



LEAFlet

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

Fall 2012 Vol. 25 No. 3

ANNUAL GENERAL MEETING

Youth perspectives on the relevance
of feminism to today's activism

September 27, 2012
5:30 – 7:30 PM
Vancouver, BC

TROUBLING ASSESSMENTS

Custody and Access Reports and their Equality Implications for BC Women

By Ashley McClare

Determining a child custody arrangement can be extremely difficult, and unfair processes have garnered controversial attention. When parents are unable to reach an agreement and the matter must go to court, the judge may seek out the professional opinion of a third party to conduct a custody and access report (also called a "Section 15 report") for the court. While the ultimate decision about custody and access is made by the judge, an assessor's recommendations can influence the judge's ruling considerably. To ensure fairness and consistency, it is imperative that the preparation of these reports be guided by binding standards.

With the support of the Vancouver Foundation, West Coast LEAF devoted 2 years to investigating the preparation, use, and impacts of custody and access reports. Our key findings include the following:

- There is a lack of a common, mandatory training regime for assessors in BC and no universal binding directives that govern the preparation of the reports, particularly on violence against women and cultural diversity.
- Demand for publicly funded assessments consistently outstrips supply, leading to significant delays. Privately prepared assessments are available, but they are expensive.
- Assessments offer limited confidentiality and the potential for unlawful disclosure of assessments.
- Women's experiences of violence and abuse at the hands of their husbands are sometimes dismissed or trivialized by assessors.
- Assessments have been conducted without sensitivity to cultural difference or accommodation for those for whom English is not a first language.

The language barrier is a large concern for immigrant and refugee mothers, many of whom do not have access to a translator throughout the testing process. Assessors can also demonstrate a bias during testing, favouring dominant Western models of parenting and family dynamics. For example, a woman who shared her experience with West Coast LEAF described how the fact that she read stories to her child in Farsi was portrayed in a negative light in the assessment report, with the assessor suggesting it was the reason the little girl was behind in her reading.

West Coast LEAF hopes our study will encourage the BC government and the BC College of Psychologists to implement specific standardized training and specific binding directives for all assessors on the dynamics of family violence and cultural sensitivity. Assessors without this training are ill equipped to understand the reality of women's lives and therefore to make well informed recommendations about what might be in the best interests of children and their families.

LITIGATION UPDATE

Our litigation program is as busy as ever!

This summer West Coast LEAF will be applying to intervene in *Inglis v. Ministry of Public Safety and Solicitor General of BC*. This case concerns the closure of the mother-baby program at Alouette Correctional Facility for women. The program accommodated women giving birth while incarcerated by allowing infants to remain with their mothers in the months following their birth, where there was no other reason for their removal other than the imprisonment of their mothers. The program was closed despite a favourable internal assessment. West Coast LEAF will be seeking leave to intervene to argue that *Charter* rights to equality and security of the person render the closure of this program unconstitutional.

We will also be applying to intervene in the *Vilardell v. Dunham* case concerning the constitutionality of hearing fees. This is a family law case in which parents were disputing custody. The mother brought forward an application to waive the fees that she was being charged for every day of hearing. In the course of the application, the Court considered the constitutional arguments surrounding the fee structure. The BC Supreme Court ultimately ruled that the fees were unconstitutional; the government is now appealing this decision to the BC Court of Appeal. West Coast LEAF will seek leave to intervene to argue that hearing fees in family law cases have an unequal impact on women, and should be struck down on that basis.

The *Friedmann v. MacGarvie* case will be heard in October at the Court of Appeal. This case is about sexual harassment of a tenant by her landlord — the legal issue is whether sexual harassment amounts to sex discrimination in this context. Our factum in this case was filed in May, so now we are waiting for our day in court.

For more information about these and other cases in which we are involved, please visit our website.

ACCESSING JUSTICE THROUGH EDUCATION Project Update

By Joana Coman



West Coast LEAF staff visit Bella Coola

As part of the consultation phase of our Accessing Justice Through Education project funded by Status of Women, Laura Track (Legal Director) and Shahnaz Rahman (Manager of Community Outreach for the Family Law Project) recently travelled to Bella Coola. Bella Coola is a small, highly

isolated community comprised mainly of Nuxalk First Nation peoples. Currently, the legal needs of the residents are met by a circuit Court that visits the community every 3 months, for up to a week. As such, access to justice for residents of Bella Coola is extremely limited.

DONOR PROFILE

David Osborne

David Osborne grew up in Burnaby and completed his BA (1970), BSW (1977), and LLB (1980) at the University of British Columbia. He credits his father, who was adamantly against bigotry in its myriad forms, as his strongest mentor in the fight for social justice and equality. Inspired by his mother's career as a teacher, he has been instructing at Langara College for the past 25 years, "trying to get young people I meet to question the answers they're given." He has previously worked as a social worker and as a lawyer.

What was the watershed moment when you realized the importance of advocating for equality?

David: I soaked up ideas about the critical importance of equality from a young age. My mother, who fought her conservative upbringing to find her life and career, was an inspiration for women's issues. But my visceral moments came after the birth of my elder daughter Nadia, and the realization that she faced serious challenges from cerebral palsy and epilepsy.

With what other grassroots organizations and groups do you partner in this city?

David: I also support the Canadian Centre for Policy Alternatives, Pivot, Canadians for Tax Fairness, The Council of Canadians, and several others involved in the war on wealth and power. At the moment I am volunteering directly with the North Shore Disability Resource Centre.

How does supporting organizations like West Coast LEAF make a difference in your personal life?

David: I consider myself a fortunate person because I have the intellectual and financial resources to contribute to organizations that struggle against greed and privilege and provide hope for a fairer world.

VOLUNTEER PROFILE

Anna Turyina

Having lived in three countries, Anna understands the frustrations and challenges women face while navigating through a foreign legal system. Prior to moving to Canada in 2006, she practised law in Russia and worked in the legal system in Turkey.



Anna began volunteering at West Coast LEAF in June 2011, assisting the Family Law Project by reviewing Section 15 custody assessment reports and providing feedback on issues relating to child custody evaluations and domestic violence. She also conducted research investigating the role of staff lawyers working in community organizations in Canada and abroad.

Around our office she has provided administrative support and made valuable connections, encouraging new donors to join West Coast LEAF. Her experience at West Coast LEAF has solidified her desire to work toward equality and to positively impact society through her work. "It is always a pleasure to be involved with West Coast LEAF. I have been working on legal aid and access to justice issues for over a year and want to continue to do so."

Currently, Anna is a member of the CEDAW Report Card Subcommittee, investigating BC's compliance and implementation of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). Specifically, she conducts research on legal aid, access to justice, and the local impact of international law. She describes the importance of the CEDAW Report Card: "A significant gap between the rights declared in human rights treaties and the reality for women in British Columbia still exists and closing this gap is our crucial priority."



West Coast LEAF

www.facebook.com/westcoastleaf

continued from page 2

With the enthusiastic help of the Nuxalk Society transition house, the circuit Court, and the Health and Wellness committee of the local Band office, Laura and Shahnaz coordinated consultations around what sort of community-based legal services would best meet the needs of the residents of Bella Coola. One of the themes that emerged is that in a small community, it is inevitable that lawyers will end up being called on to represent people who are on opposing sides. Access to the Internet and a low literacy rate are both major challenges.

"I was struck by the community's hospitality and openness," says Shahnaz, who also notes how resilient Bella Coola residents have to be in light of the very limited legal resources available to them. These consultations resulted in some strong collaborative links between West Coast LEAF and the other groups involved in the area, all of which provided valuable insight into the community and its legal needs.

PARTNER IN EQUALITY PROFILE

Plum Clothing

By Joana Coman



A social conscience and beautiful clothes — what's not to love! Plum Clothing, a Vancouver-based women's fashion retailer (and stylish supporter of charitable organizations benefitting women, including West Coast LEAF, Big Sisters, and Dress for Success), is all about celebrating women's individuality.

I had the pleasure of sitting down

with co-owner Ed Des Roches and social media strategist Rebekah Adams (pictured here on the right with me) to find out more about the philosophy behind the fashion.

In an era of digitally manipulated models and unrealistic standards of feminine beauty, the Plum team offers a refreshing perspective on what fashion can do for women. "Fashion has a poor reputation for using provocative images that objectify women. We're about finding the right look for women as individuals," says Des Roches, adding that fashion can play a role in building confidence and a positive self-image.

Adams, who works at the Kitsilano location as well as the head office, does a lovely job of communicating this vision to clients both in person and on the web. "What I've been trying to do with our social media is to project a voice that most women can relate to," she says, stressing Plum's commitment to helping women look and feel their best.

As personable behind the keyboard as she is in-store, we think she's doing a great job! Say hello to Rebekah on Twitter at @PlumClothing or drop by any of the nine locations and let a Plum sales assistant help you find your unique look.

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.



Vancity



vancouver foundation

JOIN THE THEMIS MONTHLY GIVING CLUB!

The Themis Monthly Giving Club is our fastest-growing group of donors! Monthly giving is the best way to support West Coast LEAF. It provides sustainable revenue, reduces administrative costs, and helps us plan for the future. Themis Club donors receive a bimonthly Themis e-newsletter to stay current with all the latest news. For more details, please contact Stephanie Sersli at 604.684.8772 ext. 113 or communications@westcoastleaf.org.

PERSONS DAY BREAKFAST



Photo by Douglas Sprott

October 18 is Persons Day! On this day in 1929, the first women* were officially recognized under the law as "persons." In recognition, breakfasts are being held across the country to celebrate and support continued work toward women's equality. Check our website for upcoming information about a breakfast in your community.

If you live in Nanaimo, Kamloops, or Victoria and are interested in helping to coordinate a Persons Day Breakfast, please contact Stephanie Sersli (details above).

**Only some women became persons under the 1929 ruling. Many women, including Aboriginal, Asian, and other women of colour, remained ineligible for full rights for many more years.*

SPONSOR OUR SUPREME COURT CHALLENGE FUND

Started in 2011, this fund is specifically earmarked for West Coast LEAF to take our equality arguments all the way to the Supreme Court of Canada in cases involving important issues such as access to justice and ending exploitation of women and girls.

This fund enables us to conduct rigorous research and supports in-house counsel, travel, and other activities associated with legal challenges. For more details, please contact Stephanie Sersli at 604.684.8772 ext. 113.

Themis Club Members

Megan Adam, Jacquie de Aguayo, Alice Albert, Carmela Allevato, Donna Anthony, Mary Atkins, Wendy Baker, Ellen Balka, Renate Battaglio, Barbara Bell, Kathryn Berge, Pam Bhatti, Sharon Blaker, Johanne Blenkin, Carolyn Bouck, Debora Bourque, Chris Bowers, Gwen Boyd, Susan Boyd, Anita Braha, Alison Brewin, Gretchen M Brewin, Linda Brotherston, Tracey Brown, Trudi Brown, Lynn Bueckert, Lee Campbell, Gail Chaddock-Costello, Megan Chorlton, Patricia Cochran, Marcy Cohen, Faye Cooper, Lynn Copeland, Maria Corral, Lisa Cowan, Rosalie Cress, Laura Cundari, Rosalind Currie, Erin Dale, Cheryl Davies, Anne Davis, Bridget Dentoom, Jennifer Devins, Pat Dewhirst, Jill Doctoroff, Elaine Doyle, Elizabeth Dunn, Janelle Dwyer, Brenda Edwards, Avigail Eisenberg, Michelle Ellison, Catherine Evans, Darlene Facchin, Irene Faulkner, Aesha Faux, Melanie Ferrandi, Joan Feyrer, Kimball Finigan, Jacqueline Flett, Amy Francis, Karen Frederickson, Alain Gagnon, Beverly Gallagher, Lauren Gehlen, Crissy George, Marla Gilsig, Danielle Glass, Penny Goldrick, Maria Gomes, Frances Gordon, Dawn Green, Nancy Greene Raine, Donna Greschner, Katerine Grist, Cherene Groundwater, Sue Hammell, Claire Hatcher, Anna Helmer, Barbara Hestrin, Lesley Hobden, Agnes Huang, Annaliese Hunt, Nitya Iyer, Agnes Jackman, France-Emmanuelle Joly, Lorena Kanke, April Katz, Rose Keith, Phyllis Kenney, Katharine Kent, Karen Kilbride, Margaret Knowlan, Joan Kotarski, Natasha Krotez, Rosanne Kyle, Gudrun Langolf, Judith Lee, Martina Lee, Vera LeFranc, Allison Lepp, Linda Light, Lindsay Lyster, Zona Macdonald, Carolyn MacEachern, Heather MacFadgen, Ron MacIsaac, Maureen MacLeod, Signy Madden, Francesca Marzari, Brenda McEachern-Keen, Cheryl Mckay, Maris McMillan, Virginia Miller, Shirley Milligan, Leslie Muir, Michelle Mungall, Kara Naish, Barbara Nelson, Caroline Nevin, Wendy Norman, Jan O'Brien, Thelma O'Grady, Niveria Oliveira, John David Osborne, Margaret Ostrowski, Katrina Pacey, Lara Percy, Erica Pinsky, Monique Pongracic-Speier, Nerys Poole, Susan Powell, Natasha Prodan-Bhalla, Ramona Reynolds, Jillian Ridington, Catalina Rodriguez, Dominique Roelants, Andrea Rolls, Michelle Rupp, Mary Salaysay, Sheila Schierbeck, Jane Shackell, Shamim Shivji, Kerry Simmons, Michelle Simpson, Mary Woo Sims, Veronica Singer, Miriam Sobrino, Eloise Spitzer, Monica Staff, Emily Stock, Theresa Stowe, Veronica Strong-Boag, Sarah Tarry, Jane Templeman, Carla Terzariol, Janine Thomas, Hilary Thomson, Zoe Towle, Megan Trask, Petra Vanderley, Elizabeth Vogt, Duff Waddell, Jennifer Waelti-Walters, Sheryl Wagner, Mike Walker, Frances Watters, Patricia Wejr, Cathy Welch, Janice Westlund, Carol Whittome, Elizabeth Whynot, Wendy Williams, Val Wilson, Allison Wolf, Barbara Yee, Fiona York, Andrea Zwack, Barbara Britton, Georgina Brunette, Melina Buckley, Mary Doherty, Neilane Mayhew, Norrie Preston, Shirley Ridalls

West Coast LEAF

555 — 409 Granville Street
Vancouver, BC V6C 1T2

T: 604.684.8772

T: 1.866.737.7716

www.westcoastleaf.org
info@westcoastleaf.org