



Constitutional challenge to inadequate legal aid services launched today

For immediate release – April 27, 2017

VANCOUVER – Today, West Coast LEAF and the BC Public Interest Advocacy Centre (BCPIAC) announce a constitutional challenge against the Province of BC and the Legal Services Society for their failure to provide adequate family law legal aid to women fleeing violent relationships. The case is brought on behalf of Single Mothers' Alliance of BC and two individual women, Nicole Bell and A.B., whose safety, well-being, and relationships with their children have been threatened by the lack of legal aid services available to them in their family law disputes.

In BC, legal aid services in family law are drastically underfunded, having been cut by 60% between 2002 and 2005. Family legal aid is now almost exclusively available to extremely low income people fleeing violent relationships; even then, there are highly restrictive caps on the hours of legal service provided. This leaves many British Columbians going through divorce and custody battles without a lawyer, even in situations of extreme family violence. Since women are statistically lower income earners and more likely to experience spousal violence than men, this reality leaves women and their children particularly vulnerable as they try to navigate the complex justice system without assistance.

The case launched today alleges that the Province has a constitutional responsibility under the *Charter of Rights and Freedoms* to provide access to the justice system for women fleeing violent relationships or dealing with ongoing situations of abuse from ex-spouses. The plaintiffs will argue that the legal aid scheme – and the discretion exercised under the scheme by the Legal Services Society, which administers legal aid – discriminates against women and children and violates their rights to life and security of the person by putting them at further risk of violence and intense stress.

“Canada and BC have a world class justice system and progressive family laws,” says Kasari Govender, Executive Director of West Coast LEAF. “But if you cannot afford a lawyer, all of those legal protections are meaningless. Family law is only as good as your ability to enforce it, and the drastic cuts to legal aid over the last 15 years have left enforcement out of reach for most British Columbians, particularly women. The costs to the justice system of accommodating unrepresented litigants, and the costs to the state in providing health care, housing and social assistance to those with unresolved family law problems, are high – the human costs to women and children are much higher.”

“When a person working full time for minimum wage does not even qualify for legal aid because their income is deemed ‘too high,’ we know something is deeply wrong with our system,” says Kate Feeny, staff lawyer at BCPIAC. “The current structure of legal aid means that most women have to represent themselves in highly complex family law proceedings. This includes having to cross examine an abusive former spouse on the stand – or even worse, having to give up their legal rights and the rights of their children because they don’t have a lawyer to represent them. The chronic underfunding of legal aid for over a decade has caused harm to many British Columbian families.”

Debbie Henry is a board member and spokesperson for Single Mothers' Alliance of BC, a grassroots non-profit organization by and for single mothers and one of the plaintiffs in the case. Henry says, "We have heard loud and clear from women in BC that legal aid – or the lack thereof – has played a significant role in their lives and the lives of their children. Without access to a publicly funded lawyer, many women in poverty are not able to get the adequate representation they need to resolve their complex cases, involving child custody issues and protection orders, and must navigate the system in fear and at risk, often facing their abusers in court alone."

The case, *Single Mothers' Alliance of BC Society et al. v. HMTQ in right of the Province of B.C. et al.*, is expected to be heard by the Supreme Court of British Columbia in 2018. For more information about the case, see the attached Backgrounder, Factsheet, and pleadings.

-30-

Media Contact

Basya Laye, Director of Development and Engagement
West Coast LEAF
604-684-8772, ext. 214
development@westcoastleaf.org