



WOMEN'S LEGAL EDUCATION AND ACTION FUND

FONDS D'ACTION ET D'EDUCATION JURIDIQUES POUR LES FEMMES

489 RUE COLLEGE ST., SUITE 403, TORONTO

CANADA M6G 1A5 416-963-9654
FAX 416-963-8455

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Dear Friend,

November 28, 1990

December 6 marks the passage of a year since the tragic day when 14 young women engineering students were murdered in Montreal. It's a distressing thought, but for many years to come it's likely that you and I will greet that day with apprehension, as a chilling reminder of how easy it is to become a target by virtue of being female.

The history of violence against women is a history of inequality. That's the theme running through the enclosed issue of LEAF Lines. I hope you'll take the time to read this newsletter as it highlights some of the important work that LEAF is doing to address this disturbing reality.

You'll probably be interested to learn more about LEAF's theory of equality and to discover that a major thrust of the organization's past and current work is directed at ensuring that the criminal justice system recognizes violence against women as an issue of sex equality. For instance, if you're a woman, you'll understand that the possibility of rape is a constant fact of life. If you're a man, concern will be felt for the women you know and care about. That's why one of LEAF'S current cases will be of particular interest to you.

It has long been recognized that survivors of sexual assault are not likely to seek criminal redress if their sexual history becomes public knowledge, particularly in the context of a courtroom. The long term effects of having the most intimate details of your life interpreted by an adversary and publicly disclosed are likely to be devastating for any woman. For some, repercussions will include rejection by partners and family members. Others will confront community disapproval. Some women will find that their career and professional relationships deteriorate. And a few will become vulnerable to further episodes of assault.

These personal experiences are alarming because every woman can imagine that they might happen to her. So we can sympathize with women who are raped and don't report it. But not reporting helps to perpetuate the cycle of violence. When survivors of sexual assault do not use the criminal justice system because they don't expect it to meet their needs, it increases the potential for these crimes since perpetrators assume that it's unlikely they'll be punished.

As a result, establishing laws that limit the use of evidence relating to the prior sexual conduct of a victim of sexual assault was a high priority of the women's movement. Now those so-called "rape shield" laws are being attacked in the courts, ironically, as you'll see in the printed text of some remarks I made on the subject of violence against women, "under the very Charter which promotes the sex equality rights of women."

Two male defendants, *Seaboyer and Gayme* are arguing that their rights to a fair trial under the *Charter* are being violated by the legislation that limits their ability to cross examine rape survivors about their sexual reputation and history. In the coming year, LEAF, in coalition with other women's groups, will appear at the Supreme Court as an intervenor in this matter. LEAF's arguments have been developed over the past two years, in consultation with many women's groups across the country.

LEAF has also taken on many other cases relating to violence against women, some of which you can read about in the enclosed issue of LEAF Lines. There have been some important victories in this area — for instance, in Ontario the Worker's Compensation Board recently ruled that a woman who suffered psychologically as a result of sexual and racial harassment in the workplace is entitled to disability compensation under the province's Worker's Compensation Act. And last year, by successfully submitting arguments that helped to prevent the admission of an unrehabilitated child abuser to the Law Society of Upper Canada, LEAF stopped the man from practising as a lawyer.

You may also be interested to know that LEAF'S work is not restricted solely to the courts. Earlier this year, LEAF presented its theory of sex equality as it relates to acts of violence and abuse, to the Royal Commission of Inquiry into the response of the Newfoundland Criminal Justice System to Complaints, better known as the Hughes Commission. In a written submission, LEAF pointed out that the sexual abuse suffered by the boys at Mt. Cashel orphanage, like the physical and sexual violence inflicted on thousands of Canadian women, is a function of their unequal power in society. Noting that the experiences of women and children have been traditionally silenced and trivialized, LEAF urged reform of the criminal justice system to adequately meet the needs of those in positions of relative disadvantage.



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Earlier this year, LEAF travelled to five cities to learn from different groups of women about their needs and concerns and to discuss their priorities for *Charter* litigation (see LEAF Lines, page 14). The results of these consultations were very disturbing.

The distressing effects of hearing many personal stories of violence and sexual abuse, were heightened by the overwhelming sense of how much worse the situation is for women who are doubly disadvantaged. For instance, women with disabilities are four times more likely to be abused than those without a disability.

These consultations renewed LEAF's sense that the criminal justice system is not adequately addressing issues of violence against women. And it reinforced the organization's commitment to address this problem with added resolve. But, as you likely know, this is an expensive promise.

As I said, LEAF has made some important advances and not all have been in the courts. This year marked a major breakthrough in the fund-raising area. As part of their Blow the Whistle on Violence campaign, Shopper's Drug Mart is donating a portion of their proceeds from their sale of the Fox 40 Whistle to LEAF's endowment campaign. Shopper's is to be commended for this groundbreaking initiative. But as I mentioned, the proceeds will go towards the long-term objective of building LEAF's endowment campaign and right now, LEAF desperately needs funds to cover the ongoing costs of its day to day work.

LEAF has been involved in over 80 cases so far, and has opened more than 300 files. The majority of LEAF cases are not funded. And, although LEAF receives funding for some of the cases, most of the time the funds do not cover the actual costs of developing and arguing a case.

You may not be aware of how complicated and expensive many of LEAF's cases are, even though the lawyers involved donate their time. Many of LEAF's cases move through all levels of the court, which means that they can take as long as ten to fifteen years to resolve. And, the costs to move one case through one court level can easily exceed \$100,000, where lawyers work at legal aid rates.

Because LEAF'S cases are likely to move through multiple court levels, each new case that the organization takes on must be added to those that are already underway. Due to the high costs of sustaining cases in progress, over the past two years LEAF has frequently had to shut-down intake of new cases.

Simply stated, LEAF needs your support —now, more than ever.

Not only must the organization be able to sustain the cases it has taken on, sometimes for as long as 10 to 15 years, it must also be able to take on new cases that build on its past successes.

It is people like you and me, through our support of LEAF, who will help to ensure that the criminal justice system begins to meet the needs of all women.

Please take a moment to complete the enclosed reply card and return it to me with your tax creditable donation. Your donation may be the one that makes the difference — the \$25, \$50, \$100 or more, that allows LEAF to take on a case that will help to make the definition of equality work for women.

Help LEAF to make equality a reality for all Canadian women. Please, give generously today.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth Lennon". The signature is fluid and cursive, with a long horizontal stroke at the end.

Elizabeth Lennon
Co-chair, Legal Committee

P.S. LEAF greatly values the support of its donors, who, in addition to their own contributions, greatly assist the organization by introducing LEAF to other equality minded individuals. If you can help by passing this letter on to colleagues and friends who support equality, it will be very much appreciated.