FINAL REPORT

Forum on Women's Activism in Constitutional and Democratic Reform Room 200, West Block, Parliament Buildings: February 13-15, 2006

IWRP

June 15 2006



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BACKGROUND TO THE FORUM

Herstory

February 14, 2006 marked the 25th anniversary of the 1981 "Valentines Day" constitutional conference on women's equality, organized by the Ad Hoc Committee of Canadian Women on the Constitution. The "Ad Hockers" original conference on Parliament Hill was organized by the unprecedented grassroots movement in Canada that crossed regional and party lines to reach broad, strong consensus on changes needed to the draft constitutional text. The resolutions coming out of that unusual event led to concerted lobbying at the local and national level for months in the intensely political arenas where lawmakers shaped changes that have altered experiences of national identity in Canada as a constitutional democracy. We have largely lost the knowledge of how decades of women's activism, drawn up from the grass roots, nourished by the lack of "lived rights" in the daily lives of women and girls, sparked women's determination to reach into the exclusive corridors of 'malestream' political and legal institutions, to impact on "constitution-making" and then "constitution-working" in Canada.

Considered by many as being derived from exemplary consultative, participatory drafting processes, Canada's Constitution Act, 1982 contains some of the world's clearest commitments to democratic rights and freedoms. What is seldom acknowledged and hardly documented in mainstream records is that intensely focused women's activism – passionate citizen engagement across Canada and in the Houses of our national Parliament - was prominent in the negotiations over the text and yielded substantive amendments to the constitutional equality text.

The rights revolution makes society harder to control, more unruly, more contentious. This is because rights equality makes society more inclusive, and rights protection constrains government power. ... What makes the Canadian political story so interesting is the way in which women's organizations, Aboriginal groups, and ordinary citizens have forced their way to the table and enlarged both the process of constitutional change and its results. Prior to the move to patriate the Canadian constitution (then known as the British North America Act), Canadian civil rights were defined by the Canadian Bill of Rights, enacted in 1960 by the Conservative government of Prime Minister Diefenbaker, and still law today The jurisdiction of the Bill is limited to federal laws and not applicable to provincial statutes, doing nothing to stop individual provinces from violating citizens' civil liberties. Moreover, the Bill was enacted as a free standing act, and as such, can be amended at any time. But Canadian women lost every sex discrimination case they brought under the Bill of Rights, which only guaranteed women "equality before the law". For example, in Canada v. Lavell, [1974], two Aboriginal women, who had lost their Indian status when they married non-Aboriginal men, sought to have the Indian Act declared discriminatory. The same loss of status did not apply to Aboriginal men marrying non-Aboriginal women. The Supreme Court ruled that the women were not being discriminated

against; in the eyes of the law (or "before the law"), as all Aboriginal women were treated the same. And in R. v. Bliss, [1979], a pregnant woman protested that she was subjected to more stringent qualifying criteria in applying for employment benefits than other workers, but the Supreme Court said this was not discrimination since "any inequality between the sexes in this area [was] not created by legislation but by nature". By comparison, the Canadian Charter of Rights and Freedoms is constitutionally entrenched and cannot be easily amended. It is applicable to both federal and provincial statutes and to discriminatory actions of organizations and individuals connected to or representing governments. During the drafting of the Charter, women's rights activists lobbied hard for changes to then Prime Minister Trudeau's draft Charter that would produce substantive equality - equality of results. Initially, women focused on the draft wording for section 15 of the Charter, where the old phrase "before the law" from Diefenbaker's Bill of Rights had resurfaced. As a result of women's constitutional activism, section 15 provides for four distinct protections of equality; before the law, under the law, equal protection of the law and equal benefit of the law. The Supreme Court has made it clear that individual circumstances must be contextualized by considering sexual orientation, physical and mental ability, race, culture and/or religion, And as a result of feminist advocacy, subsection 2 of section 15 was included to protect affirmative action strategies. Women's constitutional activism changed the constitutional text:

Section 15

- (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability.
- (2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

A whole book, *The Taking of Twenty Eight*, by Penney Kome, (now out of print, except for online orders) was written about how Canadian women forced the addition of another clause to the Charter, section 28, modeled after the American "ERA" – Equal Rights Amendment, which American women fought so hard, but failed, to achieve.

Section 28

Notwithstanding anything in this charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons

Unwelcome and unfunded work - done by "ordinary" women in communities across Canada - strengthened women's constitutional equality, with almost none of the resources readily available to the governments "on the other side." Yet so much of women's constitutional activism has been diminished or has disappeared in many of the "official" accounts and curricula taught, more often treated as a "sidebar" in accounts of that formative period, with a few notable exceptions. In Canada, women were galvanized by the public education

campaign mounted by the Canadian Advisory Council on the Status of Women (C.A.C.S.W.) under the leadership of Doris Anderson. Initially trusting in the governmental "consultation" process, thousands responded to a series of unexpected exclusionary governmental actions in 1980 and 1981, by becoming collectively determined to reduce the damage to women and girls portended by then Prime Minister Trudeau's grand plan of constitutional "patriation" announced in 1980. To the extent that this has been accomplished in Canada over the 20 years since s.15 and 28 equality rights have been accessible for litigation (s.15 was activated in 1985, three years after the rest of the Charter) has been more thoroughly explored in other venues and publications.

Forum Objectives & Strategies

The principal objective of the Forum presented to SWC by the Ad Hoc organizers was:

To mobilize Canadians, particularly women, in implementing strategies and measures that will strengthen equality rights and support equal participation/representation of women in the federal democratic process.

The principal strategies for the forum - in the context of the 25th anniversary of the writing of the Canadian Constitution and in co-operation with other women's groups, including Equal Voice, NWAC, Power Camp and FAFIA - were to:

Identify the key strategies and other elements essential to women's participation/representation; to mobilize organizations that promote equality in

- 1) participating in defining the democratic reform and in
- 2) implementing agreed upon strategies that connect the participation in policy development with the electoral process.

Identify strategies to demonstrate linkages between democratic representation and the capacity of government to develop laws and policies that promote gender equality.

Facilitate an exchange of knowledge between younger activists (male and female) through

- influencing opinion setters and decision makers in understanding they are an essential component of democratic reform based on constitutional equality values.
- developing a longer term action plan based on consensus building and roundtable resolutions focused on critical areas of concern and forward looking strategies in a global context (e.g. equality rights of Aboriginal women and girls in Canada; women and girls living under Muslim laws in Canada and elsewhere).
- online communications to build relationships and strategies before the two-day gathering (e.g. list serve, website)

Youth Roundtables - Objectives

- a. To provide the opportunity for younger women with diverse origins to develop and implement the format and content of their own gathering to focus on strategic activism for women's equality.
- b. To facilitate connections among women's rights activists- of all ages within Canada and on a global scale
- c. To strengthen young women's leadership in expanding inclusive networking and activism
- Through a list serve established prior to the conference and an exhaustive contact list of all participants and present organizations to facilitate continued networking and communication.
- Through discussions, dialogue, speeches, and writings to be used within curricula to correct dominant perspectives on constitutional history in Canada.
- Through Aboriginal women leaders invited to plan and lead on forward looking strategies in a global context.
- Through awareness as to how important it is for democracies to include women fully in the content and process of governance and enhanced awareness of the role of women internationally in constitution making and in constitutional jurisprudence

THE FORUM – FEBRUARY 13 – 15 2006

The extraordinary work of Canadian women 25 years ago was celebrated in Ottawa in February 2006 – acknowledging the role that they played in creating a democratic legacy for Canada. The Forum was attended by over 300 women – with more than 300 being turned away as security would not permit any more citizens in the West Block. This Forum was held in the same room, Room 200 West Block, as the events of 1981. Many of the original Ad Hockers were in attendance, along with parliamentarians, from all parties; grassroots leaders, students from universities and high schools across Canada, lawyers, academics, and the representatives of many of the major women's organizations in Canada. The Forum [see Agenda – Appendix C] was intergenerational, organized in part by a very active and diverse Youth Committee, national in scope. The focus was multi-disciplinary, where women engaged in celebratory retrospection as well as forward-looking democratic reform strategies.

There were many partners in the Forum: the International Women's Rights Project [IWRP]; The Centre for Global Studies at the University of Victoria; the International Development Research Council [IDRC]; The Feminist Alliance for International Action [FAFIA]; the Elementary Teachers Federation of Ontario [ETFO]; the Department of Justice Canada; CIDA; the Universities of Ottawa and Victoria, York University; the Law Commission of Canada; Status of Women Canada; Canadian parliamentarians; private foundations; and grassroots women's organizations including the Afghan Women's Organization, Power Camp, Equal Voice. Senators Lucie Pépin, Nancy Ruth and Lillian Dyck all

supported and participated in the early stages of planning for the forum as well as providing in kind donations.

The event was opened on the evening of February 13th by the minister for International Cooperation, the Hon. Josée Verner, who introduced the screening of Deepa Mehta's film *Water*, included a lively bilingual discussion of "Arts and Activism" with Mehta and her daughter Devyani Saltzman, facilitated by "Oni the Haitian Sensation, and was concluded by MP Dr. Carolyn Bennett. This event was held in the Canadian Museum of Nature and was attended by approximately 200 people.

On February 14th, the day opened (and closed) with a prayer by Elder Annie George, a member of the Algonquian nation.

The speakers in the morning celebratory Canadian session of the Forum were:

- Co-chairs: Marilou McPhedran & Suzanne Boivin (lawyers and principal Ad Hoc lobbyists)
- Lynda Nye
- Doris Anderson

A Canadian panel, moderated by veteran journalist Elizabeth Gray included speakers directly involved in the 1981 negotiations:

- Beverley Baines [Queens U, principal Ad Hoc constitutional expert]
- Judy Erola [Liberal Cabinet, Min. Responsible for Status of Women]
- Michele Landsberg [Feminist Journalist]
- Flora McDonald [Women's Critic, P.C.]
- Margaret Mitchell [Women's Critic, NDP]

The lunch session of the day was organized in small discussion groups with the following facilitated topics.

Political and Public Life

Education

Employment

Health

Violence Against Women & Girls [co-facilitator, Justine Uvuza, of Rwanda]

Economic and Social Rights

Immigration + Citizenship

Matrimonial + Property Rights

Role of Information Technology [co-facilitator, Lerato Legoabe, South Africa]

MAKING LINKS

International Perspectives on Women's Rights

The afternoon session of the Forum on February 14th focused on women's constitutional activism in a global context. Each of the three panels featured 2 women, one of whom was a youth activist from her country.

The session opened with an address by Professor Penelope Andrews of South Africa and the USA, placing women's rights within the current global context.

There were three panels on each of the 3 countries. The first panel on South Africa was chaired by Charlotte McClain-Nhlapo and featured Dr. Gertrude Fester and Lerato Legoabe.

The Rwanda panel was chaired by Senator Claudette Tardif and the speakers, Mary Balikungeri and Justine Uvuza, spoke eloquently of the situation of women in Rwanda after the genocide and how they are engaged in the reconstruction of their country.

The panel on Afghanistan, chaired by Adeena Niazi, founder of the Canadian Afghan Women's Organization, featured Dr. Sima Samar and Malalai Joya. They spoke about the current struggle for democracy in Afghanistan, the challenges that they face, and the importance of Canada's continued involvement in Afghanistan.

All panelists spoke about the importance of international networks between and among women, and the many similarities that women face around the world. They all also acknowledged the importance of the work of women of the diaspora of their various countries and continents.

After each panel there was time for discussion and questions from the participants in the audience. It was evident that women in the room were moved by what they had heard, and that they related to the struggles that the women described.

The final session of the day was a keynote address given by Sharon McIvor, noted Canadian Aboriginal leader and feminist, and co-chair of FAFIA, the Feminist Alliance for International Action.

Intergenerational Leadership on Women's Rights

February 15th was organized around a morning session by Equal Voice on women's political representation. The afternoon session was organized and led by the Youth Committee, and featured a Youth Forum attended by all conference participants. Each of the three young international participants had an active role in the Youth Forum. Lerato Legoabe was the keynote speaker of the Youth

Forum, bringing all the delegates to their feet with rounding applause in her description of the struggle of young women in South Africa and what she had learned from her short time in Canada. Key recommendations from the Youth Forum will be taken forward to their ongoing work and activities. These recommendations can be found at www.takingitglobal.org/livedrights

EXTENT TO WHICH GOALS WERE MET

The project specific to this report is the attendance and participation of the international representatives to the Forum. From the overwhelming response of the Canadian participants at the conference (more than 300 were turned away), and the thousands of viewers of the CPAC coverage, it is clear that the project met, and likely exceeded, its goal.

PROBLEMS AND SOLUTIONS

For Canadian women, the most pressing problem was the ruling by the Sergeant –at-Arms of the House of Commons to limit the participation, forcing the organizers to turn away hundreds who had registered for the forum.

One problem encountered was the difficulty to obtain a visa to Canada by Malalai Joya from Afghanistan, thus delaying her ticket purchase and significantly increasing the cost. No reason was given for the delay in issuing the visa to Ms. Joya.

LESSONS LEARNED

The Canadian Forum participants were able to hear firsthand the struggles and experiences of the activists, NGO leaders, parliamentarians, commissioners, academics and young women from Afghanistan, Rwanda and South Africa. Intergenerational dialogues were maintained throughout the forum and have been sustained. These exchanges added greatly to the impact of the Forum. Perhaps the greater impact of the exchange was on the international participants.

The lessons learned were:

- The impact of doing the case study research in advance of the participants' arrival in Canada
- The intergenerational focus of the event
- The importance of grassroots consultation in the selection of participants
- The usefulness of arranging other meetings, media events, and CIDA presentations with the delegates to the conference
- The importance of ongoing follow-up after the event

- The important model of mentoring, ensuring that young women are partnered with more experienced activists to attend such events
- The importance of developing a Youth Committee in organizing, at the Forum, and in ongoing follow-up
- To leverage partnerships with other NGOs and interested organizations to maximize the benefits of the international delegates being in Canada
- To ensure that there is participation from the national High Commissions and Embassies
- That the learning experiences and exchanges are both North/South and South/North
- That there are many similarities in the work of democratic transitions that is important to share
- The importance of working with women in the governments of all countries, and with Parliamentarians and Senators

KEY RECOMMENDATION

The key recommendation is:

To ensure that resources are allocated by donors for follow-up activities and ongoing partnerships within Canada and with the international representatives, so as to not lose the momentum of the experience and the ongoing learning.

SWC ACKNOWLEDGEMENT IN COVERAGE AND EVENTS

The acknowledgement of SWC as a sponsor of the Forum and its related activities of the Women and Constitutions Project of the IWRP was made: by verbal acknowledgement at the full plenary at the conference by the Forum Chair; display boards in the main plenary room; information which was broadcast on CPAC; printed on the conference packages provided to all participants at the conference; and the conference website – www.adhoc25.org [see under FAQ section].

PUBLICATIONS AND MATERIALS PRODUCED FOR THE PROJECT

There materials produced to date for this specific project can be found as information on the various websites, as well as the 3 country reports on Afghanistan, South Africa and Rwanda. Once the conference proceedings are completed, they will be made available to SWC at a later date for informational purposes.

For immediate viewing, SWC is directed to http://citizen.nfb.ca to view the interviews by well renowned Canadian feminist journalist, Sally Armstrong, of

Sharon McIvor, Gertrude Fester, Sima Samar, and Mary Balikungeri who are featured on the live website of the National Film Board of Canada.

On request copy of the live coverage on CPAC can be made available –on loan - to SWC by VHS copy for information purposes, to see the presentations made by the speakers as well as the entire Forum panels.

ONGOING AND FOLLOW-UP ACTIVITIES

Re-oriented the Ad Hoc Committee of Canadian Women on the Constitution (of 1981 activists, younger activists and other equality seeking organizations such as Equal Voice) to a) become an intergenerational leadership group responsible for the initiative b)galvanize strategies from the initiative through a National Forum on Women's Activism in Constitutional and Democratic Reform in February 2006.

Demonstrated links between this initiative and the efforts of women activists from province and territories who participated in building the Constitution Act, 1982 and 1984 amendments affecting Aboriginal women.

Shared findings on how women's political participation has evolved in the last 25 years (electoral process); and how measures taken by activists and the federal government have contributed so far to advancing gender equality.

Held the National Forum on Women's Activism in Constitutional and Democratic Reform (Feb 13-15 2006)

Presented information on strategies from other countries to substantially increase women's representation.

Equal Voice has coordinated follow up actions based on the strategic action and reporting plan agreed upon at the National Forum, inleuding:

Parliamentary debrief.

Media debrief

Websites

A number of websites will continue to update information from the Forum as well as the ongoing follow-up activities such as those that the Youth Committee will be developing. www.takingitglobal.org/themes/livedrights

www.adhoc25.org – will continue to display coverage of the Canadian forum

www.takingitglobal.org in Canada will partner with www.womensnet.org.za from South Africa to continue to host events and information for the ongoing activities of the Youth Committee formed at the Forum – a web portal will be developed to do this work. See also www.livedrights/takingitglobal.org

www.nfb.ca – Citizen Shift – will continue with its webcam of many of the participants at the Forum, including several of the international speakers – for details see http://citizen.nfb.ca

www.coolwomen.ca – Canadian website on history of women and girls in Canada will also link to www.womensnet.org Girl'sNet project

Educational DVD and Curricula Development

Rooney Productions and IWRP will co-produce an educational DVD for schools and universities on women's constitutional activism which will be a companion to the curricula that will be designed by IWRP in collaboration with the ETFO.

Strengthening Relationships

Dr. Gertrude Fester has been invited and will attend a CIDA African regional consultation in May 2006 in Nairobi, Kenya, to provide training on national gender machinery, as a direct result of her meetings with CIDA in Canada.

Lerato Legoabe has been invited back to Canada in September 2006 to speak at the SOLID conference in British Columbia on HIV/AIDS in Africa and the role of working with young women and girls.

Intra African Relationships

WomensNet in South Africa and the Rwanda Women's Network are partnering to send Justine Uvuza on a study tour in South Africa to ascertain the training needs for young women in Rwanda on the use of ICTs. The training will then be conducted in Rwanda by WomensNet trainers.

Putting Women on the Agenda 2

This policy forum will take place in November 2006 at Wits University in Johannesburg in partnership with IDRC and under the auspices of the Centre for Applied Legal Studies.

Youth Committee

Recommendations that were drafted at the Forum by the Youth Committee are being followed up through the facilitation of a youth co-chair, Michelle Dagnino, during the summer of 2006.

ONLINE YOUTH LINKS

Announcement for Uvuza and Legoabe on TakingITGlobal – current membership of 100,000 world wide

This was posted to Canada's feminist social policy list serve – PAR-L

Two of the outstanding young women who spoke at this week's Forum on Women's Activism in Constitutional and Democratic Reform on Parliament Hill, will be taking part in a livechat on Friday morning, February 17, at 10 am EST.

Join Lerato Legoabe from South Africa and Justine Uvuza from Rwanda for a unique, one time only online live chat, hosted by TakingITGlobal and Chat the Planet. The young speakers will talk about what they know from their work on bridging the gap between words on the page, and crating a safe, healtier and more equal society. During the Live Chat, these experts will also share lessons they learned during this week's Forum.

Come to http://livedrights.takingitglobal.org/chat

APPENDIX A

The Ad Hoc Committee of Canadian Women on the Constituion

Established in 1981 as a national grassroots organization of activistomen dedicated to strengtheing equlaity rights in the Canadian legal system with an emphasis on the constitution and its Charter of Rights and Freedoms. The activities of the Ad Hoc Committee have included conferences, educational seminars, court interventions and public and parliamentary information dissemination about women's equality rights.

The Ad Hoc Committee expands and contracts in membership in response to particular issues and events that raise concerns about possible deprivation or reduction of the constitutional equality rights of women and girls in Canada. Depending on the issue or event, individuals and organizations active within the Ad Hoc Committee are varied. For example, in this application, the Ad Hoc committee has grown to be an intergenerational, national planning group focused on launching a longer term community-based strategy for strenghtening equlity rights for women and girls in Canada by convening the National Forum on Women's Activism in Consitutional and Democratic Reform in February 2006. Organizations confirmed in this collaborative venture included: Powercamp, TakingITGlobal, Afghan Women's Organization, and Equal Voice.

Original members of the Ad Hoc Committee (since 1981) built a collaborative, consensual intergenerational planning group for the National Forum to ensure on-going collaboration and networking to implement activist strategies at the national, regional, and local levels. Beginning in June 2005, the intergenerational planning committee met, mostly by conference call, to determine membership, agenda, outreach and inclusion. Administrative responsibilities were shared amoung original members of the Ad Hoc Committee, staff and students from the International Women's Rights Project at the University of Victoria, representatives from the youth committee, and representatives from organizations invited to join with the Ad Hoc Committee, for example Equal Voice, Power Camp and Taking IT Global. Meeting summaries were prepared and distributed, with consensual decisions highlighted and implemented.

The International Women's Rights Project (IWRP)

IWRP Location:

The IWRP is situated as a Project of the Centre for Global Studies at the University of Victoria in British Columbia, Canada. IWRP has an office at the CFGS, several students working as staff and interns. The two Co-Directors of the IWRP work closely with the staff of CFGS, from bases in Victoria, Toronto and South Africa.

IWRP Co-Directors:

Marilou McPhedran was one of the founders of the Canadian Women's Ad Hoc Committee on the Constitution that led to Section 15 of the Charter of Rights and Freedoms, resulting in her award of the Order of Canada. A lawyer and activist, her career has spanned 25 years of women's rights advocacy. Her LL.M. thesis compared Canadian and South African women's constitutional activism. She was the convener of the *CEDAW Impact Study* and author of numerous reports and publications. She is also a member of the Canadian Human Rights Tribunal, and is based in Canada. Susan Bazilli has worked for 25 years on women's rights in over 30 countries, particularly in Southern Africa, Central Asia, Europe and Canada. She was the conference convener and editor of *Putting Women on the Agenda* in 1990-91. She is currently based in South Africa. For detailed CVs please see www.iwrp.org.

IWRP Purpose and Goals:

The IWRP was founded in 1998 to strengthen the capacity of women's NGOs and to influence the implementation of international human rights standards, for the benefit of women, through research and evidence-based advocacy. The IWRP is an advocacy and research-focused organization, located in a university setting to provide learning and mentoring opportunities for students on resultsbased initiatives in partnerships with community-based individuals and women's NGOs in Canada and other countries. The IWRP was the lead research organization on the two-year "CEDAW Impact Study", which developed impact assessment methodology with NGO correspondents in 10 countries, including Canada, resulting in a comparative analysis of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) on national systems. In 2000, as part of the "Beijing +5" events at the UN headquarters in New York City, the IWRP launched The Final Report of the First CEDAW Impact Study at the Permanent Mission of Canada to the United Nations, where a panel of international experts who contributed to the Study engaged with other international experts who were UN appointed members of the CEDAW monitoring committee. Other projects have resulted in several publications. conferences, colloquia and research activities. IWRP employs a responsive, collaborative model, project by project, with a range of student research assistants drawn from different disciplines, in partnership with other research associates and women's NGOs in Canada. Additionally, IWRP has worked with NGOs and institutions in Southern Africa, Ukraine, Pakistan, Bangladesh, Madagascar and Russia.

IWRP Partnerships:

Afghan Women's Organization

IWRP students staffed the national conference to found the civil society "Canadian Coalition for Afghan Women" in cooperation with the Afghan Women's Organization and other NGOs in 2000. This summer (2005) five weeks of an IWRP summer intern's time was devoted to the ongoing partnership with the Afghan Women's Organization (located in Canada and Afghanistan) to develop the next phase for capacity-building for women's leadership and governance — based on a model developed by the IWRP and the AWO from 2001 through 2003 in Canada - now being modified for implementation in Afghanistan.

Equal Voice, Canada

Equal Voice is an influential multipartisan national advocacy group publicly addressing the issue of women's under- representation at all levels of government in Canada. Equal Voice has as one of its goals to break the barriers to women's involvement in political life, by raising public awareness about how few women are elected (they make up one-fifth of Parliament, our Legislatures and municipal councils). Equal Voice is a partner with IWRP in the consultative process in organizing the Canadian Forum on Women and Democratic Renewal.

APPENDIX B - MEDIA SAMPLES

National Post Article

Despite fall of Taliban, battle far from over for Afghan women, activist says: Few changes in day-to-day lives, ex-minister says National Post Tue 14 Feb 2006 Page: Al2 Section: World Byline: Peter Goodspeed Source: National Post

For decades Dr. Sima Samar ignored death threats and defied the Taliban in an effort to ensure Afghan girls and women had access to health care and education.

Now, the 49-year-old doctor, who served briefly as Afghanistan's deputy prime minister in the interim government that replaced the Taliban, says she fears for her country's future.

"The job which all of us started in Afghanistan is not complete," Dr. Samar said yesterday. "Four years after the overthrow of the Taliban, people are still not seeing much change in their day-to-day lives."

Violence is constant and has gotten worse, she said. There is no sense of security; warlords live without fear of being brought to justice and women continue to be oppressed in spite of having won constitutional guarantees for equality.

"The constitution is still not reality for the majority of the women in the country," Dr. Samar said. "Women have the right to vote and some representation in the parliament, but they face intimidation, violence and other strategies to discourage them."

While 41% of Afghanistan's voters are women, only 10% are registered to vote and during Afghanistan's last elections women who ran for office frequently faced physical threats and intimidation.

In the end, a total of 51 female candidates withdrew from the election out of fear for their safety. Only 68 of Afghanistan's 249 members of parliament are women.

"The violence we see today in Afghanistan and the lack of progress for women are the direct result of three factors: the failure to fulfill promises to improve security; the impunity enjoyed by human rights violators and the lack of law enforcement and the war economy," Dr. Samar said.

"In some big cities, there is a big change on women's rights," she conceded. "There are some women who can take care of themselves and can exercise their rights. But the majority of the women in the country still live in the same situation. They don't know their rights and they don't have access to justice."

In Canada to attend a conference marking the 25th anniversary a feminist revolt that led to the adoption of an equal rights clause in Canada's Charter of Rights and Freedoms, Dr. Samar has been pleading with the international community to help her country.

"With the number of troops we have in the country -- there are 37 countries involved in Afghanistan -- we may never have this opportunity again," she said. "I don't know how long they will stay like this. We

should use this opportunity and try to change and promote the culture of human rights."

Violence in Afghanistan is constant and got worse in the past year, with a rash of suicide bombing, she said. "It just shows you that everything is globalized. Even the violence is globalized."

"Helping Afghanistan is not just about helping the Afghan people," she said. "It is helping humanity, including Canadians. If we have problems in Afghanistan, the other parts of the world will not be safe also."

A small and determined woman, Dr. Samar served as post-Taliban Afghanistan's first minister for women's affairs. A member of the Hazara minority, she began attending medical school in the 1970s, when Kabul was a more sophisticated capital.

She obtained her medical degree in 1982, but was forced to flee the country when her husband was arrested by the Soviets in 1984. He was never seen again. Raising her young son in a refugee camp in Quetta, Pakistan, she became an advocate for women's health and education.

In 1989, she established the Shuhada Organization, which now operates four hospitals, 10 health clinics and numerous schools for 37,000 girls and women across Afghanistan.

From 1994 to 2001, Dr. Samar worked undercover in defiance of Taliban dictates that banned women from working, attending school or leaving their homes unless accompanied by a close male relative. At one point, the Taliban began segregating men and women into separate hospitals and male doctors were forbidden to treat women unless they were accompanied by a close male relative.

Kabul's 500,000 women were relegated to one hospital with 35 beds, no clean water, no electricity and no surgical equipment.

As Minister for Woman's Affairs in the interim government headed by Afghan President Hamid Karzai, Dr. Samar clashed regularly with Islamic fundamentalists who challenged her for criticizing the Taliban's interpretation of Islam.

As head of Afghanistan's Independent Human Rights Commission, she continues to fight for women's rights. "We did gain some positive things, there is no doubt," she said. "Four years ago, pursuing human rights was a crime. This is not the case any more. I think we have progressed, but I personally am not satisfied with the progress we've made.

"While women are now able to work and go outside their homes, and girls can attend school, the gains are fragile and women's rights, reconstruction, peace and democracy are in great jeopardy."

Globe and Mail Article

Focus

Does Canada practise what it preaches? PAUL WEBSTER

11 February 2006 The Globe and Mail F7

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On Monday in Ottawa, female leaders from as far away as Afghanistan, Rwanda and South Africa will attend a gathering to celebrate the 25th anniversary of the movement to protect Canadian women's constitutional rights within the Charter of Rights and Freedoms.

There probably will be a lot of cheering about recent remarkable gains in some countries not traditionally known for women's rights. But when discussion turns to the home front, the applause may fade. With women holding only 20 per cent of seats in the new Parliament, and only six of 27 cabinet seats, Canadian feminist leaders are worried about stagnating efforts to improve the status of women.

International observers are also concerned. Last November, the United Nations Human Rights Committee severely rebuked Canada's reluctance to better protect the rights of aboriginal women and women in prison. The committee also said cuts to welfare and social programs — most notably in British Columbia — disproportionately hurt women and children. At the very least, the UN committee recommended, the federal cabinet should include a secretary of state for the status of women. These days, that's a job Heritage Minister Bev Oda juggles part-time.

The UN committee's biggest worry, though, is that Canada hasn't met its obligations under the UN Convention on the Elimination of All Forms of Discrimination against Women, which the country ratified in 1981. One of its provisions is that nations take measures to balance male and female political representation.

Politicians might fear controversy: Along with more general efforts to encourage female candidates, the UN committee recommends that Canada adopt "temporary special measures with numerical goals and timetables" to increase women's representation at all levels, raising the spectre of quotas.

Shelagh Day, a veteran activist who works closely with the Canadian Feminist Alliance for International Action, one of the groups organizing next week's celebration in Ottawa, says the move would help to address other perennial sore points, such as the lack of legislation in many provinces to guarantee equal pay for work of equal value.

Some of the international delegates at next week's conference, organized by Marilou McPhedran and Susan Bazilli of the University of Victoria's International Women's Rights Project, may find Canada's weak domestic response to the UN convention surprising. After all, Canada strongly promotes the convention in a great many foreign countries.

Sima Samar, the former deputy prime minister of Afghanistan and current chair of the Independent Afghan Human Rights Commission, praises Canada's international efforts: "Canada more than any other country has promoted human rights, and the convention has been an important part of that," Ms. Samar says. In Afghanistan recently, she notes, Canada helped women use the convention to win 28 per cent of the seats in Parliament.

Such efforts often have been directed by the Canadian International Development Agency. Interestingly, seven of the 12 CIDA ministers since 1980 — and all five since 1997 — have been female. Patricia McCullagh, the agency's gender-policy director, says CIDA has spent scores of millions worldwide building women's rights. In March, 2003, for example, CIDA committed \$10.3-million to promote the UN convention in seven Southeast Asian nations.

"Nothing like the kind of money the Canadian government spends on the UN convention internationally has ever been spent on it here in Canada," Ms. Day says. "We need to start doing at home what we do abroad."

Paul Webster is a Toronto-based writer who reports on international development issues.

Toronto Star Editorial

Editorial Women's Ad Hoc revolution

Carol Goar
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The 1,300 women who poured into Room 200 of Parliament's West Block on Valentine's Day 25 years ago may have known they were making history, but almost no one else did.

The Liberal government of the day considered them an irritating impediment to Pierre Trudeau's quest to enshrine human rights in a modern, made-in-Canada constitution.

The legal team drafting the Charter of Rights and Freedoms saw no need to clutter up its handiwork with an extra clause guaranteeing women's equality.

Parliamentarians had grown weary of lobby groups demanding changes in the proposed constitution.

Most of the Ottawa press corps ignored the women.

The two-day meeting, which has become part of feminist lore, had a defiantly makeshift quality.

Originally, a group of women lawyers, academics, human rights activists and community workers had been invited to Ottawa for a government-sponsored constitutional conference. But at the last moment, it was cancelled, setting off waves of anxiety and anger among the would-be participants.

Within days, a core group decided to organize a voluntary conference and hold it on the same day - Feb. 14, 1981 - as the officially sanctioned one. There would be one major difference however: It would be about mobilizing women, not politely asking for improvements in the Charter.

That was the beginning of the Ad Hoc Committee of Canadian Women on the Constitution.

Over the spring and summer, it mounted a nationwide campaign to get an unequivocal gender-equality clause written into the Constitution. Women who had never been politically active rallied to the cause.

On Nov. 28, the Ad Hockers, as they called themselves, achieved their goal. Parliament voted unanimously to amend the text, adding the words: "Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons."

Next Tuesday, on the 25th anniversary of the Ad Hoc Conference, many of the original participants plus a new generation of feminists will gather in Room 200 of the West Block.

First, they'll celebrate. Then they will tackle the work that remains undone.

Although women are legally equal to men, they haven't caught up to them in income or power.

They occupy fewer than a quarter of the seats in Parliament. They hold just 15 per cent of the senior executive positions in business. They earn less, on average, than men. They are expected to interrupt their careers for child rearing and elder care.

Poverty is disproportionately concentrated among women. Domestic violence claims the lives of more than 100 women a year.

In some countries, women who challenge cultural norms are ostracized or attacked. In many parts of the world, rape remains a weapon of war.

"We're going to talk about forward-looking strategies in a global context," said **Marilou McPhedran**, who will co-chair next week's conference.

She was a fledgling Toronto lawyer when the Ad Hoc Committee sprang into being. She barely knew feminists such as Kay Macpherson, Doris Anderson and Laura Sabia. She had no idea how to lobby the government.

Today McPhedran, 54, is a global women's leader. She was named to the Order of Canada for her role in entrenching gender equality in the Constitution.

But on that frosty Saturday, 25 years ago, she woke fearing the worst. "I was staying with a law school friend in Ottawa," she recalled. "I pulled the blanket over my head. 'There's not going to be anybody there,' I told her."

She was wrong. Room 200 quickly filled up. Two overflow rooms had to be opened and still women were spilling into the hallways and antechambers.

McPhedran wishes she'd kept a list of the participants. She and a dedicated team of law school students have spent months trying to track them down.

But she has no worries about attendance this time. She's already had to turn away 300 women. Registration closed 10 days ago.

What excites McPhedran most is the enthusiasm of the young women. "They don't do things the way we did or see the world the way we do, but they're spectacular."

She likes their global outlook. She likes the way they take for granted that a law degree or any other set of professional skills can be used to advance human rights, strengthen women's leadership capacity and build healthier communities.

McPhedran has no misgivings about passing the torch. But first there are stories to tell, lessons to share and a bond between generations to forge.

Carol Goar's column appears Monday, Wednesday and Friday.

The Ottawa Citizen/National Post/Montreal Gazette

News

The day they fought for the Charter: Twenty-five years later, the 'Ad-Hockers' recall a watershed in women's rights in Canada, writes Juliet O'Neill.

Juliet O'Neill

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They were dismissed as "Cadillac feminists," accused of neglecting their babies as they fought for equal rights. And they had the rug pulled out from under their efforts to have a say in the forging of the Canadian Constitution.

The events prompted more than 1,200 women -- from lawyers and hippies to grannies and teachers -- to descend on Parliament Hill Feb. 14, 1981, for a conference that led to the creation of Section 28 of the Charter of Rights and Freedoms, guaranteeing all of its provisions "equally to male and female persons."

More than 600 women are heading to Ottawa this week to commemorate what 79-year-old Flora MacDonald recalls as an "electrifying" sequence of events in which women claimed a stake in the Constitution-making process.

"We hadn't seen women mobilized like that before," she said in an interview. "It was a triumph."

Ms. MacDonald was a Progressive Conservative MP at the time.

Her office staff had promised to reserve a room on Parliament Hill for an "ad hoc conference" on women and the Constitution. A group of women called for it after Lloyd Axworthy, then the minister responsible for the status of women, cancelled a scheduled constitutional conference planned by the government-appointed Advisory Council on the Status of Women.

Council president Doris Anderson, the former long-time editor of Chatelaine magazine, was livid. She resigned in protest after fellow council members backed the minister.

"It was a very public fight," Ms. Anderson, 84, recalled in an interview. A lot of women who "were just damn mad" headed to the Ottawa conference, where Ms. Anderson says she was treated as an icon.

"By this time I was a heroine," she said.

The number of women from across the country who planned to attend the conference mounted by the day, and then the hour, and many who couldn't go donated funds to pay transport for others. Ms. MacDonald's staff kept booking bigger and bigger rooms, finally settling on Room 200, a ballroom in the West Block. It was standing-room only with participants crammed into spillover rooms where they could see the action on video screens and head to the main room if they wanted to speak.

Human rights lawyer Marilou McPhedran, then newly graduated from law school, says it was "a fluke" that she wound up co-chairing the conference for which she did not want to get out of bed that morning. She was so exhausted from the blur of spontaneous organizing activities and fear that no one would turn up. "I got swept up on the tide," she said. "We changed the course of Canadian constitutional history."

Ms. McPhedran recalled her mother had phoned when she was studying law to express her anger about a 1973 Supreme Court ruling on matrimonial property, which denied Irene Murdoch a share

of the Alberta ranch she and her husband had built up for 25 years. "My mother asked me: 'What are you going to do about it?'"

Two other 1970s Supreme Court rulings had exposed the weakness of the 1960 Bill of Rights, which guaranteed "equality before the law." But two court rulings indicated that if a law was discriminatory it would not be considered a violation if it was applied equally to all women. The threat of entrenching that wording into the new Constitution galvanized women. Section 15 was eventually strengthened to say that every individual "is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination."

The power of Section 28 is subject to debate a quarter century later. Ms. Anderson says it is a symbol that has deterred discrimination against women. Others say its strength may someday be proved in the Supreme Court of Canada. So far in the courts, says lawyer Beverley Baines, it has been used as a guide to interpreting rights, rather than granting rights.

"We ended up with a clause as strong as we could get it," says Ms. Baines. "But it's been diminished from a rights-bearing clause to an interpretive clause."

Ms. McPhedran says Section 28 was meant to bolster Section 15, which bars discrimination based on nine grounds, including gender. "We always knew its greatest value would be in pulling up the socks of Section 15," she says.

Lawyer Maureen McTeer, wife of then opposition leader Joe Clark, says the women's constitutional victory was "a watershed," in part because south of the border, American women were having great difficulty getting approval of an Equal Rights Amendment in the U.S. constitution -- a quest that has eluded them to this day.

Even after the women activists persuaded the government to include Section 28 in the charter, they had to fight to retain it in the final version. The equality clause virtually disappeared at one point -- it became subject to an override -- and Judy Erola, who succeeded Mr. Axworthy as women's minister, says then-prime minister Pierre Trudeau blamed the provinces. Ms. Erola vowed to get the provinces to agree to put it back in. "The prime minister thought I was a mad woman of course," she recalled in an interview.

Ms. Erola, Ms. MacDonald, and the late Pauline Jewett, then a New Democratic Party MP, lobbied the provincial premiers with the help of an array of women's groups and the "ad hockers" -- as members of the Feb. 14 conference group are still called. It took a week of intense work to get the premiers on side. Twenty five years later, more than 50 of the original participants in the conference will be together again at 200 West Block.

Photo: Bruno Schlumberger, The Ottawa Citizen / Three generations of feminists: Former Conservative MP Flora MacDonald is flanked by lawyer Marilou McPhedran, right, and student Mylee Nordin, who is helping organize a reunion of the 1981 ad hoc conference on the role of women's rights in the Charter of Rights and Freedoms.

APPENDIX C - INTERNATIONAL RESPONSES TO THE FORUM

GERTRUDE FESTER

South Africa is celebrating the 50th anniversary of the Women's March to the Union Buildings, one of the biggest events in the history of the country and a turning point in women's activism. Hence going to Canada and experiencing the Women's Intergenerational Forum really had positive lessons for me. I reflected particularly on the nature of our struggle here in South Africa. One of the weaknesses of our struggle is that we have really left young women behind. In the past we had rigid demarcations in terms of age groups. Women below the age of 35 had to be in the "youth wing" of the liberation struggle and the youth wings were and still are extremely male dominated and even sexist at times. This year, in 2006, this women's march will be celebrated nationally and at all the planning functions that I am involved in I really will ensure that the voice and demands of younger women will be heard. This is a key lesson I learned in Canada.

We will also be celebrating the 25th anniversary of the formation of the United Women's Organization on the 5th of April 2006. This will include the key activists and part of the programme will be what have we achieved, what are the gaps and how do we constructively encourage and facilitate the voices of younger women - even if it means that we step aside (which will probably be the case).

Another aspect that was impressive in Canada was the fact that the many women that were involved were all mobilised and honoured at the meeting. They were still committed and many of them still were centrally involved. There still are many challenges for Canadian women, especially as regards minority, black, lesbian and First Nations Women. It was a very positive gesture that a First Nations woman opened and closed the meeting. Of course the fact that Canada is a wealthy country with impressive media infrastructure ensured that not only were the current events documented but even those of 25 years ago. On reading the Canadian Charter of Rights, I was surprised to see that only English and French were official languages. I also realise that perhaps 25 years ago minority rights were not on the agenda as they are currently. Perhaps a task for Canadian women could be to work on a Women's Charter for the 21st century.

The many lessons I learnt and value from my experience of being in Canada are briefly:

- the importance of including all women (intergenerational alliances);
- the use of media
- strategic partnerships with women in government

MARY BALIKUNGERI

Just in few words I would like to say that since we came home, we have in Rwanda reflected on how to proceed beyond Canada; though we have not yet concretized our plans we have a vision around our many discussions in Canada that we plan to carry out. Our participation in Canada meeting was extremely helpful in understanding the intergenerational aspect of our work today in Rwanda. What it meant to us is that the earlier we engage our younger folks is the only way Rwanda's success story of Gender equality will maintain the momentum. Rwanda Women's Network is now trying to figure out how to start a young women's department, which should then trigger off the process and gradually it would grow out of RWN to be independent. The foundation is crucial.

The other aspect of lessons learned, is the dynamism around the women who started the constitutional process even at a retired age are still dynamic and enthusiastic. The question is to us, how do they maintain such dynamism? Is there a way to learn from them? Evidently South Africa was also another lesson to us. In particular the Girl Child project is something we would like to explore at some point. Opportunities to exchange, peer learn from each other would be a great opportunity to trigger off a process and of course with opportunities to replicate lessons learned.

JUSTINE UVUZA

I personally benefited a great deal from the conference and in coming to Canada. Firstly, I learned that women's rights is still a struggle everywhere. I initially thought that in Canada no stone was left unturned, and now I know that is not the case. Secondly, I learned that unless women get a global voice and movement that can reach our specific governments and then beyond to international bodies that influence everything we are not going to reach parity for the rights of women the world over.

As a young woman, I learned that unless our older sisters and mothers strategize and get us on board, feminism may die away, and yet violence and discrimination is still so high. The case in Rwanda is that young women are left out of the arena of feminism and they not even been seen participating in the youth forums in our country. As a result of this conference in Canada, I have since my return gathered the momentum to strengthen the Young Women Professional Network with moral support of Rwanda Women Network and Mary Balikungeri. This would not have happened if we had not come to Canada together! I have also contacted the young women that I met in the conference to see if we can make an international intergenerational network and to continue the work that we started in Ottawa. In a nutshell, feminism needs a joint hand to revive it and also for its continuity we need to bring young women on board.

LERATO LEGOABE

I was very humbled to participate at such an historic international conference. Being part of the women's movement at a global level was an empowering moment for the many young women who attended the conference. For me personally, I shared the podium with great South African women who played a role in promoting the participation of women in South Africa's constitutional reform. I have always looked up to these women and actually getting to meet them was incredible. At the same time, I felt sad that the vibrancy I saw in Canada was not so alive in South Africa. This makes me question the commitment we have to revive this once so very influential body.

I was encouraged to bring back the many lessons from the Youth Forum. Again, participating in this forum made me realize that young women are experiencing similar challenges all over the world. Hence, the importance of building a strong women's movement that is open and friendly to young women. If secondary leadership is not built into the programme framework then young women cannot carry on the baton. We as the Youth face different challenges more so in the face of HIV/AIDS, in particular in Southern Africa. Our strategies now are without the political bases of understanding the women's struggle. As a result, we have an increase in young women who are ready to sell their souls in the face of poverty for they feel they cannot find refuge anywhere else.

The conference confirmed my belief that a strong women's movement can improve the level of consciousness of young women, or at the least assist them to be self-aware. My passion was definitely renewed. At times you look around and it feels as though you are not making a difference, especially in a country where there seems to be a war waged against females. The past couple of months in South Africa we have seen an increase in the number of young girls/women who are raped and murdered. My biggest question is what are the feminist strategies that can respond to this problem? I am hoping that some of the 50th anniversary celebrations will include an intergenerational aspect similar to the Canadian AdHoc conference.

I think many positive networks were built, from meeting the Taking IT Global team to hearing different perspective from other young women activists in other countries. I was particularly moved by the spirit of Malalai Joya, who in my view represents a true activist - a person who is willing to go to any lengths in defence of human rights.

This experience has also had an impact on my work since my return. I now feel very confident to give presentations at any level from the confidence that I developed from having been the keynote speaker for the Youth Forum in Canada. The feedback I received from people was encouraging and helps me hold on to the ideal that one day my efforts will change my country to be a better one: where young women can be free. The project I manage, Girls Net, will also benefit from the contacts I made while in Canada. Some of the law students have volunteered to help develop chapters within the Girls Net website that look at the law and youth, in particular young women. We have also discussed a possible collaboration with Canada's Power Camp Youth Programme, which shares many similarities with Girls Net. The meeting challenged me to want to educate other young people in my country on the importance of building international relations and celebrating diversity. If we as young people today are to run the G8, The UN, and other international agencies and organizations, then

it is crucial that we participate in these global exchanges and learn from one another.

I even had a chance to meet our High Commissioner to Canada who said I made South Africa proud when I gave my talk. At that moment, I felt very honoured.

PROFESSOR PENELOPE E. ANDREWS

It was important for me to come to Canada to participate in the Women's Constitutional Activism project for several reasons:

- I think that cross-national, cross-cultural and global solidarity work needs to continue and I thought that the Canadian forum was an excellent example of such solidarity work.
- I think it is important that academics such as myself continue to engage with advocates and activists to act as support to such individuals and groups, to learn from their struggles, and to formulate theories that really enhance the women's rights legal project.
- It was important for me to go because I believe that Canada's Charter experience provides important lessons and cautionary tales, not just for South African women, but for others attempting to achieve justice for women through legal and constitutional means.
- I think that hosting the event at Parliament was an important symbolic step and I wanted to be part of that historic symbolic moment.

What I learnt from the forum:

- That the struggle for women's equality is an ongoing process with seemingly no end.
- That vigilance is the most important thing and that women advocates should not let their hair down in the face of small victories. In other words, if the government passes legislation, then the next site of struggle is enforcement. If enforcement is underway, then the next area of struggle is education and engagement. And so on.

DR. SIMA SAMAR

While Dr. Samar has been too busy on her return to Afghanistan to send a testimonial, it should be noted here that in all of her public speaking in Canada, she stressed the importance of the role of women and the people in Canada in supporting the democratic struggle in Afghanistan. This was particularly timely given that the deployment of Canadian military in Khandahar was happening at the same time. Dr. Samar eloquently described the critical importance that international networks of women have for the struggle of women's rights in Afghanistan. But in addition to the Forum in Ottawa, her passionate support for

the Government of Canada's role in Afghanistan was widely disseminated through CPAC, the Globe and Mail, the National Post, and the CBC.

MALALAI JOYA

The Afghan Women's Organization of Canada was very involved, and indeed took the lead, in assisting with the coordination of the visit of the Member of Parliament from Afghanistan, Malalai Joya, to Canada. They arranged the necessary translation and interpretation, liased with security regarding the need for security for Ms. Joya given the threats on her life in Afghanistan, arranged for local media and community meetings, and ensured that she was able to participate fully in the Ottawa event.

In Canada she spoke in two large community gatherings held in Ottawa and Toronto. She was interviewed by CBC for the news, as well as for a documentary; she was interviewed by Sally Armstrong for the NFB Citizen Shift program; which was broadcast on March 8 2006. She also had other local community media interviews. Almost all community media had coverage about her trip and her activities. According to the Afghan Women's Organization, her trip to Canada was an extremely important experience for Ms. Joya as an activist and MP to learn about the experiences of Canadian women. And also, as the AWO stated, "experiencing democracy of a most advanced country was very beneficial for her."