



WEST COAST  
LEAF

## LEAFlet

Newsletter of the West Coast  
Legal Education & Action Fund

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### 26TH EQUALITY BREAKFAST

March 5, 2013

7:00 – 9:00 AM

Fairmont Hotel Vancouver

Tickets at  
[2013equalitybreakfast.eventbrite.com](http://2013equalitybreakfast.eventbrite.com)

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## FIERCE. FUNNY. UNFORGETTABLE. Author, actor, and activist Carmen Aguirre

By Stephanie Orford



Photo by Josh Berson

We're delighted to announce the speaker for our 2013 Equality Breakfast—Carmen Aguirre, winner of CBC Radio's "2012 Canada Reads" competition for her memoir *Something Fierce: Memoirs of a Revolutionary Daughter*.

Now a long-time Vancouverite, Aguirre grew up as an activist in exile. *Something Fierce* is the story of her politically and emotionally charged teen years as a member of the underground resistance against the military dictatorship of Augusto Pinochet in Chile from 1973 to 1990. In 1973, when Aguirre was 5 years old, her family fled Chile following the violent coup of Salvador Allende's democratically elected government by Pinochet. They escaped to Canada and lived in Vancouver as part of the Chilean exile community.

Aguirre's mother had been an outspoken feminist in the 1960s and '70s. She told CBC's George Stroumboulopoulos that she raised Aguirre and her sister to be conscious of the world they lived in. Behind its revolutionary theme, *Something Fierce* is also about a complex mother-daughter relationship.

Though Vancouver was a peaceful refuge from the Chilean regime, Aguirre's mother felt compelled to return to help defend the rights of the Chilean people. Many of them, including women and children, were being tortured and interned in concentration camps by the regime. When Aguirre was 11, she moved back to South America with her mother and sister and her mother joined the Chilean resistance movement. As she grew up, Aguirre soon followed suit, leading a life under constant threat to help those affected by the regime. She was an experienced resistance fighter by the age of 21. As Pinochet's rule was drawing to a close in 1989, Aguirre moved back to Canada. The struggle she grew up with has stayed with her and influenced her work.

Though *Something Fierce* is her first book, Aguirre has written and co-written 20 plays, most of which draw from her experiences as a resistance fighter. Her one-woman autobiographical stage performance *Blue Box* premiered in Vancouver in Spring 2012.

"Carmen has fought for equality since she was a teenager," said Kasari Govender, Executive Director of West Coast LEAF. "Her passion, her struggles, and her victories are brilliantly illustrated in her book, as is her mother's determination not to have to choose between motherhood and the movement for freedom and peace. We're looking forward to hearing her remarkable story at the 2013 Equality Breakfast in March."

## LITIGATION UPDATE

What a month for West Coast LEAF's litigation program! November saw the Courts issue two great decisions in cases in which West Coast LEAF was involved.

In *Friedmann v. MacGarvie*, the BC Court of Appeal confirmed that sexual harassment is sex discrimination and a human rights violation, including in the tenancy context. Most of the law around sexual harassment has developed in the employment context, so we were glad to see the Court recognizing that a tenant's right to "quiet enjoyment" in her home includes a right to be free from harassment and abuse. West Coast LEAF, represented by our Legal Director Laura Track and senior human rights lawyer Lindsay Lyster, argued that the landlord-tenant relationship is marked by the same kind of power imbalance as the employer-employee relationship, and that young female tenants are particularly vulnerable to discriminatory treatment by their male landlords. The Court's decision means tenants have some assurance that they do not have to put up with sexually harassing behaviour from their landlords.

The very next day, the Supreme Court of Canada handed down its decision in *Moore v. British Columbia*, a case about a student with severe dyslexia whose specialized education program was cut by the North Vancouver School District because of budgetary constraints. West Coast LEAF intervened in this case to argue that even in the face of financial limitations, governments must prioritize human rights and equality. The SCC agreed, finding that the cancellation of the program constituted discrimination that could not be justified despite the District's difficult financial circumstances.

We're now looking ahead to 2013 when we'll be arguing for the rights of marginalized women prisoners, meaningful access to justice, women's equality in family law cases, and much more.

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## SWUAV V. AG CANADA: Access to Justice Finally Granted

September 21, 2012, was an auspicious day—the Sex Workers United Against Violence (SWUAV) decision came down from the Supreme Court of Canada. That is the day a group of women—marginalized by poverty and addiction, targeted by the criminal law, and shut out of the lower courts—won their hard-fought battle to have their human rights recognized. That is the day the doors to justice were finally re-opened.

The victory in this case is this: SWUAV, a group of current and former sex workers, was granted public interest standing to bring its constitutional challenge to court. "Standing" is the legal ability to bring a case to court. In this case, since it was an organization rather than an individual seeking to bring the claim, the plaintiff SWUAV needed to show it met the test for having standing to bring a case in the public interest.

This case was not about whether or not prostitution should be criminalized; it was simply about the right to be heard by the courts.

## PARTNER IN EQUALITY People's Co-op Bookstore

By Ashley McClare



The People's Co-op Bookstore was formed in the Summer of 1945 by a coalition of socialist minded intellectuals aiming to provide the public with socially significant literature. Today, more than 500 active members own and operate the store. Everyone is welcome to join for \$1 a share.

One of the few remaining independent bookstores in Vancouver, the store nearly closed in 2009. Through the determination of the members and volunteers, it has been re-defined as a space vital to the community and Vancouver's history. Rolf Maurer, Secretary and Treasurer, summarizes the store's business model, "Organizations like the People's Co-op Bookstore represent democratic and alternative ways of engaging with the dominant system to bring all of us wonderful things we would not otherwise have. If the bookstore was 'normal,' in the sense of a normal business, we probably wouldn't bother."

Specializing in social justice, environmental issues, and local writers, the store always features something exciting, such as the celebration of George Bowering's 77th birthday on December 1, which also served as the launch party for his two new books. Don't miss out on future events—subscribe to the Bookstore's mailing list by sending a quick email to [coopbks@telus.net](mailto:coopbks@telus.net) or follow on Twitter or Facebook.

PS: When you're at the launch, buy a book!



West Coast LEAF  
[www.facebook.com/westcoastleaf](http://www.facebook.com/westcoastleaf)

## DONOR PROFILE

### Agnes Huang

By Ashley McClare

Agnes Huang has been connected to West Coast LEAF off and on for several decades. She is currently a monthly donor and Legal Committee volunteer. A sole practitioner in Vancouver who is primarily focusing on family law, she is also moving toward immigration/refugee law and employment and human rights law. Agnes is involved with the Legal Aid Action Committee of the Trial Lawyers Association of BC; the LGBTQTS subsection of the Canadian Bar Association – BC Branch (they organized a “Lawyers with Pride” float for this year’s Pride Parade); and the Federation of Asian Canadian Lawyers – BC.

#### How did you become involved with the organization?

**Agnes:** After moving to Vancouver in 1990, I wanted to get active in the feminist movement. I joined the Board of West Coast LEAF and served as Chair of the Public Relations Committee and Editor of the LEAFlet. I had the opportunity to be part of interventions such as *Norberg v. Wynrib* and *R. v. O’Connor*, the significance of which I did not appreciate until I went to law school a decade later.

#### Why is it important to financially support West Coast LEAF?

**Agnes:** The work West Coast LEAF does today remains as critical and relevant as its work in the early days of the *Charter*. Its analysis of equality rights has become more nuanced over the years. Government cuts—like the destruction of the Court Challenges Program—should compel us to support the vital work of West Coast LEAF. That a case such as *Friedmann v. McGarvie* had to make its way up the Courts confirms why West Coast LEAF must exist and stay at the forefront.

#### What advice do you have for activists?

**Agnes:** Be creative and do not get discouraged. Seek different ways to make your cause(s) resonate—not just to others but, more important, to yourself. If you are not inspired, how can you inspire others?

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Women often face considerable obstacles to advancing their legal rights in court. West Coast LEAF, together with our coalition partners, intervened in this case to argue that representative groups like SWUAV should be allowed to bring forward important constitutional cases on behalf of those who do not have effective access to justice on their own.

In its unanimous decision, the Supreme Court of Canada changed the test for “public interest standing” to ensure that the test does not create an additional barrier to access to justice for disadvantaged groups. That is a huge victory for those seeking to enforce their constitutional rights. It will mean that unconstitutional laws have a much better chance of getting challenged than they did before.

## OLDER WOMEN’S DIALOGUE PROJECT

By Joana Coman



The issues and concerns faced by older people in BC communities are rarely considered through a gendered lens. To build a stronger understanding of gender-based impacts on older women, West Coast LEAF is collaborating with the Canadian Centre for Elder Law to conduct the first project in BC to focus on the intersection between gender and aging issues from a law reform perspective.

Shahnaz Rahman, West Coast LEAF Family Law Manager, notes how little attention has been paid to those issues so far. “Engaging in discussions with older women has been rewarding. They were keen to participate. Many told us that they had never been asked for their opinion on matters of public policy.”

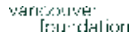
The project, which began in the Fall of this year, is currently in its consultative phase. During this period older women, including Aboriginal and immigrant women, have the opportunity to identify social and policy concerns that are of key importance to them and to engage in dialogue with the elder law community and with professionals who develop law and policy.

The information gathered from this process will be used for future legal research, legal education, and law reform projects that are better tailored to address the priority issues identified by stakeholders. The aim of the project is to enable older women to influence BC public policy and law reform and to strengthen the capacity of all sectors to respond to the issues faced by older women.

For ongoing information about the project, please visit us at [www.westcoastleaf.org](http://www.westcoastleaf.org) or the Canadian Centre for Elder Law at [www.bcli.org/ccel](http://www.bcli.org/ccel).

## 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.



## SPEAKERS BUREAU

Have you read about West Coast LEAF in the news and wanted to know more? Now you can hear directly about recent cases, research, and other projects. How? Invite us to speak to your workplace, group, or club. You organize the venue and the audience and we will provide the content. Some of our suggested topics include: CEDAW report card; recent litigation (e.g., Moore, Friedmann, SWUAV, Polygamy Reference); legal aid and access to justice; women's equality issues in family law; and a feminist perspective on bullying and anti-bullying policy. Provision of a \$100 honorarium to support our work would be greatly appreciated. For more details, please contact Kasari Govender at 604.684.8772, x. 111, or [exec@westcoastleaf.org](mailto:exec@westcoastleaf.org).

SUBJECT	GRADE	TRACKED COMMENTS
WOMEN & ACCESS TO JUSTICE	F	Equal justice and access to justice are essential for women's equality.
SOCIAL ASSISTANCE & POVERTY	D	Women and children are disproportionately affected by poverty and homelessness.
MISSING & MURDERED ABORIGINAL WOMEN AND GIRLS	F	The issue of missing and murdered Aboriginal women and girls remains a national priority.
WOMEN & HOUSING	C	The issue of housing for women and girls remains a national priority.
WOMEN AND GIRLS IN PRISON	C	The issue of women and girls in prison remains a national priority.
VIOLENCE AGAINST WOMEN AND GIRLS	B	The issue of violence against women and girls remains a national priority.
ACCESS TO CHILD CARE	C	The issue of access to child care remains a national priority.
WOMEN & HEALTH CARE	C	The issue of women's health care remains a national priority.

## SPONSOR THE 2013 EQUALITY BREAKFAST



Attended by nearly 800 participants each year, this greatly anticipated event celebrates International Women's Day and the full participation of women and girls in social, economic, and political spheres. Becoming an Equality Breakfast sponsor is an excellent way to demonstrate that you value having women in leadership positions, you are committed to corporate social responsibility, and you support access to justice. For more information on sponsorship opportunities, visit our website [www.westcoastleaf.org](http://www.westcoastleaf.org) or contact Stephanie Sersli at 604.684.8772, x. 113.

## TAKE THE MONTHLY GIVING CHALLENGE!

Monthly giving is the best way to support West Coast LEAF. It provides sustainable revenue, which enables us to plan our next big case, make submissions to government about important equality issues, or roll out our next youth workshop. Themis Club monthly donors receive a bimonthly Themis e-newsletter to get the inside scoop on all the latest news.

*It's simple and easy to give a little each month and it adds up to a lot for West Coast LEAF!*  
– Val Wilson, Themis Club member

*I'm challenging others to either join West Coast LEAF's monthly giving program or increase their current monthly amount. For every \$100 accumulated in new or increased monthly contributions between now and March 4, 2013, I'll be upping my own monthly contribution by \$10.*  
– Francesca Marzari, Themis Club member

Take up Francesca's challenge by visiting our website [www.westcoastleaf.org](http://www.westcoastleaf.org) to donate online or contact Stephanie Sersli at 604.684.8772, x. 113 or [communications@westcoastleaf.org](mailto:communications@westcoastleaf.org).

Thanks to everyone who came out to *Dickens' Women* at the Cultch on November 14. You definitely put the fun in fundraiser!



*Miriam Margolyes with new friends Chantal O'Neill and Lisa Dribnenki*

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