



**Written Submission for the Pre-Budget Consultations in Advance of the
2024 Federal Budget**

By: National Association of Women and the Law (NAWL)

August 1, 2023

List of Recommendations

Recommendation 1:

That the government provide sustained operational funding to NAWL and other feminist organizations, in order to strongly support their critical role of advancing law reform that promotes and protects women's substantive equality across economic, political and social spheres of Canadian society.

Recommendation 2:

That the government's implementation of the Women's Program funding in Budget 2023 (\$160 million over three years starting in 2023-24) dedicate a significant portion of these funds to three-year operational funding of national feminist organizations advancing systemic change.

Recommendation 3:

That the government provide a further, minimum investment of \$600 million over the next four years, in Canada's National Action Plan to End Gender-Based Violence (NAP), for the development and implementation of the federal components, actions and responsibilities of the NAP.

Recommendation 4:

That the government establish and fund an independent oversight body to act as an accountability mechanism to monitor and report on the implementation of the National Action Plan to End Gender-Based Violence.

The National Association of Women and the Law: *The Future of Feminist Law Reform since 1974*

Created in 1974, the National Association of Women and the Law (NAWL) is a non-partisan not-for-profit organization that promotes the equality rights of all women and works to achieve substantive equality in Canada.

NAWL realizes this mandate through legal education, research, coalition work, strategic intervention, and law reform advocacy including consultations with the federal government. NAWL frequently submits briefs and appears before parliamentary committees.

NAWL draws upon and collaborates with a network of women's rights and feminist experts. Through its research and policy work, NAWL has become the preeminent feminist law reform voice in Canada, with particular expertise in the area of violence against women. NAWL's work seeks to bring about legislative and policy changes to reduce violence against women and improve the legal response to this phenomenon. NAWL's work is guided by the values of anti-oppression, reconciliation, gender inclusion, and allyship and accountable collaboration.

[NAWL is proud to have had a major role in achieving significant milestones for Canadian women's equality](#), and for our intersectional feminist legal analysis and advocacy that has impacted countless Canadian laws and policies —most notably in relation to family law, sexual assault legislation, the *Canadian Human Rights Act*, and sections 15 and 28 of the *Canadian Charter of Rights and Freedoms*. More recently, NAWL was involved in shaping bills on gun control and publication bans for victims and survivors of sexual assault. NAWL's current priorities for law reform—including advancing women's rights in the climate crisis, defending reproductive rights, and ending violence against women—are critical to achieving substantive equality for women in Canada.

NAWL is pleased to present its recommendations for Budget 2024, along with background context to support them.

The importance of women's rights in a post-COVID context

Many of the challenges faced by women during the COVID-19 pandemic underscore the precariousness of recent gains in women's equality. In Canada, women dropped out of the labour force in much higher numbers than men and incidents of domestic violence rapidly increased. In 2023, there is still much to be done in terms of feminist policy development and implementation, not only in areas commonly associated with women's rights—such as family law, criminal law, and human rights legislation—but across the full spectrum of federal areas of jurisdiction.

Advancing gender equality and women's rights yields economic and social benefits that improve the quality of life of all Canadians. A strong partnership between the federal government and NAWL's longstanding network of engaged feminist legal experts provides the best foundation for Canada to shine as an international leader in protecting and advancing women's rights.

1) Invest in feminist law reform

This government is “committed to ensuring that gender equality and fairness and inclusion considerations remain a core focus of the annual federal budget.” (Department of Finance Canada, [Statement on Gender Equality and Diversity in Canada in Budget 2023](#))

Misogyny and threats to recent gains to women's equality are growing in Canada and globally. Moreover, women continue to face challenges ranging from violence and wage discrimination to unfair family law and unequal division of labour in the home, including [primary responsibility](#) for housework and childcare.

In this context, NAWL's work is more important than ever. Providing valuable feminist legal analysis enables the federal government to achieve its desired feminist outcomes across its legislative and policy agenda. NAWL is thus seeking a sustained source of federal funding to ensure it can continue its operations.

Beginning in the 1980s, governments began to convert funding for women's organizations from core to program-based funding. Major government budget cuts and restructuring starting in the mid-1990s saw the erosion of funding for national women's organizations and the shuttering of the Canadian Advisory Council on the Status of Women, which provided arm's length advice to the federal government regarding implementation of women's equality rights. Consequently, organizations like NAWL are now forced to divert considerable time and effort to fundraising, applying for grants and reporting to funders—significantly distracting from and compromising their ability to pursue their core work: promoting equality for all women in Canada.

Sustained federal operational funding would recognize the significant contributions NAWL and other feminist organizations have made and ensure that they can continue to advance substantive equality for women in Canadian society, including racialized, Indigenous and disabled women.

NAWL's national network of legal experts and its small staff provide the federal government (including Justice Canada and Public Safety Canada) with critical legal policy analysis, opinions, legislative proposals and technical amendments to draft legislation (including in family law, criminal law, constitutional law, human rights law and environmental law) at a fraction of the cost of contracting out these professional services, even if such expertise could be found within the private sector.

Sustained funding would also recognize that NAWL is a vital source of legal expertise and support to other equality-seeking groups in the not-for-profit sector. At the national level, NAWL plays a convening role for feminist organizations so that the sector's expertise, priorities and ideas are considered prior to the drafting of legislation, as well as during the House and Senate Committee stages of law making. Sustained federal operational funding would enable NAWL to continue performing these key roles: informing and supporting federal law reform efforts to protect and promote women's substantive equality.

National women's organizations have not been eligible for operational funding from the federal government since 1998, despite the fact that other organizations benefit from such funding (for example, national sporting organizations). It is time to redress this inequity and to provide significant sustained support for NAWL's essential feminist law reform work.

Recommendation 1: That the federal government provide sustained operational funding to NAWL and other feminist organizations, in order to strongly support their critical role of advancing law reform that promotes and protects women's substantive equality across economic, political and social spheres of Canadian society.

2) Effectively Implement Women’s Program funding to support, through operational funding, national women’s organizations advancing systemic change

In Budget 2023, the government proposed funding of the Women’s Program in the amount of \$160 million over three years, starting in 2023–24. NAWL was among the organizations that welcomed this funding, intended for organizations in Canada that serve women and equality-seeking groups, with a particular focus on Indigenous women; women with disabilities; members of the 2SLGBTQI+ communities; and newcomer, Black, racialized, and migrant women.

The appropriate distribution of Women’s Program funding is critical to ensuring that it serves its intended goals. It is important for decision-makers across government departments to understand that national organizations representing women and equality-seeking groups are typically ineligible for provincial/territorial government funding or municipal, local or community foundations support. Our natural partner to achieve systemic change is the federal government.

We appreciate the project funding that the Women’s Program has made available since the 2015 federal election. It has given many groups important support to undertake specific activities and initiatives designed to advance women’s rights in Canada. Project funding is important to our sector and the federal government must continue to provide it. However, project funding alone was not sufficient before the COVID-19 pandemic, and it certainly will not be enough in the face of societal disruptions, financial instability, and a growing and well-funded misogynist backlash against equality, diversity and progressive social change.

What is more, project funding does not cover organizations’ basic operating costs. By contrast, operational funding covers basic operating costs, such as salaries, facilities, communications, and expenses for day-to-day systemic change work. Operational funding provides invaluable stability to organizations like NAWL, better allowing us to uphold important standards of governance, financial management, and employment, while also permitting both proactive work and responsiveness to unexpected emerging issues.

\$160 million over three years for the Women’s Program to provide funding to organizations in Canada that serve women was a funding commitment in Budget 2023. What is important today is to ensure that, as the Women’s Program seeks to modernize its funding model, it carves out a portion of the allocated \$160 million for core operations of national women’s organizations that are working to advance systemic change.

Recommendation 2: That the federal government’s implementation of the Women’s Program funding in Budget 2023 (\$160 million over three years starting in 2023-24) dedicate a significant portion of these funds to three-year operational funding of national feminist organizations advancing systemic change.

3) Fund the federal components of the National Action Plan to end Gender-Based Violence

An updated federal Gender-Based Violence (GBV) Strategy is a key component of a broader effort to end the national crisis of gender-based violence, including the National Action Plan to end Gender-Based Violence, the provincial and territorial Action Plans, investments by local governments, as well as by the private sector, unions, educational institutions, and civil society.

A renewed and strengthened federal Gender-Based Violence Strategy would be a critical response to the recommendations of the Mass Casualty Commission public inquiry, which called for “epidemic level funding to address an epidemic problem” to create systemic and institutional change.

Recommendation 3: That the federal government provide a further, minimum, investment of \$600 million over the next four years in Canada’s National Action Plan to End Gender-Based Violence (NAP), for the development and implementation of the federal components, actions and responsibilities of the NAP.

4) Establish an independent oversight body to act as an accountability mechanism for the implementation of the National Action Plan to End Gender-Based Violence

The federal government played a leadership role in recent years by providing historic investments toward addressing GBV (including \$601.3 million over five years from 2021-26) and in developing its 10-year “framework” to end GBV—the National Action Plan to End Gender-Based Violence (NAP)—working with provincial and territorial governments.

At this critical juncture, we ask: How will Canadians know if the National Action Plan is succeeding?

An independent national oversight mechanism is necessary to assess the equitable and co-ordinated implementation and impact of current actions. One model for accountability was set out in Budget 2023 which proposed [\\$2.2 million over five years](#) to establish an oversight mechanism to monitor and report on the progress of the implementation of the National Action Plan to End the Tragedy of Missing and Murdered Indigenous Women and Girls (MMIWG). A similar investment is necessary to ensure that actionable and sustained NAP implementation includes co-developed accountability mechanisms and evaluation tools and frameworks that reflect the expert knowledge and real-time understanding that only the GBV sector and survivors can contribute.

Recommendation 4: That the federal government establish and fund an independent oversight body to act as an accountability mechanism to monitor and report on the implementation of the National Action Plan to End Gender-Based Violence.