

# LEAFlet

RAISING OUR VOICES FOR WOMEN'S EQUALITY

## AGM: SEPTEMBER 26, 2017



West Coast LEAF's Annual General Meeting is an opportunity to join staff and leadership for highlights of our work to advance justice and equality in BC and hear about our key priorities in the coming year. See p. 4 for details.



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## SOLITARY CONFINEMENT IS A FEMINIST ISSUE

Since July 4, 2017, West Coast LEAF has been in court as an intervenor in *BC Civil Liberties Association and the John Howard Society of Canada v Canada*. This historic legal case has been mounted to fight for the right of inmates to be free from inhumane conditions of solitary confinement that infringe s. 7 *Charter* rights to life, liberty, and security of the person. International standards — known as the *Mandela Rules* — limit the conditions and length of solitary confinement, but Canada continues to arbitrarily confine inmates for prolonged periods of time in contravention of these rules.

The Canadian Human Rights Commission (CHRC) has recognized that women are more deeply affected by segregation and experience prison as a continuation of previous trauma. West Coast LEAF is intervening to make sure that the disproportionate effects of solitary confinement on women, particularly Indigenous women and women with mental health issues, are brought to the attention of the BC Supreme Court. The overuse of administrative segregation on Indigenous women and women with mental health issues is a violation of the s. 15 right to be free from discrimination, enshrined in our Canadian *Charter*. Addressing the overuse of administrative segregation is a pressing feminist issue that West Coast LEAF is bringing to the table through our intervention.

The numbers of incarcerated women have increased substantially in recent years and more than half of women inmates have mental health needs. Leading experts in psychiatry, clinical and social psychology, and criminology have testified in court explaining the health risks associated with confinement. Dr. Stuart Grassian and Dr. Craig Haney highlighted the symptoms of psychotic delirium, and the long-term impacts that result from sensory deprivation and the loss of meaningful human contact.

In addition, Prof. Kelly Hannah-Moffat gave evidence on July 25 on the intersection of gender and race and noted that segregation is a traumatizing environment for women and Indigenous people who experience trauma at high rates. It is unsurprising that CHRC



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## ONLY YES MEANS YES

# EMPOWERING YOUTH TO CHALLENGE THE CULTURE OF VIOLENCE

This month, post-secondary students are returning to classes, as well as to their social lives on campus. In the context of pervasive sexism and other inequalities in our society and on post-secondary campuses, how are young adults navigating sexual consent? What information could empower them to challenge the culture of violence, respect others' right to be free from sexual assault, and make informed decisions if their own rights are violated?

Generously funded by the Law Foundation of British Columbia, West Coast LEAF's newest education initiative, *Only Yes Means Yes*, aims to inform post-secondary students about the law of sexual assault and consent through a social justice lens.

With input from diverse post-secondary students, West Coast LEAF will develop a workshop exploring the legal



rights of survivors at a deeper and more sophisticated level than what's currently available to most students in BC. The workshop will examine legal examples such as the inquiry into the victim-blaming conduct of former judge Robin Camp, in which we recently intervened. The emphasis will be on the legal responsibility to get consent and the legal right to give or refuse consent, not only for sexual touching but also for the online sharing of intimate images.

In addition to unpacking consent law, the workshop will demystify what happens, legally, after a sexual assault is

reported to the police. This type of education can empower survivors to make an informed decision about what to do after an assault (even if they choose not to go to the police) and can reduce the uncertainty and stress associated with navigating the justice system in the aftermath of sexualized violence.

If you are a student or employee at a college or university in BC and

would like to get involved with *Only Yes Means Yes* or learn more about our public legal education programs, contact Alana at [education@westcoastleaf.org](mailto:education@westcoastleaf.org) or 604-684-8772, ext. 117. ♀

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Chief Commissioner Marie-Claude Landry advocates for a complete ban on the use of solitary for women due to the risk of re-traumatization.

An intersectional lens is essential to understand the ways in which the most vulnerable women in Canada suffer disproportionately from administrative segregation. On July 19, the Court heard from former inmate Bobby Lee Worm, who provided compelling testimony on the impacts of her time spent in segregation, including symptoms of anxiety that continue to this day. Ms. Worm shared her experience as an Indigenous woman, including the intergenerational impacts of family in residential schools, a history of substance abuse, and a sense of powerlessness from childhood that worsened while in segregation. She described feeling "like a ghost" in prison, and noted that acting out was often her only emotional outlet while in solitary confinement. Despite struggling with depression and a suicide attempt in

prison, Ms. Worm was repeatedly told she had to stay in segregation because her "risk" could not be managed.

Ms. Worm's experience is, unfortunately, not unique. Indigenous women are the fastest growing population in Canadian prisons. The number of female Indigenous inmates nearly doubled between 2005 and 2015, 16 times their representation in the Canadian population. In addition, Indigenous women do *harder* time — they comprise 42% of maximum security inmates and 50% of segregation placements, have the highest rate of indeterminate sentences, and are disproportionately affected by use-of-force interventions. For Indigenous women dealing with the intergenerational impacts of residential schools and the Sixties Scoop, solitary confinement is often only one of many traumatic experiences in their lives.

Segregation placements do not adequately consider *Gladius* factors in their decisions, which contributes to its overuse. Administrative segregation is used in Canadian prisons



# LITIGATION ROUND-UP

## The fight for legal aid for women continues

West Coast LEAF launched its first test case in partnership with BC Public Interest Advocacy Centre in April 2017. The case, *Single Mothers Alliance et al v British Columbia*, challenges the constitutionality of BC's family law legal aid regime. Over the past few weeks, we have received responses from the provincial government and the Legal Services Society to our claim, and we are gearing up for what will be a long-haul fight to restore access to justice for women in BC.

## Prisoners' rights are human rights

On July 4, 2017, a landmark constitutional challenge to solitary confinement in federal prisons began at the BC Supreme Court, *BC Civil Liberties Association and John Howard Society v Canada*. West Coast LEAF is participating in the trial as an intervener in order to bring the unique experiences of female prisoners to the court's attention. West Coast LEAF's argument is focused on the discriminatory impacts of solitary confinement on women with multiple and overlapping historic markers of disadvantage. The trial will run until September 1, 2017.

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when Correctional Services Canada (CSC) determines that inmates are at risk to themselves or others. Despite numerous policy changes, the Office of the Correctional Investigator (Canada's independent prison watchdog) continues to criticize Corrections Canada for their overuse of solitary confinement as a management tool, prioritizing security over rehabilitation and mental health.

We have heard in Court from CSC witnesses who have described their decreased use of administrative segregation and amended policies that will allegedly improve CSC's management of inmates with mental health issues. But only inmates who are actively self-harming, actively suicidal, or have symptoms associated with psychotic, major depressive or bipolar disorders are

## Equal access to the legal profession heads to the Supreme Court of Canada

After defending equality rights in legal education at the BC Supreme Court in 2015 and at the BC Court of Appeal in 2016, we are now preparing to travel to Ottawa to intervene at the Supreme Court of Canada in *Trinity Western University v Law Society of British Columbia*. We will be the only interveners to argue that TWU's Community Covenant discriminates against women on the basis of marital status and sex. We believe that the Covenant infringes on women's constitutionally protected reproductive freedom and that the institutions that train our public legal system's future lawyers and judges must respect the equality rights enshrined in the *Charter*. On November 30 and December 1, the Law Society of British Columbia's appeal of a BC Court of Appeal decision will be heard jointly with an appeal by TWU arising from the law society of Ontario's refusal to accredit TWU's proposed law school.

precluded from the use of administrative segregation. This excludes women with past histories of abuse, trauma, post-partum depression, and those with previous suicide attempts or symptoms of other disorders, such as borderline personality. These are populations known to be at a high risk for the detrimental impacts of segregation.

The policy changes described by CSC staff in Court do not go far enough to address the overuse of segregation on Indigenous women and women with mental health issues. As expert witnesses such as Prof. Hannah-Moffat made clear, CSC's history of overusing solitary confinement shows that discretion

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# SAVE THE DATE! ANNUAL GENERAL MEETING 2017

Tuesday, September 26, 5:30 to 7:30 p.m.

Doors at 5 p.m. The Law Courts Inn, 5th Floor,  
at 800 Smithe St. (BC Supreme Court Building)

Staff presentations will be preceded by a brief business meeting, and followed by a reception with refreshments and a chance to connect with staff, leadership, and friends. RSVP online or call 604-684-8772.

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## INVESTING IN WOMEN'S EQUALITY

We are grateful for the ongoing support we receive from our donors, funders, members, and The Law Foundation of British Columbia. Our current funders include:



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without adequate oversight and transparency leads to discrimination and misuse. Gender neutral policies result in gender discrimination when women are disproportionately placed in administrative segregation and suffer long-term impacts to their mental and physical health.

Our feminist work must address the injustices faced by the most vulnerable women in our society, including the conditions of solitary confinement that deprive incarcerated women of their human rights guaranteed by the *Charter*. Prison injustice must be a priority in the struggle for gender justice, and West Coast LEAF's involvement in this historic *Charter* challenge will contribute to ensuring that the rights of all women are enforced. 