

LEAFlet

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Equality Breakfast / page 4



Equality breakfast Emcee Gloria Macarenko with keynote speaker Minnijean Brown Trickey



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BEYOND PROOF: ASSESSING CREDIBILITY OF VULNERABLE WITNESSES

By Alison Moore

In 1997 Robert Pickton was charged with attempted murder. Yet a year later, the charge was dismissed because the Crown deemed the victim, dubbed Ms. Anderson, “non-credible” because she suffered from a drug addiction. Had the case proceeded, some of Pickton’s later victims might still be alive today.

In 2010, the Missing Women Commission of Inquiry led by Commissioner Wally Oppal, QC, began exploring problems in the investigations of missing and murdered Indigenous women in Vancouver’s downtown eastside (DTES). Many groups, including West Coast LEAF, denounced the inquiry as fatally flawed for its failure to meaningfully consult with community members and organizations that served marginalized women in the DTES. Moreover, the inquiry failed to provide proper supports to empower witnesses to testify, resulting in critically important voices being absent from the report.

The most marginalized victims of gender-based violence are often deemed non-credible witnesses for the very reasons that make them vulnerable to violence, including immigration status, addictions, cultural differences, involvement in sex work, and Aboriginal identity. We’re suggesting that the rules of evidence can be a barrier to equality in criminal and family cases of violence against women. For example, credibility assessments made by those



In December of 2014, the Ministry of Justice announced that it was implementing one of the recommendations of the Oppal Report. The new policy aims to improve support for vulnerable witnesses testifying in cases involving “serious personal injury,” risk, or harm. However, the policy falls short in a number of respects.

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SMALL BUT SIGNIFICANT WIN FOR SINGLE MOTHERS

Single mothers on social assistance struggle to make ends meet on inadequate monthly benefits but, starting in September 2015, over 3,000 families will have additional income to better meet their most basic needs.

Prior to this year, if parents on income or disability assistance received child support payments — payments designed to improve the lives of their children — BC deducted those payments off their monthly assistance cheques dollar for dollar. The families got no net financial benefit from child support intended for their children; instead, it was used as a government cost savings measure.

West Coast LEAF, along with First Call: BC Child and Youth Advocacy Coalition and Community Legal Assistance Society, wrote an open letter to BC's political party leaders asking them to commit to ending this policy prior to the 2013 election. In 2014, momentum on the issue grew and a strong coalition including the Single Mothers' Alliance of BC, ACORN BC, and others worked together to form a united voice to advocate for change.

Most importantly, courageous single mothers stepped forward to tell powerful personal stories about how the clawback of their children's child support impacted their lives.

In February, BC announced that starting in September 2015, families on social assistance will be able to keep all of the child support they receive with no impact on their monthly benefits. BC is the first province in Canada to take this step for all recipients of social assistance.

One in two BC children in single parent families live in poverty. Allowing 3,000 families to benefit from their own child support won't solve that problem, which requires a comprehensive poverty reduction strategy that includes affordable adequate childcare, increases



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in the minimum wage and social assistance rates, and affordable housing. But it is a small step that will improve the lives of thousands of single mother-led families, a victory worth celebrating.

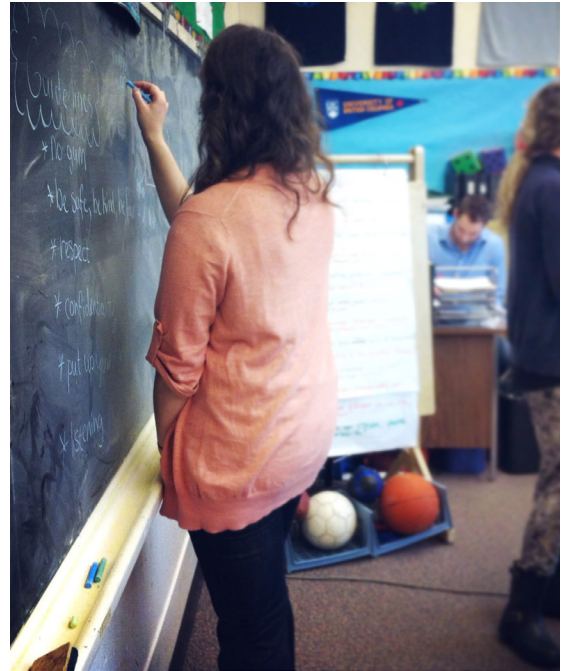
The public conversation about poverty and single mother-led families also appears to have created momentum for other small, progressive changes in social assistance policy. Single mothers will no longer be forced to assign their right to pursue child support to the province in order to qualify for social assistance; they will be able to earn more through employment before it impacts their monthly benefits. Some single parents will receive tuition and full childcare costs that will allow them to pursue training while still receiving benefits.

All of these changes came about because of powerful collective action. We are proud to continue to work alongside allied organizations and strong advocates pushing for change that will improve the lives of women in BC. Together our voices are stronger.

EDUCATION AS A PATH TO EQUALITY

In March we held two sessions of our Equality Law for Social Change workshop, one in Nanaimo and one in Vancouver. The day-long workshop is designed to provide service providers, organizers, advocates, and activists with concrete strategies to address systemic discrimination. Both sessions were excellent, with thoughtful and engaged participants who were keen to learn about the legal system, how to identify inequality, and about different tools to remedy it.

In other education related news, our youth education team is already scheduled to reach almost 1,700 youth in 2015, more than we reached in all of 2014, and it's only May! These workshops cover consent, workplace rights, discrimination and equality, and online harassment. We believe that youth who have a chance to learn and think critically about the law will be more likely to stand up for their own rights and the rights of others.



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within the legal system may be based on dubious and culturally specific criteria. Different cultures may have different ways of narrating their experiences and may consider different body language as indicative of truth-telling. In Western culture, eye-contact and straightforwardness are often considered signs that someone is telling the truth, but these features are not universal. Historically, women's credibility has been suspect because of misogynist myths about women's propensity for deceitfulness. Many perpetrators of violence have walked free because of baseless and damaging cultural ideas about sexual assault and domestic violence.

Much research has shown that even experts in lie-detection are not particularly good at assessing whether or not a person is telling the truth, and that the factors they rely upon to make these assessments are not particularly good indicia of truth-telling. So, common sense ideas factor greatly into decision makers' assessments of credibility. This is problematic because common sense is permeated with unquestioned racist, sexist, ableist, and classist attitudes. While these attitudes undoubtedly play into credibility assessments, they are not often visible.

In December of 2014, the Ministry of Justice announced that it was implementing one of the recommendations of the Oppal Report. The new policy aims to improve support for vulnerable witnesses testifying in cases involving "serious personal injury," risk, or harm. However, the policy falls short in a number of respects.

While the policy makes reference to the unique needs of Indigenous women, it does not indicate what those needs are or how they can be met. It is our position that support for marginalized witnesses must be culturally appropriate to be truly effective. In addition, the policy cannot address problems in evidence law that can act as barriers to justice for marginalized women.

Almost five years after the inquiry, meaningful change within the legal system has yet to occur for survivors of gender-based violence. So far, no funding has been provided for research that would explore the reasons that marginalized and vulnerable witnesses are deemed non-credible when they testify about the violence they have experienced. This research would be an important step toward access to justice for marginalized women, as specifically recommended by Commissioner Oppal. West Coast LEAF hopes to lead a project addressing this issue in the future.



KEYNOTE SPEAKER Minnijean Brown Trickey



Volunteers arrive long before guests to prepare (and caffeinate)



L-R: Kathleen Thomson, Deborah Taylor, Lana Li, Linda Robertson, Ellen Gerber, Brenda Benham, Jennifer MacGregor-Greer.

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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 thank the following project funders.



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