

**A n n u a l R e p o r t
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**National Association
of Women and the Law**

Real Equality Now!



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The National Association of Women and the Law (NAWL), founded in 1974, is a not-for-profit feminist organization that promotes the equality rights of women through legal education, research, and law reform advocacy.

We recognize that each woman's experience of inequality is unique due to systemic discrimination related to race, class, sexual orientation, disability, age, language, and other factors. In our view, a just and equal society is one that values diversity, and is inclusive of it. We are committed to working collectively and in coalition with other groups to dismantle barriers to all women's equality. To this end, the general objectives of NAWL are to:

- Achieve equality before and within the legal system
- Eliminate violence against women
- Ensure a decent standard of living for all women through legislative reform
- Guarantee employment and pay equity
- Remove barriers that limit access to equality for all groups of women
- Establish a fairer deal for women and children in the event of divorce
- Ensure reproductive choice and monitor new reproductive technologies

NAWL's activities include but are not limited to the following:

- Lobbying for changes to federal and provincial laws and regulations
- Producing publications on legal issues affecting all aspects of women's lives
- Consulting with government officials on legal issues of concern to women
- Providing legal expertise in the service of the Canadian women's movement
- Advocating for gender equality in the courts and the legal profession
- Sponsoring national biennial conferences that formulate policy positions on such critical issues as the feminization of poverty, international perspectives on women and the law, and family law matters
- Hosting workshops and consultations on gender bias in the criminal justice system, family law and in the legal profession
- Promoting feminist scholarship through our Charitable Trust for Research and Education
- Organizing public education activities through our regional caucuses on legal issues affecting women
- Promoting feminist perspectives on current legal issues through the media

For the last 28 years, NAWL has focused its efforts on women's equality rights in Canada. Since that time, in coalition with other women's and equality-seeking organizations, we have achieved many victories including:

- Adoption of sections 15 and 28 in the *Charter of Rights and Freedoms*
- Amendments to the *Criminal Code* regarding sexual assault laws, rape shield legislation and criminal harassment legislation
- Positive changes to family law and to the *Divorce Act*
- Advancement of equality rights for lesbians



GOVERNANCE, DEMOCRACY AND PARTICIPATION

NAWL is an incorporated non-profit corporation that is governed by a National Steering Committee made up of a maximum of 12 volunteers, which is representative of all regions of Canada and includes women from communities that are often marginalized in Canadian society.

NAWL's work is carried out jointly through a small staff in Ottawa (4 full-time) and approximately 200 active volunteers. NAWL has a nationwide membership of lawyers, law students, academics and other individuals who share a commitment to gender equality. The organization's policies are formulated in public forums convened during NAWL's biennial conferences.

NAWL briefs and papers are developed by working groups, with membership open to any equality-seeking individual who has demonstrated knowledge and skills on the topic that is being addressed. Every effort is made to include diverse community perspectives within all working groups and to include both French-speaking and English-speaking members.



NATIONAL STEERING COMMITTEE

- Claudine Barabé**, Montréal, QC
- Kim Brooks**, Kingston, ON
- Patricia Doyle-Bedford**, Halifax, NS
- Kim Lewis**, Ottawa, ON
- Catherine Meade**, Toronto, ON
- Kecia Podetz**, Ottawa, ON

- Regional Representatives**
- Ontario: **Ruth Magenda Goba** (Toronto)
 - West/NWT: **Yvonne Peters** (Winnipeg)
 - Québec: **Marlène Dubuisson-Balthazar** (Montréal)
 - Atlantic: **Janice Brown** (St. John's)
 - BC/Yukon: **Ros Salvador** (Victoria)



NAWL STAFF

Executive Director
Bonnie Diamond

Director of Legislation & Law Reform
Andrée Côté

Office Administrator
Pam Mayhew

Communications Officer
Sharmila Biswas-Mistry

Researcher
Jackie Steele

Accountant
Maggie Ashton

2002-2003



MESSAGE FROM THE NATIONAL STEERING COMMITTEE

2002-2003 was an extraordinary year for the National Association of Women and the Law. As the following report highlights, NAWL's activities traversed a spectrum of legal areas, including domestic and international human rights, family law, electoral politics, pay equity, and rights of women in prison. NAWL has been active not only on these issues, but also in working to renew and reinvigorate the organization, and to strengthen our links with other activist groups working toward women's equality. For example, we are currently undergoing a strategic review of the organization so that we might better serve our members and organizational objectives. As well, we have undertaken to co-host a conference with Westcoast LEAF in Vancouver in Spring 2005 to reflect on 20 years of the operation of the equality provisions of the *Charter*.

All of these activities would not be possible without the dedication and support of the National Steering Committee, our many volunteers, and, perhaps most significantly, the four members of NAWL's staff. Bonnie Diamond, NAWL's executive director, has been instrumental in coordinating NAWL's lobbying efforts with those undertaken by other equality-seeking organizations. She has managed to raise funds to finance some of the critical projects undertaken as part of NAWL's law reform agenda. She inspires us with her wisdom and common sense on a daily basis.

We are constantly shocked that Andrée Côté, NAWL's director of legislation and law reform, is only one person. Given the wide range of substantive issues addressed in NAWL's publications, presentations to government committees, and media releases, one might expect there to be a team of women working in the office full-time. We are enormously grateful for Andrée's dedication and knowledge.

We will miss Sharmila Biswas-Mistry, NAWL's communications officer. Sharmila will be leaving us early next year on a maternity leave. Sharmila has been extremely active in organizing and developing NAWL's communications networks. Without her efforts, all of NAWL's great reports, *Jurisfemme*, and our media releases would not reach such a wide constituency. It is difficult to imagine how we will possibly fill the gap she'll leave when she is away from the office.

Of course, nothing would be running without Pam Mayhew, NAWL's office administrator. We appreciate Pam for a host of reasons. Her gentle reminders at our meetings that we stay closely connected to the grassroots community of feminists are essential. She keeps us all working in a timely fashion with pleasant reminders about upcoming due dates. Pam manages and accommodates requests from all fronts — NSC members, the staff, members, and the community at large — with integrity and sensitivity.

We are delighted to be working with NAWL in such exciting times.

Ros Salvador and Kim Brooks
Co-coordinators of the National Steering Committee

Following are highlights of NAWL's quest for equality in 2002/2003:

DIVORCE ACT REFORM:

NAWL continued to vigorously pursue egalitarian reform to the custody and access provisions of the *Divorce Act*. Following up on NAWL's brief to the Federal/Provincial/Territorial Family Law Committee on Custody, Access and Child Support, NAWL conducted a pan-Canadian education and mobilization campaign. In Ontario, NAWL participated in a train-the-trainer project, in collaboration with the Ontario Women's Network on Child Custody & Access. NAWL intensely lobbied the Minister of Justice and when changes to the Bill C-22 were tabled, we, in collaboration with other women's organizations, produced a feminist analysis of the proposed changes, along with recommendations to improve the Bill. In March 2003, we began cross-Canada meetings to discuss and consult on Bill-C-22.

KIMBERLY ROGERS INQUEST:

NAWL co-intervened in the inquest into the death of Kimberly Rogers, a pregnant Ontario woman who died alone in her stifling hot apartment where she was held under house arrest for a conviction of welfare fraud. She had failed to report student loans while collecting social assistance, and upon conviction her welfare had been suspended for three months. In this intervention, NAWL partnered the Canadian Association of Elizabeth Fry Societies, the Legal Education and Action Fund, and the National Anti-Poverty Organization. This coalition served to publicly identify the effect of the federal government's approach to criminal and social justice on the abrogation of provincial and municipal responsibilities to poor women. We also sought to demonstrate how the federal government's tactics has resulted in the increased feminization of poverty and the criminalization of women who are indigent, mentally and/or cognitively disabled and otherwise marginalized. Some critical jury recommendations resulted from the inquest, although the coroner, Dr. Eden, ruled against the admission of evidence that would have clearly demonstrated that the failure to consider the unique needs and circumstances of people charged with welfare fraud disadvantages marginalized members of society, and constitutes a form of systemic discrimination against persons on social assistance, the majority of whom are women.

CONSULTATION ON WOMEN AND ELECTORAL POLITICS:

NAWL convened a national roundtable on Women and Electoral Politics in Ottawa in March 2003 to discuss women's role in electoral politics, and to explore current proposals to enhance women's role in governing Canada. Forty women, representing women's groups from across the country, attended this consultation. The participants agreed that while electoral politics is important, renewed energy is needed in the women's movement as a whole to tackle the survival issues that are facing growing number of women in Canada. Representatives committed to work towards the eradication of poverty and violence against women through the electoral system and other means.

PAY EQUITY:

NAWL actively contributed in the process of the Task Force to review pay equity legislation in Canada. NAWL submitted a detailed brief to the Task Force, and participated with other women's organizations at a women's roundtable on pay equity where NAWL's brief was used as the discussion paper. We also took part in a Task Force sponsored pay equity symposium.

NAWL CONTRIBUTED TO THE CEDAW REVIEW:

NAWL joined other Canadian women's organizations in setting the agenda for the review by the United Nations Committee on the Elimination of Discrimination Against Women of Canada's 5th report. The national report, prepared by the Feminist Alliance for International Action (FAFIA) in consultation with NAWL and other groups, and a B.C. report, prepared by the B.C. CEDAW Group, provided UN Committee members with a detailed picture of the situation of women in Canada. The comments on Canada's performance on the implementation of the CEDAW reflect the information presented on behalf of women's organizations through CEDAW and the B.C. CEDAW Coalition. (Look for the national and B.C. reports on the FAFIA Web site at <http://www.fafia.org>. The B.C. Report is also on the povnet Web site at <http://www.povnet.org>).

TRANSGENDERED PERSONS AND WOMEN'S SUBSTANTIVE EQUALITY RIGHTS:

NAWL held a national consultation on "Transgender and Women's Substantive Equality Rights in Canada" in Ottawa in February 2003. The consultation provided a foundation for the development of feminist and egalitarian approaches to law reform, litigation, and social policy on transgender rights that respect and promote the substantive equality rights of all women.

COALITION FOR OUR STOLEN SISTERS:

NAWL joined the Coalition for our Stolen Sisters, which is spearheaded by the Native Women's Association of Canada (NWAC). The coalition goal is to bring attention to the number of women in Canada who have disappeared and are often listed as "missing." Their friends, their families and their communities know that they are not "missing", which implies that they may not want to be found, but rather are "stolen" and murdered with no possibility of consent. Aboriginal women are highly over represented amongst women who are stolen. Colonial attitudes, racism and sexism contribute to violence against and murder of Aboriginal women who disappear. The Coalition for our Stolen Sisters wishes to expose the facts and publicize the reality of these women as daughters, mothers, aunts, sisters, lovers, neighbours, friends and citizens. To this end NAWL supported a vigil on Parliament Hill in February 2003 to publicly bear witness to the "disappeared" women.

HUMAN RIGHTS REVIEW OF FEDERALLY SENTENCED WOMEN:

NAWL is working with a coalition of women's groups organized by the Canadian Association of Elizabeth Fry Societies to secure and inform a review by the Canadian Human Rights Commission of the conditions of federally sentenced women. NAWL submitted a research paper on *Fiduciary Responsibility of the Canadian Government and International Commitments* to assist in the CHRC's systemic review.

THE AMERICAN CONVENTION ON HUMAN RIGHTS (ACHR):

NAWL made a submission to the Senate Standing Committee on Human Rights regarding the ratification of the American Convention on Human Rights (ACHR), an important regional human rights instrument existing under the aegis of the Organization of American States (OAS). Canada is considering ratification of this convention, which contains a clause that defines life as beginning at conception. NAWL voiced concerns that ratification of the ACHR could reverse gains made around abortion rights in Canada. NAWL is working on a discussion paper that will be circulated to women's groups in Canada to facilitate women's participation in the decision-making about ratification of the Convention. NAWL's goal is to build solidarity with other women of the Americas in protecting our human rights including the right to reproductive choice and health.



CHARITABLE TRUST FOR RESEARCH AND EDUCATION

NAWL established the NAWL Charitable Trust for Research and Education in 1983 with the purpose of promoting and understanding the status and role of women in Canadian society among the general public. The Trust prepares and disseminates research and education regarding legal issues in all aspects of the social, economic and political life of Canadian women. It assists in the protection of women's civil rights and liberties by charitable means, as well as in the relief of poverty. Unlike NAWL, the Trust is a registered charity and all donations are tax creditable.

The Charitable Trust is composed of five members (Jane Anweiler, Kim Brooks, Ena Chada, Darlene Jamieson and Kay Marshall for 2002-2003) appointed by NAWL's National Steering Committee. The Trustees are responsible for decisions regarding the allocation of funds. Their recent activities have included the development of *Gender and the Law: An Introductory Handbook for Law Students* and the sponsorship of an annual essay contest for students at post-secondary institutions. Winners of the 2003 16th Essay Competition: *Women and Globalization* are Gillian Calder (first place), Valérie Lessard (second place) and Rosanne Luciano (third place).



THANK YOU

THANK YOU TO OUR SPONSORS WHO HELPED FUND PROJECTS

Canadian Association of Elizabeth Fry Societies
 Court Challenges Program
 Elections Canada
 Law Commission of Canada
 Pay Equity Task Force
 Scott & Oleskiw
 Status of Women Canada
 Strikeman Elliott
 Susan Gahrns Law Office

**WE WOULD ALSO LIKE TO THANK ALL VOLUNTEERS AND MEMBERS
 OF WORKING GROUPS FOR THEIR CONTINUED SUPPORT
 AND DEDICATION TO NAWL.**

**THANK YOU TO MEMBERS AND DONORS FOR THEIR
 SUSTAINING SUPPORT OF THE ORGANIZATION**