

## West Coast LEAF News Alert June 2, 2009



### **West Coast LEAF granted leave to intervene in *SWUAV v AG Canada*: Access to justice to be argued in BC Supreme Court of Appeal**

**May 28, 2009** - West Coast LEAF was granted leave this morning to intervene at the BC Court of Appeal on the issue of "public interest standing" in *SWUAV v AG Canada*. This case is about women's access to justice, and could be an important milestone for equality claimants trying to get their voices heard in BC's Courts.

The case involves an organization of women called the Downtown Eastside Sex Workers United Against Violence (SWUAV) who are bringing a constitutional challenge to the provisions of the *Criminal Code* dealing with prostitution. The case was dismissed by the BC Supreme Court in December 2008 because the Court found that this women's organization, and an individual former sex worker, do not have "public interest standing" to challenge the constitutionality of the *Criminal Code* provisions.

In other words, the BC Supreme Court did not allow this organization to bring forward arguments on behalf of vulnerable and marginalized women who say that they are not able to do so themselves.

West Coast LEAF is intervening in the distinct matter of "public interest standing" being denied to these women through their representative organization - to argue that such organizations ought to be able to bring forward important constitutional cases on behalf of the many women who do not have effective access to the justice system on their own.

Kasari Govender, West Coast LEAF Legal Director and co-counsel for the intervention, says, "West Coast LEAF is worried about the current very narrow interpretation of the test for public interest standing. This issue has huge implications for litigants in equality cases."

She adds, "West Coast LEAF's work means sustaining and promoting equality within the framework of diminishing access to justice in BC, including the recent reductions in legal aid funding. This case is about access to justice and it also concerns women from a community that has had no effective voice in our courts, so is a matter of profound concern for us."

Constitutional lawyer Melina Buckley is senior counsel for the intervention. Other interveners include the BC Civil Liberties Association and the Trial Lawyers Association of BC.

This is the first time in its history that West Coast LEAF has been granted intervener status in its own name in an important equality case.

In previous cases, West Coast LEAF typically played a supporting role or co-counsel role with LEAF national. West Coast LEAF Executive Director Alison Brewin says, "We are very excited at this new development in our history. Thank you to the volunteers, committee members and staff who worked so hard on this."

The case is expected to be argued in late November, 2009.

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## West Coast LEAF ANNUAL GENERAL MEETING

**When:** Thursday, June 25, 2009 7:00-9:00 PM

**Where:** Weldwood Room, YWCA, 535 Hornby Street

**What:** Join us for an evening of conversation and refreshments. Celebrate this year's successes, meet the West Coast LEAF team and help us continue advancing women's equality in BC.

**Keynote talk:** Trafficking and the Olympics: Challenges facing victims of trafficking in Canada by Carmen Cheung, Conkie & Company. Litigator and recipient of New York's Sanctuary for Families' Pro Bono Advocacy award for her representation of victims of sexual violence.

**RSVP BY JUNE 12th** [here](#) or by calling 604 684 8772.

### About [West Coast LEAF](#)

West Coast LEAF's mission is to achieve equality by changing historic patterns of discrimination against women through BC based equality rights litigation, law reform and public legal education.

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