault. Ewanchuk was a thirty-year-old man charged with the sexual assault of a seventeen-year-old girl during a job interview in his trailer. At both the trial and the Court of Appeal, Ewanchuk raised the defence of "implied consent", because the young woman, motivated by fear and a sense of self-preservation, did not scream, struggle or try to escape from his sexual advances, although she said "no" repeatedly. He was acquitted at trial, and Mr. Justice McClung of the Alberta Court of Appeal upheld this decision. Justice McClung commented on the complainant's lifestyle and clothing, saying among other things, that "the complainant did not present herself [to the accused] in a bonnet and crinolines". West Coast LEAF intervened and was granted permission to make submissions to the Supreme Court of Canada. On February 25, 1999, the Supreme Court of Canada commented adversely on the acquittal and Justice McClung's comments. The Supreme Court ruled that there was no such "implied consent" defence and found Mr. Ewanchuk guilty of sexual assault.

Kelly D'Aoust, the Project Coordinator, has begun work on developing a curriculum that encourages students to critically examine social conventions, myths and gender stereotypes that leave girls vulnerable to violence. The legal implications of consent with respect to sexual assault will be explored and a critical discussion as well as role-playing will engage students in an analysis of how gender stereotypes create attitudes that expose women to greater risks of violence. Kelly has recruited educators and senior students to participate in an Advisory Committee which will evaluate the curriculum before it is piloted in schools. West Coast LEAF aims to implement the classroom sessions in one or two Vancouver classrooms by September, 2001.

Letter from the President

Dear LEAF Supporter;

I am finding that life's "markers" become more important, the older I get. Birthdays, anniversaries, weddings, funerals, even civic holidays all attain deeper significance as markers of the people and events that matter to me and those whose communities I am a part of.

The West Coast LEAF Equality Breakfast is one of those markers. It calls to mind the tireless work of generations of women who fought to make Canada an equal place for all women. Not only did the "Famous Five" of Nelly McClung's era contribute by having women recognized as "persons" in law, but so have countless others. Women fought for an equitable share in the breakup of domestic relationships, control over reproductive rights, the right not to be discriminated against because pregnant, and the right not to be sexually harassed in the workplace. West Coast LEAF, as the B.C. branch of LEAF, has been there for these and many other women. From the enactment of Canada's *Charter of Rights and Freedoms* to the landmark cases built on section 15, West Coast LEAF has helped shape the Canadian legal and societal landscape of women's equality rights.

Some may say that these rights are "old news" and that Canadians need to "move on". Despite the distressing number of people affected around the world by unaccountable governments, civil wars, hunger, disease and natural catastrophes, I believe it is wrong to say there is

nothing left to do on women's equality issues in Canada. If that were so, why did we need to ask our highest court last year whether "no" still means "no" in sexual assault cases? The rights we uphold as a society are fragile at the best of times. This is not the time to stop safeguarding them, reflecting on them, and passing them on to our children.

There are still too many women who suffer treatment as less valued members than others in Canadian society. There are still far too many women and children in Canada who make up the rolls of the impoverished and the abused. Today, we mark the occasion of West Coast LEAF's Equality Breakfast, not only celebrating what we have done so far, but also telling these women we will do more. I thank you, as I am sure they do, for your continued support.



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West Coast LEAF wishes to record its special gratitude to *The Law Foundation of British Columbia* for its ongoing support over the past years. Without this support West Coast LEAF could not have achieved its many successes.

West Coast LEAF also records its thanks to other funders who have supported and who continue to support its project work.

We wish to recognize and applaud the contribution of our many volunteers, members and generous donors.

Yasmin Jamal
Executive Director

Board of Directors

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Tracey Brown	Vice President, Co-Chair Equality Breakfast, Chair Fund Development Group
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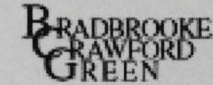
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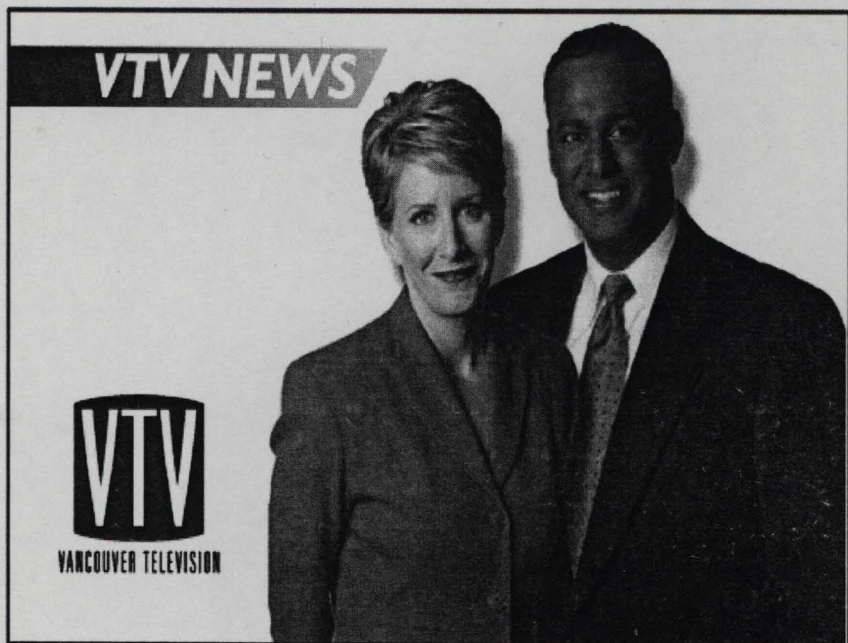


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