

***Mothering in Law:
Defending Women's Rights in 2007***

***Conference Proceedings of the
National Association of Women and the Law***

Co-Sponsored by the

University of Ottawa

*Institute of Women's Studies
Civil Law and Common Law Sections of the Faculty of Law
Shirley Greenberg Chair for Women and the Legal Profession
The School of Translation and Interpretation
La Chaire de recherche sur la francophonie et les politiques publiques*

Ottawa, May 11-12, 2007



Report by Andrée Côté
Available online at: www.nawl.ca

***This event was supported by the
Law Foundation of Ontario and Status of Women Canada***



Table of Contents

Introduction

Theme 1: Mothers at Work

- Improving Maternity and Parental Benefits:
- Exploring a Complimentary Universal Benefits Program

Theme 2: Women within the Family

- Reforming Family Law on Custody and Access
- The Protection of Family Law Patrimony in Québec
- Inadequate Protection for Common Law Spouses

Theme 3: Mothers and Citizenship

- Matrimonial Real Property on Reserve
- Family Reunification for Domestic Workers
- Law Reform for Lesbian Mothers

Theme 4: State Obligations to Mothers

- Childcare and Women's Equality
- Tax Policy and the Traditional Family Model
- Defending Mothers' Rights

Theme 5: Federal policies and the anti-feminist Backlash

Theme 6: Defending Women's Rights on a shoestring Budget

Conclusion



Introduction

“While much has changed since my gran had her 1st child 70 years ago, one thing has not changed and won’t have changed by the time my daughters may become mothers. Children still need to be cared for. And for now, those who provide that care, whether it be mothers, fathers, childcare workers or others, still find themselves economically and socially marginalized or disadvantaged...”

- Lorna Turnbull, Keynote Presentation

Mothering in Law: Defending Women’s Rights in 2007 was the theme of NAWL’s Conference, held in Ottawa, on May 11 and 12 2007. Over 150 participants gathered from Québec and across Canada to discuss some of the policies, programs and reforms that need to be in place in order to really promote the equality rights of mothers. The presentations of our speakers were published and distributed to the Conference participants, and the documents are available on the NAWL website, at www.nawl.ca

“Law and social policies contribute to the inequality of mothers and carers because much of the actual hands on work of mothering is invisible and consequently not valued. Even now women with children have significantly lower lifetime earnings than women without children, even as much as 60% less and of course lower than men. Some studies suggest this can amount to a million dollars over a mother’s lifetime. The disadvantages experienced by all mothers are felt more deeply by mothers who experience other forms of discrimination whether on the basis of their race, physical ability, sexual orientation or social class.” – Lorna Turnbull

As you will see in this report, the Conference presentations touched on a host of important issues for mothers: improving maternity and parental benefits, family law reforms that promote women’s safety and equality, no religious arbitration in family law, the protection of family patrimony in Québec, access to matrimonial property for Aboriginal women living on Reserve, family reunification for live-in caregivers, parental rights for lesbian mothers, universal childcare, tax policies and gender equality, and measures needed to eliminate the poverty of single mothers.

“...we must continue to work towards an understanding of what equality that includes mothers will look like and we must keep working because we all should be valued for all that we do, both the mother work and the other work, for the sake of ourselves and our children.” – Lorna Turnbull



On the second day of this Conference, NAWL proposed a discussion with our members and our supporters on how we can sustain feminist advocacy and law reform in the current political context. Given the changes in the Status of Women Canada's Women's Program mandate and funding criteria, NAWL and other women's groups urgently need to develop alternative ways of organizing feminist advocacy on a shoestring budget. The Conference was rich in ideas and strategies.

On May 14, roughly 40 Conference participants attended NAWL's ***Mothers Day Lobby on Parliament Hill***, and presented some of the priorities stemming from the discussions over the weekend to MP's of all political parties. A summary of what was presented to the MP's is posted on our website.

In this report, you will find a summary of the issues that were discussed during the Conference. We wish to thank all of the women who generously donated their time and their expertise to prepare the papers and presentations, as well as the volunteers who worked so hard to make this event the huge success that it was.



Theme 1: Mothers at Work

Before and after the labour of birth, most mothers are attached to the paid labour force. NAWL has been actively involved in campaigns to ensure the equality of women at work, in particular we have been lobbying for federal pay equity legislation, better human rights protection against all forms of discrimination in the workplace, an increase in minimum wage and federal funding for universal childcare.

At the Conference, presenters focused on improving maternity and parental benefits, and exploring the possibility of adopting a universal complimentary program for all mothers.

Improving Maternity and Parental Benefits:

“We need to improve the fact that the current regime is not equitable between women.” – Rachel Cox

Rachel Cox, a lawyer currently teaching at the University of Ottawa, presented the analysis that was developed by the NAWL Working Group of the problems with the current regime.

Rachel summarized the key recommendations that were agreed upon on the Pan Canadian Workshop that NAWL organized on this question on May 10, the day before. At this point, NAWL is recommending that maternity and parental benefits remain within the *Employment Insurance Act* and that they be significantly improved. Extending the reach-back period to 3-5 years is part of NAWL's proposals. Coverage should also be extended to self-employed mothers and fathers. We should design specific benefits for fathers and second parents, as is the case in Québec, in order to encourage their participation in parenting activities. The eligibility requirement should also be lowered to 360 hours to be more inclusive

“If women could “reach back” three to five years to collect benefits on the best 12 weeks of work, it would be very helpful for many women who under the current rules are not eligible.” – a participant

For those who qualify, we need to abolish the two-week waiting period for receiving benefits and increase benefit levels to 70% of regular earnings. Benefits should be calculated on the basis of the best 12 weeks of income in the last year in all regions of Canada and we should raise maximum yearly insurable earnings, and improve the low income family supplement.

“In the Northwest, women can't work long enough to get enough hours to be eligible for EI.” - a participant



A complete report on this workshop and our recommendations will soon be available on our website, at www.nawl.ca.

Exploring a Complimentary Universal Benefits Program

Hélène Cornellier, of the Québec groups Afeas (Association féminine d'éducation et d'action sociale), summarized the spirit of the Québec campaign for a stand-alone law on parental benefits, which was unanimously adopted by the Québec National Assembly in 2001: "*Enfanter n'est pas chômer*" (which can be roughly translated as "Having a child is no vacation").

She summarized some of her organization's proposals for a complementary, universal program for the women who fall between the cracks and are not eligible for parental benefits, as well as for those who receive very low benefits. In short, the minimal weekly benefits proposed by Afeas would be equivalent to 70% of the minimum wage for a 40-hour week, i.e. the \$224/ week (minimum wage as of May 1st, 2007 in Quebec, i.e. 70% x \$8.00 x 40 hours). The following persons would receive "universal" benefits: mothers and fathers excluded from Québec Parental Insurance Plan (QPIP) or federal EI, including seasonal and part-time workers, students or stay-at-home mothers or self-employed workers for example; and QPIP or EI eligible mothers and fathers whose benefits do not reach the minimum established by Afeas, i.e. in Quebec, that would cover QPIP beneficiaries whose income, in 2006, is between \$2 000 and \$16 120.

These proposals raise challenging questions, in terms of federal provincial jurisdiction, and have not been the object of consensus yet. They are also summarized in the separate report on the May 10 workshop.

Theme 2: Women within the Family

Over the years, NAWL has worked tirelessly to ensure that women's equality rights be respected in the context of family law, and we were very involved in the struggle to improve child-support. In the last decade, we have extensively consulted women on what needs to be done to improve the *Divorce Act* in matters of custody and access. NAWL was also a very active organization in the campaign against religious arbitration in family law. Most recently, we have started thinking about how we can oppose the increased "privatization" in family law, and whether legislation should be adopted to effectively protect the rights of women to family patrimony, as is the case currently in Québec.



Reforming Family Law on Custody and Access

“For women with children leaving an abusive relationship, ensuring the well being of those kids is top priority. Some have put this issue ahead of their own safety and everything else. Those women have not been well served by the law.” - Pamela Cross

Pamela Cross is a family law lawyer, who is currently Director of Advocacy and Public Policy for the YWCA Canada, and she has been a longstanding collaborator of NAWL. She started by reviewing the problems with the current provisions in the *Divorce Act*, in particular with the maximum contact provisions.

“NAWL has been active on this issue for a long time. The organization has recommended that the best interests of the child test be written out, and that violence against women be taken into account when determining custody and access decisions.” Pamela Cross

Pamela summarized recent changes to the Ontario legislation. Family violence is now specifically taken into account in the determination of the best interests of the child. While it is too soon to assess the success of this change, it is something that we might explore as an amendment to the *Divorce Act*.

“Family lawyers don’t talk enough about the Charter. Arguments about equality need to be made.” - Pamela Cross

Arbitration, Religion and Family Law

“Sharia Law was a simplistic response to the racism and sexism that Muslims face in society.” - Alia Hogben

Alia Hogben, Executive Director of the Canadian Council of Muslim Women (CCMW), contextualized and summarized the campaign that her organization led, in collaboration with NAWL and several other organizations, against the use of religious arbitration in family law.

“I realized that my husband and the imam had been meeting without me. I had to beg for my divorce. Eventually I threatened to go public with what he did, and only then did he give me a divorce.” - a participant

“Women’s rights can’t be valued less than religious rights. Both religious freedoms and multiculturalism should include equality of women.” - Alia Hogben



In 2006, the CCMW and the other members of the No Religious Arbitration Coalition won its two year struggle, and omnibus legislation was adopted in Ontario, which require that family law decisions be made according to provincial and federal legislation exclusively. CCMW will now be doing grass-roots education on family law for Muslim women, looking at the difference between *Muslim Personal Law*, and Canadian family law.

“What we learned, is that we could not have won this battle alone” - Alia Hogben

The Protection of Family Law Patrimony in Québec

Marie-Claire Belleau, Family law professor at the Université Laval, summarized the *raison d'être* and the rules of the *Civil Code of Québec* provisions on family patrimony. Up until 1964, married women were declared to be legally “incapable”, unless they were married under the regime of “separations as to property”. As a result this regime was extremely popular. But when divorce became accessible, in 1968, women married in under the regime of separations as to property faced destitute poverty because most of their property was registered under the name of their husbands. They got no relief from the courts, since the courts refused to recognize the doctrine of “constructive trust”, invoking the “sacrosanct” marriage contract.

« The sacrosanct contractual freedom has been systematically invoked to avoid recognizing the rights of married women » - Marie-Claire Belleau

In 1989, the *Civil Code* provisions on family patrimony were adopted: no one can opt out of these provisions, and a married couple cannot sign a prenuptial agreement avoiding the mandatory, equal sharing of family patrimony upon divorce. These provisions are premised recognizing marriage as a joint enterprise between two equal partners, which have engaged in a covenant of solidarity. They acknowledge the value of women's unpaid work, and the importance of equalizing unequal revenues.

Given the current trend in prenuptial agreements, this may be an interesting model for other provinces, since it protects the most vulnerable spouse, most often a woman.

Inadequate Protection for Common Law Spouses

A participant at the Conference raised the issue of the very difficult situation that many Common Law partners face after a separation: they thought that they had right to the matrimonial home and to their partner's pension, but most often than not, they do not.

“I am at the end of a 24 year long relationship. When my husband left me to live with his girlfriend, I realized that I didn't have the same rights as married women...I now have to mortgage my house, and pay for it for the next 25 years. I



am angry that I can't get a lump sum from his pension, pay for my house and move on." - a participant

As the panel Chair, Professor Karen Busby, of the Law Faculty of the University of Manitoba informed us, the only provinces that have adopted legislation protecting matrimonial property of common law spouses are Saskatchewan, Manitoba, Nunavut and the Northwest Territories. She pointed out that, in the recent *Walsh* case, the Supreme Court of Canada ruled that common law couples "choose" to be in these relationships, and that the courts can presume that they did not marry precisely in order to avoid being covered by family law legislation on matrimonial property.

"I lived quite a traditional relationship. I moved for my husband's career three times, I took care of our daughter. The more unequal the relationship during cohabitation, the more you will be disadvantaged." - a participant

This is one of the issues regarding which NAWL gets the most calls for help from women, apart from problems of custody and access. It is certainly an area that screams for law reform.

Theme 3: Mothers and Citizenship

Colonialism, racism and homophobia have created a legal legacy that lingers in Canadian law. The pervasiveness of these forms of domination and oppression directly impacts Aboriginal women, Immigrant women and lesbians. Still today, many women from these communities experience a second-class status because of this legacy. And it is often when they become mothers that these women's basic citizenship rights are violated in the cruelest way.

Matrimonial Real Property on Reserve

Elizabeth Bastien, from the Native Women's Association of Canada (NWAC), summarized the existing rules governing access to matrimonial real property on reserves, as defined by the *Indian Act*, where there is no fee simple title. In many reserves, "certificates of possession" are awarded, and historically, they were awarded to men. In addition, provincial family law rules do not apply on reserve. As a consequence, when Aboriginal women living on reserve leave their spouses, they also very often lose the right to remain in the matrimonial home: because of the acute housing shortage on reserve, this results in women having to leave their communities, and all too often live in destitute poverty and homelessness in big cities.

NWAC has been working on this problem for more than 20 years. In September 2006, the Conservative government announced that it wanted a consultation on how to improve



the situation, and NWAC toured the country to meet and listen to women with the special Ministerial Representative who was mandated to do this consultation .

“The government said: ‘you have three months to talk to everyone. Do you accept and go ahead, or not?’ So we decided to go ahead. We went around the country. Solutions had to be identified in the communities. That was NWAC’s approach. It was a lot of work. The women were great. Some women were coming out of a difficult relationship. Some women took a lot of risks to come out and speak to us.” - Elizabeth Bastien

The government was focusing on legislation, but what NWAC said was that women also need housing, supports, access to justice, communication and education to make legislation work.

“ The approach that we recommended, in addition to these supports, is short term or interim legislation protecting the matrimonial real property interests of women living on reserve, with an opt out clause for First Nations who have already put in place laws to deal with matrimonial real property. Women did not want to use provincial laws – we wanted federal law – because provincial laws don’t treat common law couples the same.” - Elizabeth Bastien

In March 2007, a 500 page report on the subject was tabled (*Report of the Ministerial representative Matrimonial real property issues on reserves* by Wendy Grant-John).

Family Reunification for Domestic Workers

“I got involved in organizing women in PINAY after my 3 children encouraged me to find out why I was living in Canada and supporting them in the Philippines.”
- Evelyn Calugay

Evelyn Calugay, chair person of PINAY, a Montréal based organization defending the rights of Filipina workers, described the impact of Canada’s immigration law on live-in care givers.

“Live in care giving is akin to slavery. PINAY has received several reports of abuse (verbal, sexual, physical). We have rescued women from terrible situations. Some work 11 hours per day, 7 days a week. Some families took their nanny to Florida during vacation time, claiming that this was also the nanny’s vacation time. Nannies are expected to do cleaning, laundry, gardening, to be a chauffeur, a dog walker, an occasional masseuse for the man of the house, to provide professional nursing care, tutoring, computer and accounting services for their employer – for lower than minimum wage.” - Evelyn Calugay



Evelyn explained that domestic workers are afraid of denouncing this abuse: “*Most stay silenced for fear of being deported*”. It is difficult to change employers, since it costs 325\$ to get a new work permit, and women are not allowed to work while they wait several months for a new permit.

She concluded that this is a discriminatory policy dividing workers in Canada. This system needs to be revised, and domestic workers should have the same rights as all workers: decent wages, secured job, dignity. PINAY recommends that the Live-in-Caregiver program be abolished or, in the alternative, that workers receive permanent residency upon arrival in Canada, that their work permit not be employer specific, that women receive accreditation as skilled workers and that the live-in requirement be abolished.

Law Reform for Lesbian Mothers

Susan Boyd and Fiona Kelly, professors at the Law Faculty, University of British Columbia, have been doing research on the needs of lesbian mothers. They have also been trying to develop law reform proposals to protect the rights of non-biological lesbian mothers.

“The government of British-Colombia has initiated a process of reviewing law on parenting and custody and access. We think that it is timely for NAWL to put forward proposals for improving family law.” - Susan Boyd

In some provinces, lesbian co-mothers have won the right to put their names on birth certificates, and in Ontario, the court has recently recognized that a child can have three parents.

“The law tends to emphasize genetic ties between father and child, as was done in the Trociuk case, for example. Some lesbian parents may not want to have the genetic father be the legal father. Genetic essentialism makes it tough for non biological mothers.” - Susan Boyd

In the course of this research, the Fiona Kelly did 36 interviews with lesbian mothers, and three issues were identified as possible areas for law reform: the importance of recognizing a lesbian couple’s intention to parent together; whether more than two parents should be recognized in law; and the need to clarify the rights and responsibilities of known sperm donors.

“The model that seems to be emerging from this research is one where the nuclear intentional family is the norm, with the possibility of opting into a 3 parent model that would reflect the actual care giving relationship.” - Fiona Kelly



Theme 4: State Obligations to Mothers

The repatriation of the Constitution in 1982, and the inclusion in the Constitution of the *Canadian Charter of Rights and Freedoms*, has fundamentally altered the social contract. It has created obligations of the Canadian State to respect and promote the human rights of all women. In particular, this means that not only should government refrain from adopting laws that have a discriminatory impact on women, but that it should also take action and adopt programs that are necessary to eliminate the barriers that impede women's equal participation in society.

Childcare and Women's Equality

Jody Dallaire, from the Child Care Advocacy Association of Canada (CCAAC), started being involved in feminist advocacy when she became a mother.

« It is after I had become a mother that I started getting involved in the struggle for women rights: before that, I had never experienced inequality. My parents raised me in the belief that I had the same rights and obligations as men. I realized that, as a young mother, this is not the case » - Jodi Dallaire

She mobilized mothers in her region to form the New Brunswick Child Care Coalition and at the national level, she got involved with the CCAAC, a bilingual group of parents, students and scholars. The CCAAC advocates for a national childcare and early learning system that is accessible, universal, high quality and that pays workers a good wage (currently, child care workers earn on average 62% of women's average earnings).

Investing in childcare is a priority to support children's development and to help parents balance family and professional obligations. It is crucial for society to value education at a young age. According to a 2006 report from the Organization for Economic Co-operation and Development, the overall patchwork of child care programs in Canada puts us at the bottom of the heap in comparison to other countries. Canada ranks last out of the 14 evaluated countries in public spending on child care programs as a percent of gross domestic product, and last out of 20 countries in terms of access for 3-6 year olds to quality child care programs. It's a shame.

"I have 14 year old son and a 12 year old daughter. I was only able to take maternity leave for 6 months. 3 months later, I had gone through 9 sitters. I couldn't find a daycare that would take children under age of 2. So a group of us started a daycare – the first daycare on the job when Nunavut was still part of NW territories. That's when I realized how expensive day care is, especially for rural and remote communities. There were years when I raised 10,000-15,000 more for the daycare than what I was making. In the NWT, there is no infrastructure for daycare." – A participant



Childcare should be looked at differently in rural communities. In smaller communities, we need a different model, a multi-age system for example.

« The current system is no accessible. Childcare can cost anywhere between 1,000\$ and 1,300\$ a month. The system encourages women to stay at home. But when women do that, they must pay a very high price when they wish to return to the labour market. The long term consequences are dangerous » – a participant

The CCAAC wants all levels of government to take responsibility for building a not-for-profit public day care system with a focus on the quality of services. This is financially possible for Canada. Their goal would be to have a universal day care program in place by 2017. This is why the CCAAC fully supports Bill C-303, that proposes national standards for childcare and early learning services that would be provided by provinces, as a condition for receiving federal funding (while respecting Québec's autonomy in this regard).

Tax Policy and the Traditional Family Model

“Women have yet to escape the implicit tax based on gender.” – Kathey Lahey

Kathleen Lahey, Professor at the Faculty of Law, Queens University, proposed an insightful analysis of the impact of Canadian tax policy on women. Our current tax policy system reinforces the traditional family model and the economic dependency of women. Since 1986, the distance between men and women's income has not changed significantly. It is the same graphic with the same line. When women reach the age of 50, they only have 67% of men's income. The gap grows with age. This is the shape of Canadian women's poverty.

“Our current tax policies offer no support to single individuals, single parents, to people with a low income. Our system only helps family units with one income earner who supports one or more additional dependent persons on that income alone.” – Kathey Lahey

To put it simply, the biggest tax policy keeping women disadvantaged is simply the tax rates. The lowest federal tax rate was raised from 6% to 17% in 1988, which has placed constant pressure on women – who represent the bulk of low-income taxpayers.

“Women are pushed in a different economy than men.” - Kathey Lahey

Other provisions in our tax legislation have negative effects on women. Some provisions link couples' incomes with each other, and use their aggregate incomes to limit their tax benefits. Others, such as the tax exemption of women's unpaid work, generate tax



benefits for the family, but push women to withdraw from paid work because it is more 'profitable' for the family that they concentrate on unpaid work in the home.

"We must reduce women's pressure to turn to dependency and unpaid work."
- Kathey Lahey

Defending Mothers' Rights

"I am a childless mother- a feminist social citizen, who believes that we should all take responsibility for the wellbeing of all women, all mothers, and all children."
- Shelagh Day

Shelagh Day, Co-Chair of the Feminist Alliance for International Action, Director of the Poverty and Human Rights Centre in Vancouver, and Special Advisor on Human Rights to the National Association of Women and the Law, recalled that Canada has a number of obligations under international human rights treaties. However, these obligations are not enforced equally for all women. If we read these treaties and replace the word "women" for the word "mothers", we realize how the stereotyped roles imposed on women, and especially on mothers, prevent the achievement of gender equality. Canada needs to address this problem, especially when it comes to single mothers.

Canada has an increasing number of single mothers, and these numbers are higher among Aboriginal and racialized communities. In a way, this is a success of feminism. Women can now choose their sexual and life partners. However, most of these single mothers live in poverty, which is far from being a success. Not surprisingly, a great proportion of these mothers rely on social assistance.

« Je suis une mère seule. Je suis arrivée au Canada d'un pays en guerre, avec 3 ados. J'ai poursuivi mes études mais il fallait apprendre la langue et travailler. J'ai été sur le bien-être social, dans un quartier invivable, avec 15 000\$ pour 3 enfants. C'était pire que dans mon pays, sauf pour la sécurité. À un moment donné, j'ai craqué. » – a participant

A child living with a single mother is more likely to become poor than a child living in any other family model. The state basically offers women two choices: remain trapped in dysfunctional relationships or be poor. Escaping violence now means living in poverty. The state "legislates" single mothers' poverty.

For example, in 2002, the liberal government of British-Columbia cut social assistance rates for families and it changed the definition of "employable", forcing mothers to take any employment possibility as soon as their youngest child reaches the age of 3. At the same time, tuition fees and day care costs went up, making it impossible for single mothers to access decent paying jobs.



“Treaty bodies say that Canada doesn't comply with treaty standards.”
– Shelagh Day

For the last decade, NAWL and FAFIA have been making the case for women living below international human rights standards in Canada. There is now a consensus among UN treaty bodies about Canada's failure to meet its treaty obligations. Now that we have the evidence, we need to put pressure on the government to change its legislation and enforce the human rights of women, including the rights of single mothers. The liberty of single mothers is the liberty of all women.

Theme 5: Federal policies and the anti-feminist Backlash

Participants spent the second day of the NAWL Conference analyzing the impact of recent federal policies on equality seeking groups and developing strategies for action. Representatives from women's groups from Québec and the rest of Canada working on key issues such as Aboriginal women's rights, poverty, violence, labour and human rights, reported on the difficulties they were facing, and proposed a wide range of strategies to resist the current backlash. As Keynote speaker Lorna Turnbull put it, children are asking: “Mummy are we there yet?” And unfortunately, there is still a long way to go. But what came out of the conference was that we all agree that “We will get there”.

As Louise Riendeau, of the *Regroupement des maisons d'hébergement et de transition pour femmes* explained, the recent federal cuts to funding feminist research and advocacy is severely restricting the work of women's human rights defenders.

« Ces mesures nuisent à celles qui luttent pour les droits des femmes. »
– Louise Riendeau

She explained that her organization had always relied on NAWL's research and analysis to understand what is at stake for women in the areas of federal law reform, in particular in the areas of family law and criminal law. Several other participants expressed the same idea throughout the day.

“We rely on groups such as NAWL, FAFIA, CRIAW, the CCMW for information and advocacy.” – Edeltraud Neal

Sheila Genaille, of the Métis National Council of Women informed participants that her organization receives no core funding, that Métis and Inuit women were left out of the Kelowna Accord and thus are not included in the consultation mechanisms developed with the federal government, and that the recent policy of Status of Women Canada not to fund advocacy will only make things worse for her organization. The Métis National



Council for Women is currently involved in a court challenge to contest the federal policy, of refusing to consult them in regards to policies concerning the Métis people.

Joyce Hancock, outgoing President of the Newfoundland and Labrador Advisory Council on the Status of Women, now with the Newfoundland and Labrador Feminist Coalition, recalled the history of the women's movement's struggles to get federal funding, since the Royal Commission on the Status of Women Report of 1970. She recalled the pan-Canadian mobilizations of the 1990's that were successful in reversing federal cuts to Status of Women Canada funding for women's groups, and monitored some of our gains since then.

"We need to be concerned about how provincial governments will react to the Harper government policy of cutting women's groups funding. They might use this as an excuse to abdicate their own responsibilities towards the funding of women's equality seeking groups. "

– Joyce Hancock

Joyce urged participants to organize locally to resist the new federal policies, and to frame our demands in the language of women's equality rights.

"Why do we have money for war, and not for women." - a participant

Eileen Morrow, of the Ontario Association of Interval & Transition Houses, recalled how several key ministers of the Harper government were also ministers in the Mike Harris Conservative government in Ontario in 1995, such as John Baird and James Flaherty. She summarized the devastating legacy of the time caused by the fact that a third of the provincial budget was cut.

"After 30-35 years of shelter services for women, people think that the government created them. We have to remember that without activism and women organizing there would not be any shelters." - Eileen Morrow

She described the terrible impact that the new federal policies will have on her organization, and how they will negatively impact any organization that is not formally incorporated. In her analysis, the current federal government is gearing up for a privatization of services, while at the same time rationalizing the cuts to advocacy funding as something that will benefit direct service organizations.

"They say that this will help women's shelters. I can tell you, this policy does not help women's shelters." - Eileen Morrow

"I have a heavy heart. However, women in rural and remote areas feel the cutbacks first. We are very upset with Harper." – a participant



Jolene Saulis, representing the Native Women's Association of Canada spoke to the Sisters in Spirit campaign against violence against Aboriginal women: over 500 Aboriginal women are missing or have been murdered, representing proportionally 18,000 non Aboriginal women.

"We have developed a collaborative approach. We are working with those who are directly affected by the governmental policies. Sisters in Spirit talked to the families who had a female member who was murdered or disappeared. Our work is based on caring, sharing, trust and building strength." - Jolene Saulis

NWAC has been involved in an education campaign on this issue with politicians, and they are working towards increased gender equality, through an increase in the participation of Aboriginal women in their communities. The organization calls on the support of NAWL and other women's groups for their struggle.

Professor Sheila McIntyre spoke to the impact of the Conservative government policies on women's engagement in the democratic process.

"These cuts diminish the ability of women to participate as full citizens in public affairs." - Sheila McIntyre

She reminded participants that equality rights *Charter* litigation was enabled by the Court Challenges Program, whose funding was also eliminated by the federal government. She pointed out that the government has targeted knowledge building within the women's movement, the sharing and pooling of information and the other processes that allow confrontation with governmental policies to develop and grow.

"This government talks about research based policy. In fact, they have removed the ability to do research on areas that we are interested in." - a participant

These cuts are anti-intellectual and they seek to limit the ability to combat collectively. She urged professors and other people in the knowledge business to put their skills in service of the women's movement.

Theme 6: Defending Women's Rights on a shoestring Budget

The current federal policies call for a concerted fight-back strategy. Conference participants heard inspiring presentations from speakers, and discussed a host of ideas for future campaigns.

Michèle Asselin, President of the Fédération des femmes du Québec stressed that women are still not equal, and that a lot of work remains to be done to improve the situation of immigrant, migrant and Aboriginal women in particular. Recent decisions of the Harper government are only the tip of the iceberg: the neoliberal policies of this government will



exacerbate women's inequality. The religious right wants a return to traditional family values, and groups such as Focus on the Family and REAL Women represent a serious threat. The right is on the rise in Québec, as elsewhere in Canada, with the new official opposition, the ADQ, promising 100\$ a week to mothers with young children, instead of public childcare.

Despite the fact that after the 2003 election, the Charest government had initially refused to appoint a minister responsible for the Status of Women, the intense mobilization from the women's movement reversed this decision, and the outcome has been a series of progressive policies announced in the last year.

« Les groupes de femmes se sont battus. Il n'était pas question que le gouvernement abolisse le Conseil du Statut de la femme. Plus de 80 organisations locales, régionales et nationales ont présenté des mémoires. Finalement, on a obtenu une ministre de la Condition féminine, un ministère en bonne et due forme, le renouvellement du mandat du Conseil du Statut de la femme, et une politique cadre pour que l'égalité des droits des femmes devienne une égalité de fait. Suite aux dernières élections, on a gagné un Conseil des Ministres paritaire. »

- Michèle Asselin

Fatima Jaffer, representing the BC Coalition for Women's Human Rights recalled the strategy that was deployed by the women of Vancouver, to protest the closing of one of the regional offices of Status of Women Canada: a group of women occupied the offices of SWC, and refused to leave until they received the assurance from the Minister Beverley Oda that she would meet with them.

“We had organized a rally to protest the first anniversary of the broken pledge by the Conservative government to respect women's human rights. Despite the rain, a great crowd showed up. We headed for the stairs of the SWC office, we started it out as a sit in... and it turned into an occupation. The media loved it.” – Fatima Jaffer

As Edeltraud Neal, Canadian Federation of University Women pointed out, the current situation requires a strong coalition of women's group, respecting our differences, and mobilizing for the most vulnerable among us.

“We owe our daughters and grand-daughters to fight this battle. We can do it but it will mean some sacrifices. The most basic thing is to reinstate funding for women's organizations.” – Edeltraud Neal

Nancy Peckford, of the Feminist Alliance for International Action (FAFIA) reminded participants of the importance of remembering our successes, and the progress that we have made over the years. She mentioned for example the organization, since 2003, of the annual meetings of Federal/Provincial and Territorial Ministers on the Status of Women, the creation of the Standing Committee on the Status of Women and the



appointment of the Experts Panel on Accountability Mechanisms for Gender Equality. She stressed that until the next federal elections, we need to hold onto our vision of advocacy, and secure small wins at the federal level.

“It is almost a miracle that NAWL and FAFIA secured funding during this government. Is it the product of organizing and years of work in that area.”
– Nancy Peckford, FAFIA

Sue Genge, of the Women's and Human Rights Department of the Canadian Labour Congress, recalled the process that led NAWL, FAFIAW, CRIAW, and several other women's groups and trade unions create the Ad Hoc Coalition for Women's Human Rights in October 2006. She recalled the campaigns that we waged on the Coalitions four priorities: restoring federal funding for childcare, the Court Challenges Program, abolishing the new funding guideline of the Women's program of Status of Women Canada and implementing pro-active pay equity legislation at the federal level.

“We are still organizing. We will not give up!” – Sue Genge

Through the Fall, MP's and Ministers were lobbied, and on December 10, a Statement calling on the federal government to reverse its bad policy decisions and implement the recommendation of the CEDAW Committee was released at a demonstration on Parliament Hill. More than 500 organizations from all over the country have signed onto this Statement.

“We decided to make the Harper anti-equality agenda a focus for March 8 International Women's day. Our slogan, printed out on thousands of pink sticker was Put Equality Back on Track!” – Sue Genge

Many ideas were suggested throughout the discussion, and they include informing the population on the policies that have been adopted by the Harper government; making sure that the media cover these issues; lobby MP's throughout the Summer months; developing a sharply focused pre-election strategy; forming guerrilla groups of women who can inform others on their workplaces; submit an alternative report on federal compliance with CEDAW to the CEDAW Committee;

“What is the best strategy? Beat the Conservatives at the next elections! Organize, don't agonize.” – Michèle Asselin.



Conclusion

This ***Mothering in Law*** Conference established very clearly that women's equality is still not a done deal, particularly for those women who are mothers. Several problems impede the full realization of women equality in Québec and in the rest of Canada. Research, consultation and the development of law reform options remain as important now as ever.

NAWL was very proud to give a voice to a large number of women and women's organizations through this conference, and we hope that this event will strengthen our solidarity and help us develop better collaborations

“Never doubt that a small group of people can change the world.”- a participant

We hope that despite the very harsh impact that the new funding criteria of Status of Women Canada will have, that NAWL will be able to contribute towards the development of a few of the strategies that were outlined in this report.