

REFUGEE UPDATE

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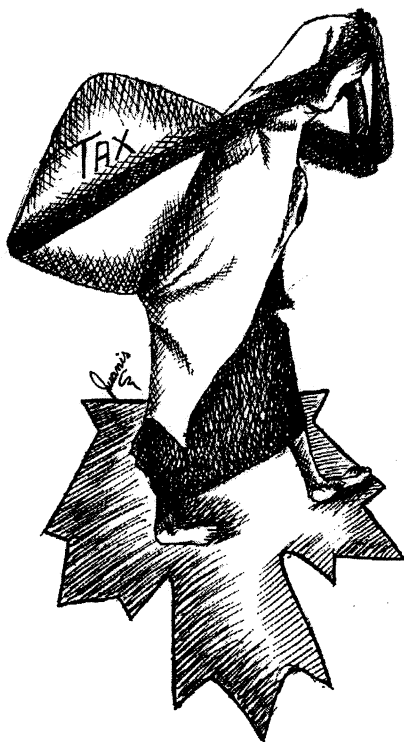
WELCOME TO CANADA - AND OH, BY THE WAY, WHERE'S YOUR \$975 HEAD TAX?

BY FRANCISCO RICO-MARTINEZ

Editor's note: The following was published in the Globe and Mail on their commentary page, on Friday June 11, 1999.

This year we celebrate the 20th anniversary of the arrival in Canada of the "boat people", refugees from South-East Asia who were so desperate to flee persecution that they risked their lives on rickety boats. The warm response they received from Canadians earned us the Nansen medal, the only time this award for refugee response has gone to a whole people.

Twenty years later those refugees, now Canadian citizens, are joining with other Canadians to respond to



a new group of refugees, this time Kosovars, forced from their homes in murderous circumstances. Once again we are discovering that Canadians know how to welcome refugees with compassion and generosity.

But this time around, government policy has a cold shower waiting for them, in the form of the \$975 Right of Landing Fee, commonly known as the head tax.

Since February 1995, this landing fee has been imposed on all adults becoming permanent residents, whether refugees or immigrants. The government described it as a fee for the privilege of being a

Separated
In my room there were 200 people.
It was so crowded.
I was also separated from my son and husband that I loved.
And finally I was landed.
But not my family.
Violeta Soledad Obiena

In addition, refugees selected overseas generally arrive with a debt to the government for the cost of their travel to Canada and medical exams. Given the cost of air travel, these debts are often huge. For example, the total bill delivered to a refugee family of four who recently arrived in Edmonton after fleeing the brutal war in Sierra Leone was \$10,520.

And there's more: Now the government is considering charging refugees and immigrants an extra \$40 to \$50 for a new permanent resident card, on top of the head tax.

We know that the struggle to pay the head tax has a cruel impact on some refugees' first years in Canada. Some are forced to beg for assistance, some go hungry or cold, some put up with exploitive working conditions, some have to delay bringing their spouse or children to Canada, and some slip into depression. Pressure against the head tax has been mounting from the public and from within the Liberal Party. The Minister of Citizenship and Immigration recently said that the fee will be reviewed in the wider context of immigration legislative review. Why put it off? This unjust and offensive tax on newcomers was introduced as part of the government budget, not immigration legislation. It was justified as necessary at a time of deficit-reduction. Today the fiscal realities are different. Now is the time to abolish the head tax.

Francisco Rico-Martinez is president of the Canadian Council for Refugees.

permanent resident of Canada, and necessary to offset the costs of settlement services for newcomers.

Because the fee is fixed, while income rates vary enormously, it discriminates against prospective immigrants who are poor or come from poor countries. But it is a particular burden for refugees, who come to Canada not out of choice but because they have been forced to flee persecution. As with the Kosovar refugees, who have arrived in Canada with all their possessions in a plastic bag, most refugees start out their life here with nothing.

Since the head tax was introduced in 1995, roughly 80,000 refugees have made Canada their new home and have contributed about \$50-million in landing fees to the federal government. In 1997-98, of the \$119.7 million in total revenue generated by the head tax, refugees contributed \$15.6-million - 13%. Since refugees often don't have the money to pay these fees, the government offers a loan program - and charges interest. The interest payments on its loans to cover the landing fees and other costs add up to about \$100,000 a year. That doesn't include any interest that refugees may pay to private institutions or friends - or to loan sharks, to whom they sometimes turn for the money. Nor is the Right of Landing Fee the only fee refugees need to pay for their permanent residence. As with immigrants, refugees recognized in Canada must pay processing fees: \$500 for an adult, \$100 a child. Together with the head tax, that means \$1,475 for each adult, or a bill of \$3,150 for a family with two parents and two children.

TORTURE AT THE END OF THE MILLENNIUM

BY EZAT MOSSELLANAJAD AND DEBRA STEIN

INTRODUCTION

In the early 16th century, Erasmus of Rotterdam wrote his masterpiece, *The Praise of Folly*. In this magnum opus, Erasmus reveals the inherent and unavoidable stupidities of the mortal race. He goes beyond accepted norms and values to explore the very essence of humankind. He forgets, however, to deal adequately with the practice of torture as one of the cruelest absurdities of human life, a crime committed in many different societies in almost all periods of history.

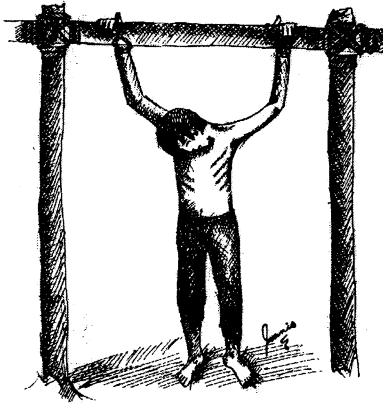
When John Swain published his *Book of Torture* in 1968 he cherished the hope that there would not be torture in the "millennium of civilization". He even went so far as to mention that "torture as a means to confession has disappeared" (John Swain, *The Book of Torture*, Worldwide Copyright Ltd., 1968, p. 244). Unfortunately, torture is being practised in some 77 countries in the world today. In 35 of them there is systematic use (i.e. as a tool of political strategy) of torture and other cruel, inhuman and degrading treatment and punishment.

WHAT IS TORTURE?

In day-to-day life, people use the term, "torture" to describe all sorts of annoyances. Wives are "tortured" by their bothersome husbands, husbands by their wives, and both by their teenaged children. People sometimes even use "torture" for trivialities like hot or cold weather. On the contrary, tyrannical regimes and their professional torturers use soft words when they refer to their horrendous acts of torture and human butchery. In Greece under military

rule, severe torture was called "tea-party". "SAVAK", the notorious secret police of the Shah of Iran, used "caressing", or "navawsish", instead of torture.

To avoid confusion, it is useful to examine what constitutes torture. Before entering into further discussion, it should be noted that there is a difference between the aim of torture in the past and in today's world. While in ancient Greece and Rome and in many Oriental and Western countries, up to a century ago, torture was used as an extreme punishment, today it is used firstly as a means of extracting information or confession, and secondly as a tool of political repression.



Article 1 of the International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment defines torture as:

"Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, for any reasons based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of, or with the consent or acquiescence of a public official or other person acting in a public capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions."

As can be seen by the above definition, we cannot

refer to any act of violence as torture. Torture has four components according to the above article:

- ◆ It is severe pain or suffering, physical or psychological, which is purposefully inflicted on a person;
- ◆ It has a goal: obtaining or extracting information or a confession, meeting out punishment, and so on;
- ◆ It is perpetrated by a public official;
- ◆ It is not sanctioned by law.

Despite its usefulness, the above definition is far from adequate. It does not address state-and religion-sanctioned tortures, which are prevalent in many parts of the world.

Another serious gap in the Article 1 definition of torture is the invisibility of women. While women are tortured for the same reasons as men, they are also subject to gender-related forms of torture, like female genital mutilation, dowry murder, rape, domestic violence, childhood marriage, and so on.

It should not be forgotten that torture is not only committed by people in positions of authority. Today, specifically with the termination of the Cold War and the rise of ethnic conflicts, we have systematic torture perpetrated by paramilitary groups and members of death squads. Article 1 of the Convention against Torture does not address the lack of government protection for victims at the mercy of paramilitary groups (who are accountable to no one and who can therefore act with impunity).

METHODS OF TORTURE

It is a tragedy that at the turn of the millennium there is no shortage of torturers and human butchers across the globe. Methods of torture have become more and more sophisticated and involve a combination of both physical and psychological techniques. Torturers are capable of inventing new methods tailored to the physical and psychological make-up of each victim.

PURPOSE OF TORTURE

Torture should not be approached in isolation. It is actually part and parcel of a strategy of political repression. Governments sanction torture as a part of state terrorism in order to paralyse the whole population and to convince it of the omnipotence of the regime. Indeed, torture is one of the most extreme components of the apparatus of tyranny. It acts as a sinister short cut to maintaining power that has not been derived from the cross-section of the populace.

On an individual basis, the aim of torture is to destroy the will and personality of its victims. It dehumanizes and destroys individuals without killing them physically. The issue is not only the severe pain or suffering inflicted upon the person. It is also the prolonged psychological tension that victim's experience between resisting and the possibility of betraying their country, community, family and friends. This makes torture totally different from other types of trauma. The scars, especially the psychological ones, last a lifetime.

CIRCLES OF SILENCE

Torture is being practiced in a very disguised and invisible manner. Dictatorial regimes do their best to hide the practice of torture from the international community. Denial at various levels is an obstacle in the struggle against torture and the treatment of the after-effects of torture. It operates on at least three levels: On an individual level, victims are normally reluctant to talk out their bitter experiences in an attempt to protect themselves or others from further arrest and torture. They are also not sure that they will be understood or believed by the community. Most of the victims prefer not to speak about their torture in order to prevent further re-traumatization.

On a family level, people deny torture in an attempt to protect their loved ones. Besides, victims of torture are sometimes isolated or forcefully separated from their relatives, friends and communities.

On a social level, ordinary people feel frightened about speaking out against torture, let alone intervening against it. Autocratic systems create a culture of silence, referred

to sometimes by the grass-roots population as a "graveyard silence". In this atmosphere people feel powerless to challenge the status quo or to change their circumstances.

INTERNATIONAL LEGAL INSTRUMENTS

More than 50 years ago, on December 10, 1948, the family of nations ratified the United Nations Declaration of Human Rights. Article 5 of this Declaration specifies that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment". This is reiterated in Article 7 of the International Convention on Civil and Political Rights, which was enacted on March 23, 1976. The first attempt to address the issue of torture in its totality was the UN General Assembly's adoption of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (December 9, 1975). In 1982 the United Nations elaborated the Principle of Medical Ethics, which prevents medical personnel from being involved in torture or using people as guinea pigs.

It was not until December 10, 1984 that the General Assembly of the United Nations adopted the all-comprehensive Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (usually referred to as CAT). This Convention was enacted on June 26, 1987 and is the most important document dealing with the crime of torture and its prevention in the family of nations.

CAT: ADVANTAGES AND LIMITATIONS

CAT is a useful instrument in codifying universally applicable standards against torture. It is implemented through the UN Committee against Torture, whose mandate is to monitor the practice of torture and ensure that the Convention is observed by the contracting states.

For the Committee to act upon a communication, the State Party should have recognized the competence of the Committee. Today, out of 102 countries which have acceded or ratified the Convention, 39 of them have recognized the competence of the Committee.

Despite the above advantages, there is a major contradiction towards the implementation of the Convention Against Torture: while it is left to the contracting states to implement the Convention, torture is normally practised with the sanction of the government and by the people at the apex of political power. This fact is responsible for the impunity of torturers and the ineffectiveness of the international legal instruments.



OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE

Human rights treaties are sometimes followed by "Optional Protocols" that can act as complementary procedures to the treaty or address a major area of it. Optional Protocols are treaties in their own right, and are open to signature, accession or ratification by states that are party to the main treaty.

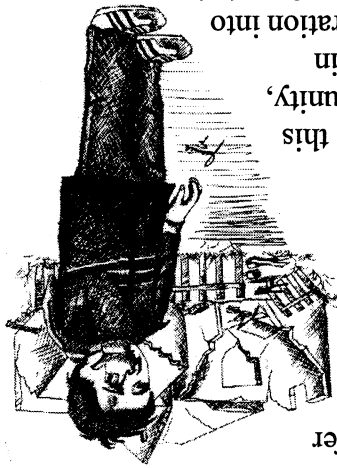
The UN Commission on Human Rights established an open-ended working group to draft an optional protocol to the Convention against Torture. The intention was to establish a global system of inspection by allowing the UN Committee Against Torture to make regular visits to places of detention. The Committee, on the basis of draft protocol, could travel to any country at any time to monitor the implementation of the Convention Against Torture.

It is unfortunate that some governments, not willing to

have their detention systems subject to international inspection, have so far shown no interest in supporting the Protocol. Today, after seven years, the Optional Protocol is in the middle of nowhere.

HELPING TORTURE SURVIVORS

There are hundreds of institutions around the world working to rehabilitate survivors of torture. The two most widely used modes of rehabilitation are: 1) a clinical approach, which draws upon various types of medical and psychological therapies and 2) a holistic approach, which combines clinical treatments with other social services such as befriending, ESL instruction and employment skills training. The goal of the holistic approach is to enhance the coping capacity of torture survivors and to facilitate their participation in social life. This approach was developed in United States in the era of the Vietnam War.



In Canada many agencies offer direct services to survivors of torture. They have organized a national network for joint advocacy, information sharing and research. The Canadian Centre for Victims of Torture (CCVT) is one of the leading members of this network. Working with community, the Centre supports survivors in the process of successful integration into Canadian society, advocates for their protection, and raises awareness of the continuing effects of torture and war on survivors and their families. The CCVT's mandate is to provide its clients with "hope after the horror".

Since its inception in 1977, the CCVT has provided services to over 10,000 survivors of torture, war and generalized violence from 99 countries. The Centre offers survivors and their families such services as the Volunteer Befriending Program, Mutual Support Groups, Art Therapy, a children's program, a drop-in counselling program, and ESL classes. It

also offers Coordinated Professional Services, including specialized medical and legal support. These programs are currently being enhanced by the assistance of 257 volunteers, 152 of whom act as personal befrienders to survivors of torture. The CCVT also conducts an extensive public education program to teach service providers and the general community about torture, its effects and ways to provide an appropriate response. The Centre is the first of its kind to be established in North America and the second such facility in the world.

CONCLUSION

We come to the end of our account of a seemingly endless tragedy of human suffering. The scientific and technological revolution at the turn of the millennium should hail a decline in the use of torture and other degrading treatment. Instead, medieval methods of torture, far from vanishing from the face of the earth, have become more sophisticated. The first task before us is to break the circle of silence, reveal torture in all its colours and forms, and educate ourselves and the public. We need to lobby our governments to play a pioneering role in international bodies against torture.

Although Canada has co-sponsored the Optional Protocol against torture, it has not been able to mobilize international communities for its accession. Canada has also supported a resolution of the Commission condemning torture as a measure that "can never be justified under any circumstances, by any ideology or by any overriding interest". This gives us, as citizens, the go-ahead to influence the government to take on a role of global leadership against torture. The pre-requisite for this task is a genuine effort by the Canadian government to reform its domestic immigration enforcement system (there have been reports that under the present system, detainees and persons under removal orders have been subject to undue force and trauma).

Canada can also present its adversarial judicial system as an example to the international community and help other nations to develop similar legal systems. In this system lawyer and the prosecutor (the Crown Attorney in Canada) confront each other in the courtroom. Truth

comes out of these adversarial confrontations and minimizes the role of confession in the final verdict.

Finally, it is essential to challenge the atmosphere of violence that is the source of all sorts of torture, cruelty and atrocities. Capital punishment must be abolished, as it is the most extreme method of torture. If the world intends to live without torture, a culture of peace and non-violence needs to be fostered at a grass roots level. As relevant today as they were more than half a century ago are the words of Mahatma Gandhi:

“Absolute immorality has to be pacified by the rule of absolute morality”.

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INTERDICTION REFORM

BY DAVID MATAS

Government officials have set up an interdiction system that is motivated by the principle that no refugee claimant should have access to Canada. Yet, they are realistic enough to acknowledge that preventing access to everyone is impossible. No system works perfectly, including interdiction systems. Rather, officials are content if the barriers to access create resisters so that claimants arrive at a number that Canada can afford to process.

That approach has a number of problems with it. Nonetheless, there are positive elements to that approach. The approach shows a willingness to accept some claimants, rather than none. Secondly, there appears little doubt that Canada can afford to process present levels. The Refugee Division of the Immigration and Refugee Board is now processing at a greater rate than the rate of arrivals.

Whatever backlog the Board now has is decreasing rather than increasing.

That means that there is no need for a safe third country agreement with any country including the United States. Resisters working at their current force are generating levels low enough for Canada to process quite comfortably.

While the end of the root causes that generate refugee outflows and a consequent end to refugee arrivals would be welcome, ending or decreasing refugee arrivals with increased resister mechanisms at a time when the world refugee population is so large is inhumane. It may make sense to have resisters to decrease numbers to manageable levels. But to go beyond that is to emphasize control to the exclusion of the refugee reality, Canada's international commitments, humanitarian needs and the moral imperative.



If what the government is about is resisting to manageable levels rather than ending all arrivals, then resistance should have a target in mind. The target should be based not only on

internal administrative concerns. It should also be based on what is Canada's fair share of responsibility for the world's refugee population. Canadian resisters are resisting all too much, even at their current levels. There is no conscious match, no policy to ensure that there is some relation between the world's refugee population and control resisters. Yet, there should

1984. Yet, prior to the imposition of the visa requirement, the refugee claim intake from Guatemala was tiny, 244 claims for 1983. The acceptance rate in

Canada was high, 70.5 % in an old system that the Supreme Court of Canada found subsequently to be unfair to claimants, a system that generated an artificially low acceptance rate. And human rights violations in Guatemala at the time were of the gravest sort.

Visa requirements should not be imposed on countries as they are now, whenever there is a refugee outflow. Officials should look also at the gravity of the human rights violations generating the outflow and the numbers that arrive in Canada making refugee claims. If violations are grave, numbers are manageable, the Canadian acceptance rate is high, and Canada is a logical and accessible country of refuge, there should be no visa requirement.

2) Visa granting

A second undifferentiated resister is denial of visas to refugee claimants to come to Canada to make a claim. Some claimants should be allowed to come forward to Canada for the purpose of making refugee claims.

Visa officers have neither the experience, the knowledge, the expertise, the training, or the independence from government to make accurate refugee determinations. Visa office refugee determinations do not offer the rights necessary for fair treatment such as the right to an oral hearing, the right to counsel, the right to respond to objections before a decision is made, or the right to full disclosure of any contrary material.

The Canadian refugee sponsorship program overseas is an immigration program, not a protection program. Even refugees who make their way through the amateurish unfair refugee determination system overseas are often refused entry to Canada on immigration grounds, on grounds that they are unlikely to establish successfully in Canada.

Determinations in Canada are made by a specialized

be. Canadian resisters are unsophisticated. They are sophisticated in detecting fraudulent documents. But they are unrefined in distinguishing between real refugees and abusers. The resister mechanisms resist true refugees and abusive refugee claimants alike. The system of controls is indiscriminate, weeding out the needy and the frivolous, the desperate and the indifferent.

If Canadian resisters have a bias at all, it is against real refugees rather than for them. Many refugees do not have the time to plan their departures. They often leave precipitously, without money or with little money. Organized crime, on the other hand, has the time and the money to make every effort to circumvent Canadian controls.

The whole notion of resisters is suspect. But as long as Canada is going to have a system of resisters, then the resisters should

be refined. The system should generate a number of refugees that is commensurate with Canada's fair share of the world's refugee population. Beyond that, it should distinguish, before arrival, between those truly in need of protection and those who are not. How can that be done? I have several different proposals to make.

1) Visa controls

One current undifferentiated resister is visa controls. Admittedly, for some countries which produce refugee outflows, if the visa requirement were removed, then the numbers that would enter would be large indeed, beyond the levels that Canada has traditionally been able to process.

However, there are other countries, where before the imposition of the visa requirement the refugee inflow to Canada was small, manageable by the Canadian system. Canada was a logical and accessible country of refuge. The number of abusive claims in the Canadian refugee determination system was small. Human rights violations were grave enough to justify keeping open a Canadian escape valve.

Guatemala is an example of such a country. Canada imposed a visa requirement on Guatemala in March,

Convention Refugee Determination Division of the Immigration and Refugee Board, rather than by jack of all trades visa officers. The process is quasi-judicial, instead of administrative, with all the guarantees of fairness that accompany process is quasi-judicial, instead of administrative, with all the guarantees of fairness that accompany court like proceedings.

fairness that accompany court like proceedings. Only the inland system offers a process and criteria to provide protection to real refugees. For at least some such people, those who have *prima facie* refugee claims, or those who fit the profile of persons most likely in need of protection, visitor visas should be granted for the purpose of making a claim in Canada.

3) Carrier sanctions

A third undifferentiated resister mechanism is carrier sanctions. Carriers should not be penalized, as they are now, for bringing undocumented passengers to Canada who are refugees. Liability should be suspended, as it is for refugees themselves, pending refugee determination. If the determination is positive, proceedings against the carrier should be dropped. Differentiated carrier sanctions would make arrival to protection in Canada less difficult, because carriers would know that for bringing real refugees to Canada, they would not be penalized.

4) Overseas control

The fourth undifferentiated resister mechanism is the Canadian overseas control program, Canadian Immigration control officers abroad who train airline officials to intercept undocumented passengers and who, on occasion go about interdiction on their own.

People who are en route to Canada to make refugee claims should not simply be turned away en route. If they are to be stopped at all, there must be a mechanism in place to ensure that real refugees are not returned forcibly to the country of danger fled.

One mechanism is a safe third country agreement, not of the sort imagined by the Immigration Act, that would allow return to an intermediate country of

those who have already arrived in Canada, but, rather, one which allows for those stopped in transit to seek protection where they are stopped.

We cannot assume that a real refugee stopped en route will be given protection by the government of the country where the person is stopped, even where that country is a signatory to the Refugee Convention. Often



intermediate countries do not protect, including those countries that are signatory to the Refugee Convention. That, indeed, is often the reason why refugees are coming to Canada, rather than claiming en route. When a person en route to Canada is stopped by Canadian officials, or by

virtue of Canadian laws, and that person is forcibly returned to the country of danger fled, then that forced return is the legal and moral responsibility, primarily of the returning government, but also of Canada. Canada cannot avoid its part of the responsibility for *refoulement* on the ground that someone else does the dirty work.

Once a refugee starts en route to Canada, Canada's responsibility is engaged to ensure that the person has protection, not necessarily in Canada, but somewhere in the world. That responsibility can be discharged by safe third country agreements. The agreements must be more than mere dumping arrangements. In order to provide adequate protection to claimants, the agreements must set out minimum standards for access to the foreign system, for due process in refugee determination, for assessment of credibility, for application of the refugee definition, and for treatment of claimants both pending processing and after determination. These minimum standards must be no lower than the minimum standards that would be legally acceptable in Canada. Each

agreement must also contain an adequate compliance mechanism, including periodic monitoring and assessment.

It would be a mistake, as I have already suggested, to attempt to enter into such agreements for the purpose of returning those who have already arrived in Canada. Even for those stopped en route, given the current numbers, in the range of 9,000 a year, allowing them to come forward would not present Canada with unmanageable numbers. Safe third country agreements of the sort I have suggested are not necessary to manage unwieldy numbers. They are only, I believe, a minimum requirement that must be met before Canada can in good conscience interdict.

A second mechanism that could be put in place to ensure that real refugees stopped en route to Canada are not returned forcibly to the country of danger fled is Canadian screening en route. That screening can take one of two forms. One is



refugee screening. The other is eligibility screening. If there is to be Canadian refugee screening en route, the question arises whether the process and standards of screening would be those used by Canadian visa posts abroad or those used for inland determinations. The overseas and inland systems are quite different. Ideally, the two should be similar. A person should not be advantaged in making a refugee claim simply by coming to Canada, as the person is now. A bad Canadian system overseas creates an artificial incentive to come to Canada, generating its own control problems. The two systems should not become geographically neutral by a deterioration of the inland system, but rather by an improvement in

the system overseas. How to make the inland and overseas systems geographically neutral is a subject of discussion all of its own, which has been canvassed fully in the report of the Task Force on Overseas Protection of the Canadian Council for Refugees. For the purpose of this text, I would just say that unless and until the overseas screening system is changed to become equivalent to the inland system, or closer to equivalent, screening en route creates impossible problems. Either screening en route approximates Canadian screening, in which case there would be an unjustifiable differentiation with screening at Canadian visa posts abroad, or screening en route approximates screening at Canadian visa posts abroad, in which case there would be an unjustifiable differentiation with screening inland. Indeed, one reason why claimants come to Canada is to circumvent the arbitrary, unfair immigration based screening at visa posts abroad. Imposing visa post like screening en route would just proliferate the present unfairness.

The second form of screening en route is eligibility screening. Those who would be eligible to make a refugee claim if they were in Canada should be allowed to come to Canada to make a claim. Those who would be ineligible to make a claim if in Canada, would be screened out en route. This form of screening, if effective, would prevent the arrival in Canada of terrorists and serious criminals. It would allow the arrival in Canada of all those who would fit within the refugee definition. Eligibility screening is more complex than screening of documentation. It is, on the other hand, far simpler and quicker than refugee screening. It is a legitimate halfway solution between letting everyone in and stopping en route everyone who is improperly documented.

Interdiction in its present form must stop. It is a violation of international law, of morality, of principles of humanity. The choice does not have to be made between letting everyone in who is coming to Canada without proper documentation and letting no one in. There is a duty to find a control system that comes closer to meeting Canadian legal and moral human rights and humanitarian obligations.

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REFUGEES IN THE MEDIA

BY MICHAEL DEBANNÉ

Columnist Diane Francis is editor at large for the financial section of the National Post and is often syndicated throughout the Southam chain, owned by Conrad Black. For the last several months, during which the Ministry of Immigration has been reviewing Canada's immigration and refugee laws, she has been on a self-proclaimed campaign to influence changes to those laws - changes which many would argue are draconian in nature.

When we read someone like Diane Francis our anger arises not only from our disagreement with the point of view conveyed but also from the expectation that journalists and the organizations they work for should adhere to a prescribed set of rules and principles. And when they don't, we feel that the democratic values we hold our society up to have been violated or are unfulfilled. At the same time, we also feel conflicted because the journalist in question is exercising the right to express her- or himself freely.

The conflict stems from the concurrent use of two concepts that are in tension with each other to define the news media: the ideal of objectivity, and the notion of a "free press".

The problem with the outrageous opinions of Diane Francis as published in The National Post, is that The Post acts in part like a free press of the eighteenth and early nineteenth century, but in a post-free press mass communications reality, where the concentration of ownership and narrow spectrum of ideas is rationalized by the ideal of objectivity.

The National Post is unlike most other papers, in that the owner, Conrad Black, has an idiomatic public persona. His feature columnists, Diane Francis, Andrew Coyne, Terrance Corcorane, David

Frum, etc. personify his identity, much in the same way as the journalists of the "free press" personified their patrons' personalities. This of course is anathema to the culture of objectivity in news media. The owner of an objective newspaper is at most to be seen, but definitely not heard.

The ideal of objectivity, in terms of the news industry, emerged in the early 1900s. The journalists of the nineteenth century did not think of news as objective fact. Facts were determined by truth, and truth was something that was philosophically defined by one's doctrine or ideology. So for example, what was fact for an Irish Catholic was not necessarily fact for an Orangeman. The newspapers emphasized the expression of outrageous opinions, as opposed to the reporting of empirical facts. Historians identify this period, roughly between 1850 and 1920, as the era of the free press.

The concept of the free press has its roots in the libertarian tradition, which advocates the vigorous competition of diverse and varied opinions in a marketplace of ideas. The fundamental condition for a functioning free press in libertarian theory is a variety of accessible media outlets. So for instance, in the 1860s Halifax had eight tri-weekly newspapers, owned by a variety of political, clerical and business patrons. The reports and commentary of each paper reflected the perspective of the world held by its owner and the community. And it was not uncommon for them to correspond with each other through commentary, sometimes each as outrageously as the other.

Two crucial changes took place at the end of the nineteenth century that initiated the death of the free press and created the conditions for the ideal of objectivity to define the news industry. First, the rising cost of publishing made it more difficult for minority groups to start up papers in the commercial market. Second, the increase in publishing costs forced a shift of revenue from sales to advertising. In effect, the collapse of many publics into a "mass" audience necessitated a standardized product, and facts presented as divorced



(Patricia Royak)

Some thrown to the waters, the rest to the fire,
The verses of a shipwrecked man.

I wrote the words for passion,
For love and for desire,

I tear my heart of paper
And scatter its parts on the wind.

I seal my heart in a bottle
And throw it out to sea.

Exile

Diane Francis is a columnist, so, we expect her writing to be opinion oriented as opposed to fact driven. However, we still expect her to follow the "rules", but she doesn't. And when organizations like the Canadian Council for Refugees submit opinion pieces of their own that counter the opinions of Francis, only one or two might get published, and they certainly are not syndicated. Nor does Canada's other national newspaper, The Globe and Mail, publish its own responses or column providing a counter perspective. It does not see itself as having that role.

In Canada, most cities have only one major daily, from which readers get local news provided by local reporters. Most of the rest of the news, national and international, is generally not very different from that of most other papers as it comes from a news service. So what differentiates these papers, other than the local news, is their commentary and features.

However, objectivity was more than just naive empiricism, it implied method. A person's statements about the world could only be trusted if they were submitted to established rules. The idea that there is only one way of knowing and reporting events meant that a plurality of competing reports and interpretations was not necessary. As long as the "rules" were followed, the truth presented as a series of facts would be delivered. A culture of knowledge production and brokering developed; the emergence of the news service, such as Canadian Press (CP), characterized this culture.

from opinion or ideology formed that product.

It is in this context that perhaps what threatens democracy the most is not a lack of objectivity, but our expectation for objectivity as a defining construct of the news media should operate.

Conrad Black gives columnists like Diane Francis free reign by using the guise of a free press to absolve his paper of the responsibilities associated with an objective press. Meanwhile, he has undermined the potential for plurality - a fundamental condition for the functioning of a free press - by purchasing almost every major news daily in this country. He is playing "dirty pool". Canada's Charter of Rights and Freedoms guarantees us the right to freely express our ideas through the mass media, but not necessarily the right to access these media. Diane Francis can write almost anything she pleases, and we, it seems, have very little right to do anything about it. This dissonance has led to passivity, the suffocation of plurality and open discourse.

In a culture of objective knowledge, we expect others (in this case journalists) who are trained, who know the rules of discovery to provide us with "the truth". In so doing, we hand over our rights in the public sphere to them, believing that they will play fair - substantiate their "facts" and represent all views.

Michael Debanne is the media consultant for the Canadian Council for Refugees.

RÉSOLUTIONS DU CONSEIL CANADIEN POUR LES RÉFUGIÉS CONSULTATION À HALIFAX

BY JANET DENCH

Editor's note: During the most recent Canadian Council for Refugees' consultation in Halifax, the more than two hundred delegates discussed many issues of concern. The following resolutions were passed. For an English translation, please consult the CCR website: www.ccr.web.net

Lors de la récente tenue (la toute première rencontre du CCR dans les provinces atlantiques), les membres ont adopté 15 résolutions, exprimant ainsi leurs préoccupations actuelles.

On ne s'étonnerait pas du fait que les questions relatives aux réfugiés du Kosovo ont attiré l'attention des membres. En effet, un Énoncé de position au sujet de l'« Établissement au Canada de réfugiés du Kosovo » a été adopté. Guidé par l'objectif de réinstaller partout au Canada, les réfugiés du Kosovo actuellement placés dans les sites de subsistance du gouvernement, l'énoncé propose des principes qui devraient inspirer les actions de tous les intervenants. Le contexte de travail était la conviction d'un besoin (pas toujours rencontré) de communication, de partenariat, de consultation et de réponse coordonnée entre les divers niveaux de gouvernements, les organismes de parrainage et les organismes d'établissement. Une autre résolution accueillait favorablement le program du HCR pour les Kosovars et la réponse du gouvernement du Canada, et demandait que des mesures soient mises à la disposition d'autres populations de réfugiés.

Les causes profondes du déplacement des réfugiés kosovars ont également retenu l'attention des membres, dans la résolution 11, qui appelle les différents acteurs (le Canada, la Yougoslavie et le Tribunal pénal international pour l'ex-Yougoslavie) à agir en faveur de la paix et de la justice.

Les membres n'oubliaient pas les autres réfugiés dont la situation est bien moins médiatisée. Suite à un atelier très réussi sur le Sierra Leone, une résolution demande au HCR d'assurer la protection des réfugiés

de ce pays, et au gouvernement du Canada de promouvoir la réinstallation des réfugiés sierra-léoniens et de soutenir les opérations de secours à l'intention des réfugiés du Sierra Leone.

Deux autres situations particulière sur le continent africain ont préoccupé les participants à la réunion : des Tutsis en République Démocratique du Congo, dont certains sont en détention ou cachés depuis octobre 1998, et les femmes réfugiées au camp de Dadaab, au Kenya, qui vont vraisemblablement faire face à une augmentation de risques de viol lorsque le financement du programme de bois à cuisiner prend fin en juin 1999.

Découragé par le fait que le lancement d'un projet pilote de protection urgente Femmes en péril a été à maintes reprises reporté, le CCR réclame du gouvernement un lancement sans autre délai.

Le projet du CCR d'élaboration de normes pan-canadiennes en matière des services d'établissement a été appuyé par les membres dans une résolution, qui soutient la version préliminaire d'un cadre de référence et adopte la stratégie de développement proposée.

En ce qui concerne la gestion des services d'établissement, le CCR poursuit les préoccupations exprimés dans une résolution de novembre 1998, prenant note avec inquiétude de la dégradation des relations entre des organismes d'établissement et le CIC dans certaines régions, découlant de l'application de la micro-gestion. Le CCR demande une meilleure consultation auprès des organismes d'établissement et propose des modifications aux pratiques courantes. La nécessité d'une meilleure consultation est également le thème d'une résolution portant sur les mesures de résultats du programme de cours linguistiques.

Un atelier sur le projet Metropolis (projet de recherche internationale et nationale sur la migration) a fait ses échos à l'assemblée générale. Le CCR demande au secrétariat ainsi qu'à tous les centres de Metropolis au Canada une meilleure collaboration

risques, aux améliorations devant être apportées à la CISR et à la révision pré-renvoi.

Face à la divulgation de plus en plus fréquente du formulaire de renseignements personnels d'un demandeur à un autre demandeur, le CCR a adopté une résolution demandant à la CISR de ne pas divulguer les FRR à moins que soit rencontrées certaines conditions précises visant à protéger les droits et la sécurité de la personne.

Janet Dench est la Directrice de le Conseil Canadien pour les Réfugiés (CCR).



KOSOVAR REFUGEES: NEW DIRECTIONS FOR CANADA'S REFUGEE PROGRAMS

BY BARBARA TREVIRANUS

the pressure on Macedonia and Albania particularly.

As airlifts to Canada were initially put on hold, the first Kosovar refugees arrived in Canada under the "Fast Track Processing of Kosovar Refugees". Under the Fast Track Program, Canada undertook to expedite the processing of any Kosovar refugee with relatives in Canada or any with special needs referred to Citizenship and Immigration Canada (CIC) in Macedonia or Albania by the UNHCR. Over 1,200 refugees have arrived in Canada to date- and many more are in the pipeline. On April 30, UNHCR took up Canada's offer to also participate in the airlift program, and 5,051 refugees were quickly brought to Canada. Each of these refugees will receive up to 24 of financial support, and extended Interim Federal Health coverage.

The expedited processing under both the Fast Track Program and the airlift, and the services offered upon

avec le secteur de l'établissement.

En ce qui concerne les demandeurs du statut de réfugié, le CCR a pris note du fait que le Manitoba et la Colombie-Britannique viennent de reconnaître les demandeurs du statut de réfugié comme des prestataires légitimes de services d'établissement, et insiste afin que les demandeurs du statut de réfugié soient éligibles à ces services partout au Canada.

La situation des apatrides est abordée à la résolution 13, qui demande au gouvernement du Canada d'assurer la protection des apatrides et de ratifier la Convention de 1954 relative au Statut des apatrides.

La Ministre de la Citoyenneté et de l'Immigration ayant proposé dans son livre blanc que le mandat de la CISR soit étendu pour inclure les risques de retour, le CCR a exprimé son appui à la proposition, pourvu qu'elle réponde à une série de critères ayant trait à la définition de risques, au moment de l'évaluation des

At the time of writing this article the images that fill our television screens are those of Kosovar Albanian refugees streaming back into Kosovo- and Kosovar Serbs fleeing in fear. The refugees are returning to destroyed houses and infrastructure, and sometimes, grisly discoveries. This conflict is far from over, but the likelihood is that our flickle media attention will soon slip away from the images of Kosovo.

For those interested in Canadian refugee policy, however, the Canadian response to the mass exodus of refugees, and to the request to participate in the evacuation program from Macedonia and Albania will hold our attention for much longer.

Canada reacted quickly to the United Nations High Commissioner for Refugees (UNHCR) appeal to provide a temporary safe haven for Kosovo refugees. The Emergency Evacuation Program was designed to safeguard refugee protection in the region, by relieving

arrival, represent new directions in Canada's refugee policies, and set precedents for all refugees that we should carefully monitor. To a certain extent, these "new directions" are consistent with the proposals made under the legislative review process. The "white paper" proposed a more responsive overseas resettlement program, one that ensures the immediate entry of urgent protection cases, and allows members of an extended family to be processed together overseas.

Clearly, political realities make the Kosovar movement unique, and it is unlikely that policy-makers imagined a movement that was so very responsive, that expedited the arrival of such a large number of refugees, and that brought to Canada such a high number of elderly refugees- normally not included in refugee movements. It is even more unlikely that an expedited movement of largely undocumented refugees was envisioned, particularly as only the most basic medical and security screening was conducted overseas.

The plight of the Kosovars has revived Canadian empathy for refugees, and has produced an overwhelmingly supportive response to the call for sponsoring groups, and support for those at the military bases. In recent months, Canadians have been exposed more forcefully to the reality of refugee flight, and have reacted more sympathetically to refugee needs.

While the Kosovar movement may indeed be unique, it has been proven that CIC can react quickly, can process and transport refugees immediately, can make exceptions to policies regarding documents and

admissibility requirements, and can offer extended services in Canada.

The precedents have been set, and it is now our challenge to turn Canadian attention to, among others:

- the Somali man who has no documents that CIC will accept, and must wait years to reunite with his family
- the Bosnian family about to be sponsored to Canada, whose elderly relative is deemed inadmissible
- the Afghan women denied the right to bring even her closest family member because her income is too low
- the refugee claimant who has access to only limited medical coverage under the usual Interim Federal Health coverage
- all the refugees who struggle to pay their huge travel and "head tax" loans.

It is on this last point where no precedence has yet been set. The images of the refugees fleeing Kosovo with nothing brought home to Canadians how truly unjust it is to require refugees to pay a \$975 Head Tax (officially called the Right of Landing Fee or ROLF) for the privilege of becoming permanent residents in Canada. However, the government has been able to deflect attention from the head tax- and unless we capture the attention again, the Kosovar refugees, will in this respect, be treated like all other refugees and immigrants coming to Canada.

Barbara Treviranus works with refugee sponsorship in Toronto.

"The time has come to look at refugees quite apart from ideological positions, which have thus far prevented the elaboration of international agreements suited to contemporary needs."

*From Pontifical message:
"Refugees: A Challenge to Solidarity"*

AFRICAN REFUGEE DAY (JUNE 20)



United Nations High Commissioner for Refugees Sadako Ogata flew to Kenya Sunday to highlight the plight of some 7.2 million refugees in Africa, in observance of African Refugee Day. According to the UNHCR, Sierra Leone leads the continent with some 400,000 refugees, mostly in Guinea and Liberia, with an additional one million internally displaced persons. Ogata told the BBC that Kosovo had initially attracted more attention because of its emergency nature, but said the U.N. still devotes 50% of its resources to African refugees. However, an estimated 15 times more money - \$1.60 - is spent daily on each refugee from Kosovo compared to only 11 cents spent on each African one. Ogata said she wanted African Refugee Day to remind the world about the continent's refugee problems. "This year especially, while much of the world's attention is focused on the

refugee crisis in Kosovo, let us not forget this important African anniversary and its enduring meaning for refugees all over the world," she said. She added that many African countries faced long-term refugee burdens which had been a severe hardship on their already impoverished economies. (Taken from: www.sierra-leone.org (June 20))

JULY 26 INTERNATIONAL DAY TO REMEMBER VICTIMS OF TORTURE

The Canadian Centre for the Victims of Torture organized an evening of ethnic entertainment plus messages of support from various supporters.

CELEBRATE 20 YEARS OF ARRIVAL OF THE "BOAT PEOPLE"

This summer marks the 20th anniversary of the arrival of the South-East Asian "boat people" in Canada. We hope that many of you will be interested in organizing local events, in conjunction with the local Vietnamese, Cambodian and Laotian communities. This is a great chance to increase public awareness about refugees, celebrate the response of Canadians to these refugees and the contribution that these communities have made to Canada over the 20 years that they have been here.

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