

REFUGEE UPDATE

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SHARING ATTACHMENT PRACTICES ACROSS CULTURES: LEARNING FROM IMMIGRANTS AND REFUGEES

BY FARAH MAWANI

Introduction

The project, *Sharing Attachment Practices Across Cultures: Learning from Immigrants and Refugees*, was a national project funded by Health Canada's National Projects Fund. It was led by the St. Joseph's Women's Health Centre (WHC) in Toronto, and by the project it hosts, the Parkdale Parents' Primary Prevention Project (PPP1PP). The project also benefited from the direction of a National Advisory Panel made up of representatives of each region across Canada.

The project developed out of a growing recognition of the need to inform and educate community-based agencies across Canada on the value of supporting and promoting cross-cultural attachment practices in their everyday programming and responsiveness to families with young children. The project was an exploratory research project, conducted as a qualitative study of parents with children aged 0-5 across Canada.

Attachment



Attachment is the deep emotional bond formed between children and one or more adults, usually a parent or caregiver. This attachment provides a sense of security to children and allows them to explore their environment, returning to the adult during periods of distress. Development of this emotional bond or attachment involves parents providing love, nurturing, trust, safety, respect, and sensitively responding to children's needs.¹ Attachment is the neurological basis for emotional and intellectual development for life. It is also

linked to health and well being at all stages of development. *Attachment behaviours* are those behaviours that children

¹ This definition was chosen by the National Advisory Panel, to act as the working definition for the project. It is a combination of definitions from different sources which represents what the National Advisory Panel felt was most important.

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different countries of origin. The similarities reinforce the
notion that the infant-caregiver attachment relationship and
mothers' desire for securely attached children is universal.
The differences in beliefs and values about themes such as
respect, freedom, and independence, are important to
understand because they influence mothers' attachment
practices and perceptions of child development. There are
a number of attachment practices, such as carrying babies
and infants in slings, and sleeping in the same bed as
babies and infants, that are common in many non-Western
parts of the world and have been shown to be beneficial to
children's development.

When families migrate to Canada, their
experiences of loss of home, loss of family,
loss of community, loss of language, loss
of status, trauma, culture shock, and the
process of acculturation, have a large
impact on mothers and children and thus
provide challenges to their attachment
relationships. If parents do not feel
supported or secure, it is difficult for them
to provide their children with a sense of
security. At the same time, mothers and
families tend to focus their energy into
creating a better future for their children,
and in doing so, maintain effective
attachment practices.

Project Resources

A poster series has been designed to validate what parents
are already doing and to provide information on the
meaning and significance of attachment for their children's
current and future well-being. A print toolkit and a web-
site have also been developed
(www.attachmentcrosscultures.org), containing concrete
resources for the use of service providers in community,
health and social service agencies.

Conclusions

Agencies can help immigrant and refugee mothers and
families to create a 'better' future for their children by
offering support to them in overcoming the great
challenges in promoting attachment within a different
context from that in which they were raised. Agencies can
improve their overall service delivery by learning from and
building on the strengths apparent in a group that is
upholding strong values, maintaining positive practices,
and incorporating new ideas in promoting attachment with
their children.

use to seek and maintain closeness to their primary
attachment figure. They include crying, grasping, clinging,
reaching, crawling, smiling, and vocalizing. These
behaviours promote the physical safety and survival of
children. Attachment practices are those practices that
parents use to develop a deep and lasting emotional bond
with their children, and to respond to their children's
attachment behaviours.

Cross-cultural Attachment

Although, the attachment relationship is universal,



attachment behaviours and practices
may vary in different parts of the
world. Immigrant and refugee
families come to Canada bringing with
them a wealth of experience,
knowledge and skills regarding child-
rearing practices, that in many cases
have been traditionally passed down
from generation to generation. It is
important not only to acknowledge
and validate these positive practices
but to learn from them and apply
them in overall programming and
service delivery to support and
benefit families.

Project Objectives

1. To identify, support and validate similarities and differences in attachment beliefs, values and practices used by immigrants and refugees to promote attachment of their children between the ages of 0 and 5 years.
2. To identify the impact of migration and resettlement on attachment beliefs, values and practices of immigrant and refugee families from diverse backgrounds.
3. To identify specific strategies used to maintain effective practices for ensuring positive attachment of children in diverse ethno-specific communities.

Project Process

In-depth interviews and focus group discussions were conducted with 133 parents and 20 service providers across Canada. The parents came from 50 different countries around the world. The major themes that came out of the analysis of the interviews were used to develop the practical resources created by the project for the use of community, health and social service agencies across the country.

Project Findings

There are similarities as well as differences in attachment beliefs, values and practices amongst mothers from

DENIAL OF EDUCATION TO IMMIGRANT AND REFUGEE CHILDREN IN CANADA

BY GERALDINE SADOWAY

"Many things can wait.

Children cannot.

To them we cannot say tomorrow, their name is today."

Gabriela Mistral, Chilean poet

These lines are particularly relevant when we are talking about the education of children. Denial of access to education for several months, or for a year or two or three, is likely to have a devastating impact on a child's development and future. Since education became compulsory for all children in Canada, we have developed careful laws to ensure regular school attendance for the protection of all children and for the good of our society. The truant officer is one of those almost mythical figures in our own and our parents' memories of childhood; school absenteeism and the "drop-out" rate continue to be recognized as an index of failure in our society.

Nationally, Canada is a leading proponent of universal access to education for children and Canada was an active participant in negotiations for the *United Nations Convention on the Rights of the Child* (UNCRC). Canada signed and ratified this Convention in 1991 and, in recognition of the federal nature of the Canadian state, the Convention has also been ratified by each of the provinces and territories of Canada.

Under the UNCRC, "every human being" under the age of 18 is a child [Article 1]; the primary rights in the Convention are guaranteed to every child within the jurisdiction of the state without discrimination on any basis, including "status" [Article 2]; and state authorities are required to make "the best interests of the child" a primary consideration in all actions concerning children [Article 3]. The universal right to education for all children is set out in Article 28 of the Convention:

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- (a) Make primary education compulsory and available free to all
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the

introduction of free education and offering financial assistance in case of need.

According to section 22 of the UNCRC, refugee children and children seeking refugee status are to be accorded all the rights set out in the Convention.

Yet today in Canada, in one of the richest countries in the world, children who want to go to school, and whose parents want them to go to school, are being denied access to school for weeks, months and even years because of their status as refugees or immigrants, or as children who do not have legal immigration "status" in Canada, either because of the delays in the landing procedures or because their parents have not applied for landed immigrant status or have been refused status in Canada. Even children who have become wards of the state as a result of separation from their parents or guardians are being denied access to our schools.

In Canada, federal law governs immigration matters through the *Immigration Act*, and the provinces enact legislation to govern school attendance in each province, such as the *Ontario Education Act*. It is interesting to note that the *Immigration Act* [s.10] and *Regulations* [s. 14.1] only require student authorizations for visiting students and appear to be directed at persons seeking to attend post-secondary institutions in Canada. The *Ontario Education Act* expressly provides that students under 18 should not be refused admission because the child or their parent or guardian is unlawfully in Canada [*Education Act*, section 49.1] In fact, the provincial *Act* makes it an offense for anyone under the age of 16 *not* to be in school [Section 21]. However a policy directive sent from the Department of Immigration in 1996 to provincial school boards, advised education officials to request student authorizations for any student - from grade one on - before allowing them to attend school if they are not Canadian citizens or permanent residents of Canada.

PCLS law student Caroline Sand has written a... of a leave for judicial review to take the Ministry of Education to court in an attempt to force them to abide by the terms of their own Act. PCLS is now considering a request for test case funding from the

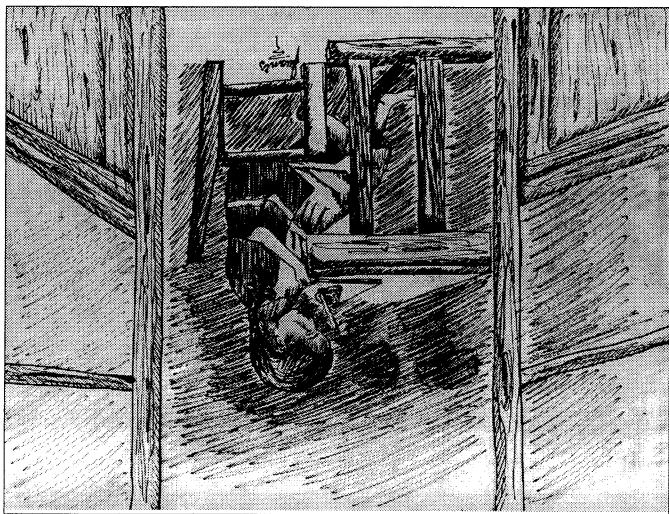
5. Possible Test Case

This short documentary has been made available to many groups working on the issue and provides poignant evidence of the serious harm caused to the children who are being refused school admission.

- RM, age 17,

are running out of time. school education is being wasted, and we love most to do...we feel like part of our so frustrating not going to school which we not been accepted on many occasion. It (is) getting my brother and I into school and has approved, my mother and stepfather had try has not yet (been) because my sponsorship now being sponsored and been here almost two years do [sic] not have. I've education that my country toward a better life in opportunity Canada has Vincent because of me I came to Canada from

admissions to school: it was to be refused checks, described how hard tears glistening on his process. One of the boys, of the inland sponsorship school because of the delay missed a year and a half of documentary report interviewing two boys who had In February of 2000, CBC's Sheilagh Minese did a



4. CBC Documentary

documentary report interviewing two boys who had In February of 2000, CBC's Sheilagh Minese did a request and a project to publish an article in a May 2000. These briefs have been distributed upon Access to Education in Ontario" by Dina Graser, Fogel, May 1999; "A Time to Learn: The Fight for Right to Free Education in Ontario" by Daniel Fogel, May 1999; "Undocumented Children's international human rights issues, and the broader Canada, analyzing the constitutional issues, the the issue of denial of education rights to children in Law students at PCLS have written legal briefs on 3. Law Reform Briefs:

sample letters, a list of legal clinics and other resources where parents can turn for help if they face problems registering their children in schools.

PCLS has engaged in public legal education by working with Community Legal Education Ontario (CLEO) to produce a brochure entitled "Every child's legal right to education." Written by former PCLS student Daniel Fogel, it sets out the law in clear, easy-to-read language. It is currently being translated into Chinese, Russian, Serbo-Croatian, Vietnamese, French, Portuguese and Spanish, with assistance from the Law Foundation of Ontario, CLEO, and the Toronto District School Board. The brochure is available through CLEO across Ontario and PCLS continues to distribute it on an ongoing basis to local community organizations. PCLS is also developing a full package of information which contains the brochure,

2. Public Legal Education

Our consultation with Immigration Canada has indicated that we are in keeping with the Immigration Act and any student who has gone to school without student authorization...is illegally attending school.

On an individual basis, we provide the child (or parent) with a letter which explains the law to a principal and requests that the child be allowed to attend school. Some boards, such as the Toronto District School Board, understand the problem and principals are relatively sympathetic; often the letter is sufficient for registration purposes. Other boards, however, such as those in the Dufferin, Peel and Niagara districts, are unmovable. As the "Equity Officer" of the Peel District School Board said in a CBC news broadcast in February of 2000:

1. Case-by-Case Solutions

On an individual basis, we provide the child (or parent) with a letter which explains the law to a principal and requests that the child be allowed to attend school. Some boards, such as the Toronto District School Board, understand the problem and principals are relatively sympathetic; often the letter is sufficient for registration purposes. Other boards, however, such as those in the Dufferin, Peel and Niagara districts, are unmovable. As the "Equity Officer" of the Peel District School Board said in a CBC news broadcast in February of 2000:

Despite the fact that education is an area of exclusive provincial jurisdiction, Boards of Education have followed the federal directive under the mistaken impression that federal law is always more important than provincial law. The situation is compounded by the provincial government's refusal to enforce the terms of the provincial *Education Act* which expressly gives all students the right to public education, regardless of their immigration status. Without alternate direction from the provincial government, most school board officials simply ignore their own governing legislation; others interpret it on a case-by-case basis as they see fit.

Ontario Legal Aid Plan to pursue the case. In the United States, the case of Plyler v. Doe decided in 1982 that all children in the United States, regardless of their legal status have a constitutional right to free public education. Fully our *Charter of Rights and Freedoms* and our commitment at both the federal and provincial level to the *U.N. Convention on the Rights of the Child* is at least as strong as the U.S. Constitution.

6. Political Lobbying

Following upon our article in *Refugee Update* in January of 1998, PCLS has continuously raised this issue in different community fora: meetings of the Canadian Council for Refugees (June 1999, December 1999, May 2000), the PCLS training Conference on Immigration and Refugee Law (February 1999), subsequent conferences for the Toronto Hostel Training Centre (Oct 1999, Mar 2000, Aug 2000, Nov 2000, Feb 2001), and meeting of the PCLS Alumnae and Friends (Oct 1999, Jan 2000). At a key meeting of the Advisory Committee on Immigration and Refugee Issues in May of 1999 at Toronto City Hall, I had an opportunity to address this issue with the superintendents of the Catholic and Public School Boards in Toronto and won their support in principle.

PCLS has also communicated directly with Elinor Caplan, the Minister of Citizenship and Immigration on this issue. In September of 1999, I met with Minister Caplan as part of a delegation from the Coalition for a Just Immigration and Refugee Policy and learned that the Minister was very sympathetic on this issue as she had been directly involved, when she was a provincial MPP, in amending the *Ontario Education Act*, to ensure that children would not be refused admission to school because of lack of immigration status. At the December 1999 meeting of the Canadian Council for Refugees, I asked Minister Caplan to declare publicly that the Minister has no objection to school age children being admitted to primary and secondary schools in Canada without a student authorization. She went as far as stating that she had given a directive to her officers that no immigration enforcement action would take place with regards to school attendance of children without student authorizations.

On February 18, 2000, Community Legal Worker Amarna Moscote and two PCLS law students met our federal M.P., Sarmite Bulte. Bulte proved to be enormously supportive of the issue: she asked for an article to be written for her constituency newsletter, and offered not only to write a letter in support of our position to the Minister, but to ask a question of her in the House of Commons. In answer to

M.P. Sarmite Bulte's question in the House on February 28, 2000, Minister Caplan responded as follows:

Mr. Speaker, this issue is very dear to my heart. I firmly believe that no child should be denied education.

I have reviewed the regulations which require school authorization for post-secondary and vocational schools. I am convinced that there is no barrier there to any child in Canada whether they have been here for 10 minutes, 10 months or 10 years.

If that is not clear enough, I want to say again that I do not think any kid should be denied an education. I intend to continue to clarify that at every opportunity.

On March 20, 2000 we wrote to the Minister again, thanking her for her response and drawing her attention to internal Policy IMM-5217E (01-96), the directive which is sent to provincial school boards to request student authorizations. While we did not receive a response immediately from the Minister's office, it was just over two weeks later that Bill C-31, the *Immigration and Refugee Protection Act*, was introduced in the house, containing the revised legislation. According to C-31, section 26:

(1) A foreign national, other than a permanent resident, may not work or study in Canada unless authorized to do so under this Act.

(2) A minor child in Canada does not require an authorization to study at the pre-school, primary or secondary level. However, the

minor child of a temporary resident requires the authorization if the temporary resident is not authorized to work or study in Canada.

Bill C-31 died when the federal election was called in the fall of 2000 but Bill C-11, the *Immigration and Refugee Protection Act*, is now before the House and section 30 of Bill C-11 states as follows:

(1) A foreign national, other than a permanent resident, may not work or study in Canada unless authorized to do so under this Act.

(2) A minor child in Canada, other than a child of a temporary resident not authorized to work or study, is authorized to study at the pre-school, primary or secondary level.



The great Indian poet Rabindranath Tagore remarked some 70 years ago: "every time a child is born it brings with it the hope that God is not yet disappointed with man." Every member of the human family has at one a time been a child. Therefore sympathy for children must not know any boundary. It is, however, unfortunate that generation after generation, children have been ignored by elders. The tragedy of refugee children is occurring in every quarter of the globe. There are around 8 million refugee children desperately in need of help and resettlement. To this we should add more than 15 million displaced children and 2 million children who live in a refugee-like situation.

Bereaved and traumatized, with most family members dead, there is little joy ahead for refugee children. Most of them are incapable of imagining a life other than the one they live in violent and oppressive camps. Refugee children are far from satisfying their basic needs and the most



Uprooted children have often suffered as innocent victims caught up in hostilities. In some areas, the fighting is older than the children are. There are children of war who have never tasted another type of living. In some

fundamental standards required for the sound and healthy development of a child. Most of them live in war zones and concentration camps. There is a saying that "all war is war against children." War and violence have even penetrated the games refugee children play. At worst, they play with explosives disguised as toys and at best with barbed wires. The violence and inhumanity refugee children and their families have gone through are frequently reproduced in their games. This is, obviously, dangerous for the healthy upbringing of a child.

REFUGEE CHILDREN: SUFFERING IN SILENCE

BY EZAT MOSSALLANEJAD



Conclusion: More work to be done: PCLS is aware of the continuing pressure within the school boards of Ontario to restrict school admission to Canadian citizens, permanent residents and to children who have student authorizations from Canada Immigration

The problem with section 30 as it stands is that school boards, if they continue to accept federal paramouncy in this area, will have to inquire as to the status of the child to find out whether the child is the "child of a temporary resident not authorized to work or study." Just the fact that the school board asks for this information may be enough to frighten undocumented parents from pursuing the attempt to get their children into school. Children of persons who are seeking refugee status but have not yet been given any documentation, such as the work authorization or student authorization, may be seen by the school boards as children of "temporary residents not authorized to work or study" and refused admission. Will we again find ourselves in the anomalous situation of advising people to allow their legal "temporary" status to expire so that the children can be admitted to school?

We will ask that the Minister amend section 30(2) to read as follows:
 (2) A minor child in Canada is authorized to study at the pre-school, primary or secondary level.

and to deny and delay admission to schools of children who don't have the required "status". Despite clear statements of the current Minister of Citizenship and Immigration that school admission will not be an area of immigration enforcement action and that "no child should be denied education," despite the fact that no school or school board has ever been charged with a violation of the *Immigration Act* for admitting children to school without immigration authorization, and despite the clear requirements of the provincial *Education Act*, we continue to meet a strong resistance from the school boards to the admission of these immigrant and refugee children. We are concerned that our case by case approach will no longer be possible if more rigid policies are put in place in Toronto, following the adamantly rigid positions of the Dufferin, Peel and Niagara school boards. We hear of similar problems in other parts of Canada. Perhaps the only solution is to take the case to court. As everyone knows, the court process always takes time. Unfortunately, in the life of a child, justice delayed is most certainly justice denied.

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areas of heavy bombardments, when the bombs begin to drop, children run to the shelters in pairs: one or two with fathers and others with mothers. Never all together: if a bomb hits, the whole family will die together.

Another human tragedy is the recruitment of children by the governments and opposition forces to fight in wars. The phenomenon of child soldiers is an ever-increasing problem. There are currently 36 countries where it is reported that children under 18 are participating in armed conflicts. Reports have documented child soldiers as young as five years of age. The common perception is that only male youth are recruited, but, in reality, both male and female children have been forced to participate in armed conflicts. (Child Soldiers: Youth Who Participate in Armed Conflict, 1999)



A positive development in this issue is that 68 countries have recently signed a new international treaty (an Optional Protocol to CRC) prohibiting the participation of children in armed conflict. A number of countries who have signed the Optional Protocol to the Convention on the Rights of the Child (CRC), however, have not committed to upholding the protocol which prohibits them from recruiting any child as a soldier if he/she is under 18 years of age.

Canada is one such country that continues to recruit children "voluntarily" into military service. (Press Release, The Coalition to Stop the Use of Child Soldiers, September 2000)

Additionally, thousands of separated children - children with no parents, relatives or friends - are abandoned in refugee camps all over the world. When a parent dies in a camp, the child will be left with no love, care, and protection. Even the United Nations High Commissioner for Refugees is reluctant to extend its mandatory protection to separated children ("unaccompanied minors") by considering their resettlement in Western countries.

The plight of refugee children is the microcosm of the global predicament in which women have been reduced to a inferior status. Refugee girls are suffering more. They have to take care of their baby sisters and brothers in the absence or death of their mothers. Child parenthood (sometimes at the age of 6) is a normal phenomenon in refugee camps. Given the difficult conditions of survival at

camps, parenthood imposes a heavy responsibility on refugee children at their most tender age when they themselves need parental cares and affection.

Refugee children who are left parentless and without families increasingly find themselves neglected, denied food and education, exploited for their labor and are commonly victims of physical or sexual abuse. Such is the case in Guinea where refugee camp workers have found that the plight of separated girl children is particularly severe. (Human Rights Watch - World Report, 2000)

The iron law of survival in refugee camps has forced almost all refugee children to do all sorts of hard physical labor. The intensity and awkward condition of work have proved to be highly detrimental to the healthy growth of refugee children.

Refugee children at camps live a helpless and vulnerable life. Most of them have never been registered. They suffer from the crisis of identity, which could leave its harmful mark throughout their lives. They are subject to all sorts of abuses - rape, child prostitution, addiction, drug trafficking, robbery, etc. - by organized gangs of criminals.

If they manage to survive, the hardship of life will make them feel, think, and act like a mature grown-up person at a very young age. It is not, therefore, surprising to hear the following words from a little boy in an overcrowded refugee camp in Thailand: "Sometimes I want to cry. But I don't want other children to see it. So I cry when it rains."

In the face of the global tragedy of refugee children, we might feel happy that Canada has generously incorporated all international instruments of child protection into its domestic legislation. It is commendable that Canada has played a leadership role in addressing the plight of war affected children at the global level. A recent example of this was the global Conference on War Affected Children in Winnipeg in September 2000.

Despite this, there is still a long way to go in protection of refugee children inside Canada. There is a guideline at the Immigration and Refugee Board for the hearing of separated children ("unaccompanied minors"). The guideline is a useful tool, but it is not binding on decision makers and does not include other children who are

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to their skin color, appearance, name, accent, ethnic background, and parents' culture. In some Canadian provinces, including Ontario, children of rejected (and sometimes non-rejected) refugee claimant are denied access to elementary schools. This practice has been continuing despite the Canadian official allegiance to the principle of Children's universal right to education.

We have so far illustrated the gloomy picture of the plight of uprooted children globally and nationally. It is unfortunate that the world has so far been short-sighted in not giving priority to its children. This unjustifiable negligence will lead to the irreparable destruction of the future of humanity on earth. According to the United Nations Children Fund, only \$2.5 billion is adequate to solve children's health problem. This is not even a quarter percent of the world's military budget.

There will be no solution for the plight of disadvantaged children - uprooted or others - until and unless the world overcomes its present fatal apathy. An individual may get disappointed vis-a-vis a merciless Frankensteinian global system that sets its own rules. One could be left with the feeling that "after all, nothing tangible is possible." It is true that, as human rights workers, we are surrounded by scores of enemies here and there. The worst of them, in my opinion, is cynicism. Let us not forget that we have sincere friends as well. The policy of the government has also both negative and positive sides and it could be changed, in the course of time, as a result of pressures from cross-section of population.

Finally, I would like to mention that change usually comes from the grass-roots. Therefore, public education plays a vital role in the introduction of progressive policies.



In Canada, like many other Western countries, refugee children face discrimination, exclusion, mockery, and harassment, common to minorities, in Canadian schools, playgrounds, and neighborhoods. They are singled out due

Immigration authorities went to the extent of detaining recent "massive" Chinese migration to Canada, during the detention centres awaiting their removals. During the children, some born in Canada, languishing in Immigration claimants with Canada-born children. There are uprooted and compassionate relief towards rejected refugee Immigration authorities. There is hardly any Humanitarian of the child" by Canadian considered to be in "the best interest whose parents' claims are rejected is Deportation of refugee children

The government of Canada has failed to introduce an accelerated process of family reunification for children separated from their refugee parent in Canada. According to the Immigration Act, in order for family reunification to take place, Convention refugees have to be landed immigrants - a sophisticated process that may take many years. The result is destruction of families and tremendous suffering for children. The situation could be reformed by granting visas to the families of Convention refugees and process their landing in Canada.

In rare cases when separated children are accepted to Canada, they will be put in foster homes or group homes. There are no follow-up programs; they are left to themselves. There is no specific legislation - federal or provincial - concerning their protection. Adoption, guardianship or tutorship is determined by general provincial laws, which more often than not fit the needs of the Canadian children than those of uprooted ones. The process, which is different from province to province, is usually complicated and expensive.

It is positive that the government of Canada accepts up to 7,000 people under its government-assisted refugee sponsorship program. There is, however, hardly any special program by the government for resettlement of refugee and separated children in Canada. Canadian government has not been pro-active in tracing children at risk in refugee camps and war affected areas.

traumatized as a result of war and torture. There is a need for the expansion of this document and its incorporation into the Canadian legislation.

PLAN COLOMBIA: MORE WAR, MORE DISPLACED PEOPLE...MORE REFUGEES

BY KEN LUCKHARDT

Plan Colombia is a US\$1.3 billion (mostly military) "aid" program "officially" designed to eradicate 50% of the Colombian coca crop by the year 2005. Or is it something much more sinister?

Here's how two Colombians define it: "They (the US) provide the guns and We (Colombia) provide the bodies" and "Ninety percent of Plan Colombia is to kill us, and 10% is to bury us better".

Despite the complexity of Colombia's over four decade "dirty war", Plan Colombia is best understood by remembering those simple truths. But of course we need to delve deeper into the real reasons for U.S. military intervention in what many have identified as another "Vietnam" in the making, this time in our hemisphere.

It's Not an Anti-Drug War

The official line from the White House (first Clinton, and now Bush) that this investment of \$1.3 billion in Plan Colombia is to prosecute the war against drugs is largely an ideological myth for North American consumption. If the goal is to seriously reduce drug use and its destructive effects on the quality of life in the U.S. and elsewhere, then we are obliged to ask some basic questions:

****Why doesn't the U.S. government put the investment into domestic drug prevention and treatment programs which have been shown by every study to be more effective in reducing consumption than efforts to reduce or eliminate the offshore supply of the drugs?**

****Why would the European Parliament, whose countries and citizens are also suffering from drug use, vote 474-1 on February 1 this year against endorsing and participating in Plan Colombia?**

****Why wouldn't the war plan target the drug cartels and the likes of Carlos Castano (who heads the military forces and derives a self-confessed 90% of his money from the drug trade) instead of targeting innocent peasants who grow coca as their only means of economic survival?**

Basic questions...to which there are basic answers.

Plan Colombia is really a Counterinsurgency War

The imposition of neoliberalism by governments on behalf of transnational corporations cannot tolerate any serious opposition or obstacles. In this hemisphere, Colombian resistance--both insurgent and civilian--is the most formidable challenge at present to U.S. domination of the Americas.

Despite acknowledging that Colombia had failed to comply with the human rights provisions that were initially a condition of U.S. military funding of Plan Colombia, President Clinton waived these provisions by invoking U.S. "national security" interests. What interests

might those be?

Let's start with the corporate oil lobby. Colombia is the most resource-rich, biodiverse country in the hemisphere and therein lies the key to understanding the U.S. imposed war. Already the seventh largest supplier of oil to the U.S., Colombian oil has been declared in the "national interest". Oil, not coca, is the real drug of choice and Plan Colombia is designed to secure it for primarily US and UK oil corporations.

Oil and energy corporations spent millions lobbying for Plan Colombia. Unsuccessful Presidential candidate Al Gore controls up to \$1 million of family stock in Occidental Petroleum, and he stands to reap windfall rewards if Oxy exploits the 2.5 billion barrels of oil that threatens the physical and cultural existence of the U'wa indigenous people. President Bush is linked with Dallas-based Enron, and Vice-President Dick Cheney, known best for bombing Iraq when he worked for George Bush Sr. as Secretary of Defense, also has established extensive oil interests through the Halliburton oil corporation in Dallas. British based BP has strongly lobbied Washington to push ahead with Plan Colombia as the corporation seeks to increase its stake in the American market.

*"They (the US) provide the guns and
We (Colombia) provide the bodies"*

This is the classic counterinsurgency strategy employed by the Pentagon in Vietnam and Central America. It is known as "draining the water from the fish". The methods are intentionally cruel as peasants and villagers are given a simple choice: leave the area or be killed. In this way, so

Up to 300 US Special Forces have trained (and continue to train) Colombian military in counterinsurgency methods to implement the air war against the peasant population and insurgent forces of the FARC (the Revolutionary Armed Forces of Colombia). Aerial spraying of dangerous defoliants as of January 31 this year has already been carried out over 65,785 acres in the states of Cauqueta and Putumayo.

The War Itself Has Already Begun

Oil, guns and drugs—not to mention corporate ambitions to privately control the water resources and biodiversity of the Amazon basin that straddles many South American countries—these are the key ingredients which combine to make Plan Colombia another imperialist war.

Thirdly, there is the drug lobby itself. By attacking and displacing peasants who produce the leaves but who get less than 1% of the take in a \$30 billion business, the cynic might conclude that Plan Colombia will also serve to consolidate the power of the drug barons in Colombia and their supply lines to northern connections who reap the ultimate profits. In short, there is no evidence that Plan Colombia will reduce, let alone stop, the flow of cocaine to northern markets.

Secondly, there is the arms lobby. Of the over 60 helicopters earmarked for Plan Colombia, United Technologies will reap \$234 million from the sale of Sikorsky Black Hawk choppers and Textron of Texas will gain another \$85 million from the upgrade (to 50 bullets per second) of Huey helicopters. Lockheed Martin will get a \$68 million contract for early warning radar systems.

In October 1999, Colombia's President Pastrana promised major oil and gas exploration concessions to oil executives and George W. Bush when they met in Houston. Many of those concessions are situated in the south of Colombia in the Putumayo region where Plan Colombia has its helicopter gunships deployed. The oil question also has regional implications. With Venezuelan President Chavez asserting a nationalist and occasionally anti-US foreign policy (e.g., no Plan Colombia aircraft are allowed to fly over Venezuelan air space), the US hopes to secure Colombian oil on Venezuela's "back door" as one Senator put it.

The necessity for Plan Colombia, over and above the "normal" operations of paramilitarism throughout Colombia, is precisely because of the strong presence of the FARC in oil-rich southern regions of the nation. Although it is true that the FARC raises revenues from the drug trade through taxation and protection fees for local peasant producers, it is also true that the FARC is not involved in the manufacture and marketing side of the illicit industry. The oldest insurgent movement in the hemisphere clearly has a considerable degree of support from the Colombian peasantry, and it is this reality that motivates the US to impose a Plan Colombia military campaign through its client state, the Pastrana Government of Colombia.

Defoliation and Displacement

Paramilitary thugs commonly enter a town, threaten or murder a few people to establish their presence, then promise to return soon to kill anyone remaining. Most leave out of fear and become additions to the over 2 million internally displaced Colombians. (Only the Congo has more internally displaced nationals than Colombia). After the peasants flee their communities, the land is taken over by the wealthy Colombian rancheros who help finance the paramilitaries) or ultimately by foreign corporations who grab the sub-surface resources of oil, natural gas or other mineral wealth. Paramilitary forces were responsible for at least 235 separate massacres in 2000 alone.

the logic goes, the guerrilla forces will be deprived of their local civilian support. Colombia's paramilitary forces, led by druglord Carlos Castano, have been the central component of this strategy over the past decade. Responsible for at least 75% of all politically-motivated murders, the paramilitary work in tandem with Colombian state security forces who in turn are armed and trained by US Special Forces. This training and coordination of paramilitarism have been provided by CIA operatives since 1991. In recent months, it is now additionally carried out by a privatized consortium known as Military Professional Resources Inc. of Alexandria, Virginia. As a private mercenary operation, MPRI carries out its program beyond any congressional oversight. Another privatized operation is run by DynCorp, also Virginia-based.

Only the Congo has more internally displaced nationals than Colombia

"Even the cattle are going hungry because the herbicide dries out the pasture."
---Mayor Edmundo Meza, La Horriga

***"All my corn, yucca and bananas died.
What am I going to feed my family?"***

—Jos Melo, 34 year old farmer

***"Calves are born hairless. Chickens die
after eating sprayed areas."***

—Mr. Ricardo, Governor,
Department of Cundinamarca

(Ottawa Citizen, February 12, 2001)

The defoliant of choice is glyphosate, a chemical herbicide made by another transnational of some fame—Monsanto. It was this corporation's Agent Orange that poisoned the people and destroyed the ecology of Vietnam, and it is this corporation that is now pushing the genetically modified food agenda. Monsanto earns \$1.5 billion annually from the sale of Roundup Ultra, the brand name of its glyphosate defoliant.

An average of 44 litres of glyphosate is sprayed on each acre in the Plan Colombia operations currently underway. The dosage has been increased to 10 times the recommended levels. General Montoya, who heads up the operation, says it takes at least three months before farmers can replant on sprayed lands. Ms. Nancy Sanchez of the Putumayo Human Rights Department says, "There's complaints about intoxication, diarrhea, vomiting, skin rashes, red eyes (and) headaches. In the children...there are ill effects on their skin".

Reports from the municipality of La Hormiga claim that 96,222 head of livestock have died as a result of grazing on poisoned pastures or drinking toxic water in the period from December 22, 2000 to January 22, 2001. Almost 10,000 acres of food crops such as corn, potatoes, beans, fruit trees, yucca, sugarcane, pineapple, plantains and bananas have been destroyed, and nearly 1,800 persons were sprayed either in their homes or in their fields. Many parents have taken their children out of school as school garden crops which provided food for lunch programs have been fumigated.

American officials dismiss these reports and claim that the herbicide cannot cause harm to humans or animals. Yet the product in the US carries a warning not to use "this product in a way that will contact workers or other persons, either directly or through drift", and aerial spraying of glyphosate is prohibited in the United States. Eight provincial governors in Colombia have already called for an immediate halt to spraying due to the health and environmental damage already suffered in the sprayed

areas.

Airborne defoliants are oblivious to national borders. Ecuadorian provinces bordering Colombia reported as early as October 2000 seven deaths caused by extensive fumigation. Dozens of trees are also dead or dying. Ecuadorian reports also suggest that an even deadlier biological agent known as *Fusarium oxysporum* may be used in the spraying operations. According to Accion Ecologica, an environmental organization in Quito, "*Fusarium oxysporum* would threaten the biodiversity of the entire Amazon region" as it "has the ability to genetically mutate and scatter itself..." In the Protocol to the Biological and Toxin Weapons Convention, *Fusarium oxysporum* is listed as a "biological agent for war" whose "effects are unpredictable."

Defoliants from the sky, paramilitaries from the ground combine to produce one predictable result—greater displaced populations and greater numbers of refugees.

The closest border to the spraying area is that of Ecuador. Rev. Edgar Pinos of the Catholic Church in Lago Agrio reports an average of about 100 Colombian refugees entering his community every week since September. By the end of 2000, an estimated 2,100 had fled across the border and the UNHCR has recently opened an office to deal with the burgeoning crisis of people fleeing violence, hunger, fear and intimidation. Estimates of 7-10,000 refugees in Ecuador were being reported by the beginning of March, 2001.

The mayor of the Ecuadorian border town of Puerto Nuevo sums it up as follows: "They say Plan Colombia is supposed to stop drug trafficking. But it's really aimed at the guerrillas, and the only things it has brought us are crime, immigration and a growing sense of desperation."

The Venezuelan and Panamanian borders are the other exit points for Colombians, and there is of course the majority of displaced people who reconstitute elsewhere in Colombia itself. By the beginning of March, reports of 2,000 refugees fleeing into Venezuela and Peru respectively, and another 1,000 entering Panama were common. Wherever they go and whatever their individual fates, one conclusion is clear: Plan Colombia is intended to eliminate the peasants from the land as much (if not more) than eradicating cocoa from the fields. This policy of "social cleansing" of peasants, indigenous and Afro-Colombian communities leaves the wealth of the countryside even more in the hands of the landlord system and transnational capital.

US Congresswoman Cynthia McKinney spoke in opposition to Plan Colombia back in September 2000 to a Senate Subcommittee. She pointed out that "the push into southern Colombia violates the Geneva Conventions, which

displaced persons (IDPs). In 1998, Francis M. Deng submitted a set of Guiding Principles on Internal Displacement. A year later, an Inter-Agency Standing Committee listed Colombia as one of six countries which merited special focus with regard to internally displaced persons.

In reading the 30 principles included in the Guidelines, it is easy to find a number of areas where national authorities in Colombia are clearly failing in their moral, if not legal responsibilities to over 2 million internally displaced persons. Those numbers are obviously increasing daily as a result of Plan Colombia.

Principle 7 (2) states: "The authorities undertaking such displacement shall ensure...that proper accommodation is provided to the displaced persons, that such displacements are effected in satisfactory conditions of safety, nutrition, health and hygiene, and that members of the same family are not separated."

Principle 9 asserts: "States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands."

Finally, Principle 18 states: "All internally displaced persons have the right to an adequate standard of living. At the minimum, regardless of circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to: essential food and potable water; basic shelter and housing; appropriate clothing; and essential medical and services and sanitation."

(One doubts that these protective measures are part of the US Special Forces training for Colombian counterinsurgency operations.)

Canadian Solidarity with Colombian Refugees

Arising from a clear recognition of the crisis facing ordinary Colombians, the Canadian government has added Colombia to the "Source Country" list for expedited processing of persons seeking refugee status in Canada. This had been a call from the Canadian Council for Refugees (CCR) and other Canadian NGOs who do work on Colombia.

While this was a positive and desperately needed decision, the problem has simply been that the annual quotas for Colombians have been woefully inadequate over the past two years. The level set for 2001 is a mere 700 refugees from Colombia in a country with over 2 million internally displaced and even more now facing increased paramilitary violence and Plan Colombia.

prohibit the forced displacement of civilian populations as a tactic of war." McKinney also pointed out the futility of the policy: "Spraying chemicals on third world farmers is not an effective way to discourage people in the United States from using cocaine."

Neoliberalism Offers No Alternatives

Many wonder why Colombian peasants produce illicit crops. The answer is that they have no alternative under the rules of the game established by neoliberalism. Under World Trade Organization (WTO) directives, Colombian agricultural production has been opened up to the dictates of market forces. Food crops previously grown in Colombia are now imported. Land devoted to legal crops that actually feed people has declined by 1.5 million hectares and agricultural imports have increased 700 per cent.

Mention coffee, think Colombian. Under globalized capitalism, Colombia now imports coffee after its harvest declined from sixteen to nine million sacks. The coffee farmers who were driven out of coffee planting and harvesting turned to illicit crops as the only viable economic alternative. As coca farmers are forced to flee the defoliated lands from Plan Colombia, many will move deeper into the Amazon to clear the land to survive through illicit crop production.

The combination of civil war (especially paramilitary violence) and neoliberalism means that large landowners increase their control of the Colombian countryside. In 1984, large estates accounted for 32% of registered land; by 1997, this had increased to 45 per cent. Less of this land is actually cultivated as it is converted to cattle ranching by the rural elite.

The World Bank now cites Colombia as having the second highest concentration of wealth of any nation in the world. Such class inequality has always been the basis for the Colombian civil war that has raged for decades. All efforts by the marginalized to create alternative economic strategies or alternative political parties have been quashed by those who hold power. Plan Colombia is merely the latest, and potentially the most repressive, of schemes to rob Colombians of their right to control their own resources for their own national development.

As Hector Mondragon, a Colombian activist puts it: "This is the Social Genocide that Colombia suffers... (It is) not only that people have been displaced by war, but (that) this war is being made specifically to displace people."

Violations of UN Guidelines on Internally Displaced Peoples (IDP)

In 1992, the Secretary-General of the UN appointed a Representative to study the cause and status of internally

If we contrast current Colombian levels under the "Source Country" designation with the much higher levels extended to Central American refugees during the civil wars of the 1980s, it is evident that Colombian quotas must be significantly increased in order to make a real difference for Colombians fleeing the terror.

Consequently, we must demand that the annual quota be significantly increased and, just as importantly, that the Canadian Immigration Department provide the Embassy in Bogota with sufficient staff and resources to truly expedite the refugee claims without bureaucratic delays. We should also stress that those Colombians facing the greatest danger, the refugees, should receive priority attention in comparison

with other Colombians from middle-class background wanting to come to Canada for other reasons.

Finally, on the broader front, Canadian NGOs must demand that the Canadian government join with the European Union in condemning Plan Colombia. Along with that condemnation, the Canadian government should publicly proclaim that it will in no way participate in or collaborate with the US war effort.

Ken Luckhardt is a member of the Board of Directors of Refugee Update and works for the Canadian Auto Workers' International Department.

UPDATE ON IDENTIFICATION DOCUMENTS

BY MOHAMMAD TABIT

Earlier this year, the Department of Citizenship and Immigration agreed to lift the three year moratorium it had placed on the landing of thousands of Somalis for fleeing a war minus their ID documents. This was done four years after the Somali community started a constitutional challenge to the regulations to that effect. The Somalis experienced unhappiness and difficulties the moratorium caused for them.

Under this rule, life was harsh for most Somalis. There were many bright Somalis who could not get university education because they could not afford paying thousands of dollars in tuition. Others could not travel abroad or bring their loved ones to Canada. In short, the regulation discriminated against Somalis for almost a decade.

Many sensible Somalis have been pleading with the Department all along to lift the moratorium but to no avail. Until the Federal judge inserted himself into the situation to mediate, the Department was unwilling to budge or to even discuss ways to correct this wrong-headed policy.

There is no law in Canada that has cost our community so much. In the future history of this country if Somalis are mentioned, this law will be cited to have had the greatest negative impact on us. While many other refugee and immigrant groups have integrated into the Canadian fabric during the first five years, Somalis are still struggling to make Canada their home ten years after arriving in this country. All the poverty data in Toronto puts the Somali community at the bottom of the social scale.

Many Somalis blame the Department of Immigration for their poverty. We wish the Department had understood us right from the beginning and had been willing to listen to our people.

Article 27 of 1951 Refugee Convention stipulates that "The contracting parties shall issue identity papers to any refugee in their territory who does not possess a valid travel document." Instead of implementing the requirement of this article, the government of Canada introduced the Undocumented Convention Refugee Class on January 31, 1997. The waiting period of 5 years was imposed on refugees. This unfair and arbitrary requirement punished those who could not produce identity papers. The negative impact of the long waiting period was immediate. The result was prolonged delay of family reunification, lack of access to post secondary school, lack of employment as well as mental health problems such as depression, suicidal tendencies, family breakdowns and lack of self-esteem.

In order to overcome this serious problem, we decided to file a challenge under the Canadian Charter of Rights and Freedom at the Federal Court of Canada. After a long waiting period, an agreement was reached in December 2000 with CIC under the supervision of a Federal Court judge. The agreement allows the Undocumented Convention Refugee to provide two sworn-in affidavits attesting to their identity. The statutory declaration will be from the applicant attesting to his/her name, date of birth, country of nationality and the reason as to the applicant's inability to produce any official documentation from the country of origin. In addition, another statutory declaration is required from a person who knew the applicant prior to coming to Canada, detailing also the circumstance in which they met in Canada and if there is any family relationship. Alternatively, the applicant must provide a sworn-in declaration attesting to his/her identity from an official of established organization representing the national of the applicant.

Although there is no time frame for the processing of landing applications under this agreement, CIC is obligated to process as expeditiously as possible in all

circumstances.

Now that we have already submitted a number of applicants' sworn-in affidavits, we are surprised that some CIC officials claim that they have not yet received a memorandum detailing the instruction on how they would handle those cases even though they acknowledge that they had received a copy of the agreement. I hope that the CIC

CANADIAN COUNCIL FOR REFUGEES PROJECT

"DEVELOPING RECOMMENDATIONS FOR THE

WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND OTHER FORMS OF INTOLERANCE." (WCAR)

The World Conference will take place in Durban, South Africa from August 28 - 1 September, 2001. The Department of Canadian Heritage and the Department of Foreign Affairs and International Trade (DFAIT) share the responsibility for Canada's preparation for this international conference. Refugees, asylum seekers, internally displaced persons and migrants are among the issues that will be addressed at the WCAR.

At the CCR June 2000 Consultation, a resolution was passed to "... Develop verifiable measures to address xenophobia and related intolerance towards refugees and asylum seekers". Two actions were taken in this respect:

1. CCR produced a document titled "Report on Systemic Racism and Discrimination in Canadian Refugee and Immigration Policies." (available on the CCR website in English and in French)

2. CCR hired a consultant to coordinate the process to develop recommendations for combating racism and xenophobia as they affect refugees and immigrants, as a tool for use within the context of the upcoming World Conference against Racism (WCAR). The consultant has been working closely with a Steering Committee consisting of the CCR Anti-Racism Core Group and other persons who volunteered at the CCR Consultation in Montreal (November 2000).

To this effect the project has sought information from the following sources:
(1) Twelve focus groups facilitated by the CCR Anti-racism Core group and CCR members were carried out across Canada between February 1-15, 2001 - three were in Francophone communities. Participants included:

◆ refugees and immigrants in Canada



will finally start working toward implementing this agreement so that there will not be a need to go back to Court for assistance.

Mohammad Tabit is Executive Director of Midaynta Association of Somali Service Agencies in Toronto.

◆ CCR members and other NGOs in Canada

◆ institutions in Canada with expertise or interest in the area

◆ organizations in other countries with relevant experience/perspectives, including international organizations such as UNHCR.

(2) The CCR listserve network was also invited to send in documents and/or recommendations;

(3) Review of all CCR recommendations;

(4) Research to collate relevant recommendations made at Canadian, regional and international seminars, conferences etc. in preparation for the World Conference against Racism.

The availability of final document will be announced by CCR.

The CCR is among a number of Canadian NGOs invited to send a representative, at the expense of the Canadian Government, to the Canadian National Consultation (February 23-25, 2001) in Ottawa, the preparatory meeting in Geneva (May 21 - June 1, 2001) as well as the World Conference.

Helene Moussa

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OUTCOMES OF THE INTERNATIONAL CONFERENCE ON WAR-AFFECTED CHILDREN

BY KATHY VANDERGRIFT, CO-CHAIR OF THE NGO DAY,
IN CONSULTATION WITH MARY DIAZ, CO-CHAIR

Report to NGOs on final days, summary of outcomes, and beginning thoughts on next steps

1. The NGO Action Plan, Peace is Every Child's Right

The NGO plan was acknowledged as the strongest and most specific proposal for action. We will continue to work with it as an advocacy tool for NGOs. Suggestions at the NGO Day will be incorporated and a revised version will be sent out in the next week. It will continue to be a Working Document for NGOs, leading into the 2001 Special Session on Children.

The Experts Report, Caught in the Crossfire No More

Many ideas from the NGO plan were included in the Experts Report, some word-for-word.

The Experts Report was endorsed by the Ministers on Sunday, and a Steering Committee of Foreign Ministers was appointed to follow-up and promote it. Details pending. The Expert Report will go into the formal process for the 2001 Special Session on Children. NGOs were assured that they could continue to have input into it prior to that session.

3. The NGO Network

NGOs at the Conference decided to build on existing coalitions and alliances to form a network of NGOs interested in issues related to Children and Armed Conflict. This was one proposal in the NGO Action Plan. The network proposes to have sub-groups based on regions, thematic interests, and specific situations. The Government of Canada announced \$100,000 to help get it started. UNICEF and Otunnu's office both promised to support and work with the Network.

The objectives of the Network are:

- ★ To promote communication between existing coalitions and groups, regionally and internationally;
- ★ To share information and best practices from the field;
- ★ To monitor progress on commitments made at Winnipeg;
- ★ To facilitate joint advocacy initiatives;
- ★ To establish an inventory of organizations and the work they are doing;
- ★ To provide country and thematic information on this subject;
- ★ To generate public awareness.

Details will be developed in the weeks immediately following the conference.



The Child Rights Information Network (CRIN) has offered to provide a forum for the immediate exchange of information through their existing internet and e-mail list-serve services.

4. The Ministerial Agenda for Action

The 14-point Agenda for Action, negotiated by governments, confirms existing commitments; the draft was weakened during negotiations through wording changes. It does not move the agenda forward. The government negotiation process was the most discouraging part of the conference for NGOs. Six NGO delegates were observers only; we had no input into that process. A small number of governments, such as the US, China, Cuba, and Iran, pushed for wording changes which weaken the document. Since it is a consensus process, a lowest common denominator prevailed. Hope can be found in that fact that the majority of Ministers present were not pleased and adopted the Expert Report to show that they are committed to move forward. The closing NGO statement

<http://www.cic.gc.ca/english/press/01/0101-pre.html#back2>

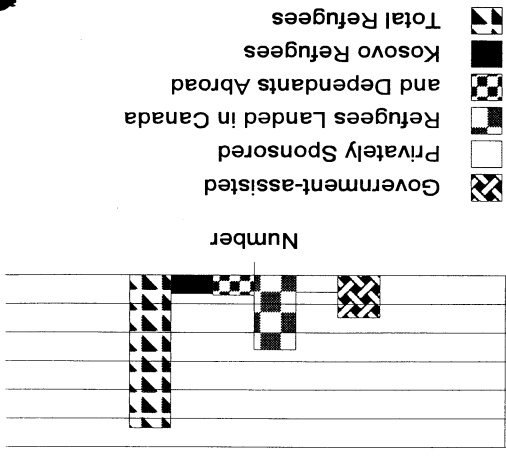
You can find the press release and other documents at:

there is a small increase to 7,500. For 2001, the government-assisted level remains at 7,300. For 2002

government is planning a modest increase (210,000 to 235,000). same as 2000 (ie. a range of 200,000 to 225,000). For 2002 the immigration levels are not going up very fast: for 2001 they remain the Minister's commitments to increasing immigration, the overall (although so far, she is only offering 2 years planning). Despite the The Minister is bringing in a "multi-year plan" for immigration levels

follows: figures for refugees given permanent residence in 2000 were as happens in the fall but it was delayed because of the elections). The The Minister yesterday tabled the immigration levels (usually this

Refugees Given Permanent Residence in 2000



Peace is Every Child's Right

Let us take this opportunity to recapture our instinct to nourish and protect children.

Let us transform our outrage into concrete action.

Our children have a right to peace. Peace is every child's right.

(Graga Machel, *The Impact of Armed Conflict on Children*, p. 93)

5. Next Steps

noted that some governments still put their narrow political interests ahead of the security and rights of children. This means we have work to do before the 2001 Special Session, when the official UN process will consider this matter.

1. Distribute an up-dated version of the NGO Action Plan, to include input from the NGO Day.

2. Develop the proposal for the NGO Network and get it working.

3. NGOs present in Winnipeg are encouraged to develop national and regional networks that can link into an international network by sharing information from the conference and selecting actions they want to work on.

4. Prepare for the Preparatory Sessions for the 2001 UN Sessions. The preparatory sessions are in January and May and we want a focus on Children and Armed Conflict included in that process. This will be raised in initial meetings this week. We will explore the possibility of holding a caucus as part of those meetings.

5. NGOs who have contacts with national links to the UN process for the Special Session on Children may want to contact them to advocate for a focus on Children and Armed Conflict and inclusion of their proposals in national government inputs into the Special Session.

Kathy Vandergriift works with World Vision.

UNACCOMPANIED MIGRANT CHILDREN IN ONTARIO

BY FRANCISCO RICO-MARTINEZ

In the summer of 2000, an Ad-hoc Committee to review the issue of unaccompanied migrant children entering Ontario was created. Representatives from concerned sectors were invited, such as: Canada Immigration, related Ontario



Ministries and public institutions, children and youth concerned organizations, refugee and immigrants advocate organizations and the U N H C R representative as an observer. The main goal of this committee was to develop an appropriate response and support system for those youth and children who enter O n t a r i o unaccompanied.

As a result, by the end of January 2001, two different protocols were submitted to Canada Immigration. The first one deals with unaccompanied migrant children **under the age of 16 years**. The second one deals with unaccompanied migrant children **between the ages of 16 and 18 years**. This was necessary because the legislation governing services to children (under the age of 16) in Ontario differs from the rest of Canada.

The protocol related to unaccompanied migrant children **under the age of 16 years** can be summarized as follows:

Statement of principles:

- ▶ The best interest, protection and well being of the children should be paramount.
- ▶ Migrant children should be entitled to the same care and treatment as any other children living in Ontario.
- ▶ Whenever possible, the views and wishes of migrant children should be ascertained and taken into account whenever decisions affecting them are being made.
- ▶ Services to migrant children should be delivered in a manner that is respectful of their culture and religion and whenever possible be made available in their native language.
- ▶ Decisions related to migrant children should take into consideration the long-term need of the child and should be made in a timely manner consistent with the developmental needs of the child.

- ▶ Decisions related to migrant children need to be made expeditiously.

Preferred practices:

- ▶ All unaccompanied migrant children should be considered in need of protection and referred to the Children's Aid Society.
- ▶ A representative from the Children's Aid Society will assume responsibility for working with the unaccompanied migrant child until a suitable guardian is located.
- ▶ Services will be provided according to the principles outlined in the Child and Family Services Act and those summarized above.
- ▶ Whenever possible, siblings should be kept together.
- ▶ Someone claiming to be under the age of 16 should be treated as such until there is evidence to the contrary.
- ▶ Children should preferably be placed in settings that provide supervision, care, education, recreation and health services and religious/cultural and spiritual support necessary to meet their developmental needs.
- ▶ Children's Aid society and Canada Immigration should work together to ensure that the immigration status of unaccompanied migrant children is resolved in a timely manner.
- ▶ Training should be provided to ensure appropriate modes of intervention are used, recognizing the international context for migrant youth/children.

The protocol related to unaccompanied migrant children between the **ages of 16 and 18 years**, can be summarized as follows:

Statement of principles:

The U.N. Convention on the Rights of the Child is most applicable with regard to unaccompanied migrant children in determining: the children's best interests; their rights and need of protection (Article 22); the detention of children as a last resort and for the shortest period and under specific circumstances (Article 37); all children capable of forming their own views have the right to express these views freely (Article 12); the need for special protection and assistance to children deprived of their family environment (Article 20).

Essential protocol components:

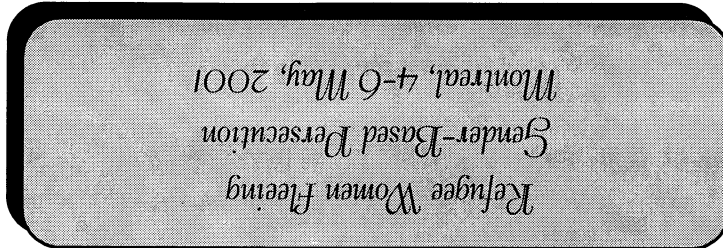
- ◆ To ensure that care and support is offered to the youth upon arrival and that detention is considered as a last resort.
- ◆ To ensure the above, it is imperative to establish a Case Manager familiar with and trained in providing services

Editor's note: Our apologies to Afsaneh for omitting her name as the author of the report on the conference in the last issue of Refugee Update.

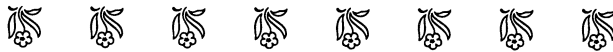
To receive the conference information including registration form, or for any other information, please contact the project coordinator, Afsaneh Hojabri at ahjabri@total.net, or (514)369-8943.

CCR web site, on the gender-based persecution page (<http://www.web.net/~ccr/gen/agen.htm>).

The conference, to be held in Montreal at the Hotel Maritime Plaza, will consist of a series of workshops, covering various aspects of the refugee definition, successes and ongoing challenges of NGO advocacy, access to the refugee determination system, girl claimants, cases involving sexual orientation, resettlement, hearing room and other procedural issues and more. The draft agenda as well as full information about the conference is available on the CCR web site, on the gender-based persecution page (<http://www.web.net/~ccr/gen/agen.htm>).



UPDATE ON GENDER CONFERENCE BY AFSANEH HOJABRI



Francisco Rico-Martinez is President of the Canadian Council for Refugees (CCR) and Co-Director of FCI Hamilton House Refugee Project in Toronto.

In the end, the work of the Ad-hoc Committee managed both to identify the outstanding issues regarding unaccompanied children, and to complete the elaboration of two protocols. The next step in the process is to receive the approval of the protocols by Immigration Canada (CIC) at the national level. For good or bad, after more than six months of intensive volunteer work, the committee for unaccompanied migrant children is not going to meet until a response from CIC about the protocols is received. It is hoped that this response will be a positive one.

◆ The facilities where youth are to be detained (separate from young offenders) must consider the following: staff trained to work with youth, youth programming (e.g., education that is culturally appropriate) and supportive, ongoing case management, language support), placement of siblings, as well as consideration for UNHCR guidelines and related UN conventions.

The CCR's initiative (introduced in the last issue of the Refugee Update, No 41) started almost a year ago with the establishment of an international network now communicating through an electronic mailing list. The amount of interest expressed in the project and the worldwide support we have received so far has indeed been significant. The conference organizers are hopeful that the number of NGO representatives from developing and in-transition countries in the upcoming conference will reflect the true interest and support already expressed by these groups. This continues to depend on the amount of funding we are able to secure in order to provide sponsorship.

Between 4-6 May 2001, the Canadian Council for Refugees will be hosting an international conference with the goal of promoting recognition of gender-related persecution as a basis for refugee protection. The conference will bring together refugee women, refugee rights groups, refugee decision-makers, academics, government representatives, UNHCR and others interested in ensuring that women fleeing gender-based persecution receive protection.

- ◆ Meet with the youth to determine immediate need of youth;
- * work with the immigration officer and youth to determine an appropriate place for the youth to be housed/placed if detained;
- * comprehensive assessment to include such areas as: psycho-social, mental health, medical, age of youth and social history assessment; legal representation; educational/recreational/cultural/language/religious/spiritual needs; long term housing needs, whereabouts of family and determination of risk;
- * if youth is released, identify appropriate community agency to provide support and assistance.

◆ The duties of the case manager upon arrival of the youth:

to youth at the outset to provide assessment, continuous care and support services, follow-up to any unaccompanied youth entering Ontario whether released or detained.

NEW IMMIGRATION BILL (C-11) REDUCES NEWCOMER RIGHTS

The Canadian Council for Refugees is deeply concerned at the introduction in the House of Commons of C-11, a bill that will reduce the rights of refugees and immigrants. The bill is a revised version of C-31, tabled last year, which was also of great concern to the CCR. C-11 brings a few small improvements but still retains major problems (and adds some new ones). The CCR is very disturbed that the government appears to expect that this bill can go quickly through the House, without allowing full consideration. The consultation process being planned by the Standing Committee on Citizenship and Immigration is inadequate, given that this is a substantial piece of legislation that will have enormous impact on the lives of hundreds of thousands of refugees and immigrants, and on the reputation of Canada. Among many serious problems in the bill, some areas of particular concern are:

- ◆ The bill does not live up to our **international human rights obligations**, for example under the Refugee Convention and under the Convention against Torture. Under the provisions of the bill, people could be sent back to persecution or to torture, in violation of Canada's obligations. The CCR proposes that relevant international instruments, including the Convention on the Rights of the Child, be fully incorporated into the legislation.
- ◆ The bill greatly expands **powers of detention**, including giving even greater discretion to immigration officials to detain refugees and immigrants. The government has indicated that it intends to detain more people, mostly it seems in order to make themselves look tough. The CCR recommends that powers of detention be narrowly circumscribed and subject to meaningful review.
- ◆ The bill creates a **refugee determination system** with serious flaws, denying access to a hearing to people who may be at risk of persecution (for example, people who have ever before made a refugee claim). The procedures under the proposed **Pre-Removal Risk Assessment** are inadequate (for example, lack of independent and qualified decision-makers and oral hearings only in exceptional circumstances). The CCR urges eliminating the eligibility stage so that all claimants are referred immediately for a hearing on their claim and transferring the Immigration and Refugee Board the responsibility

for making decisions under the Pre-Removal Risk Assessment.

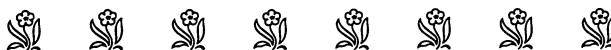
- ◆ The bill fails to adequately address the problems of **refugees in limbo** (recognized refugees who wait years to get permanent residence). The CCR urges a simple solution, namely that refugees become permanent residents by operation of law. For the tiny minority who are not eligible, the government can move to take their permanent residence away.
- ◆ The bill reinforces **measures of interdiction**, which affect refugees trying to escape from persecution. Among the changes are increases in penalties for people who engage in people smuggling, even if they were motivated only by humanitarian concerns. Someone who helps family members flee persecution can be denied access to a refugee hearing or lose permanent residence, without access to an appeal. The CCR urges that interdiction measures be amended to reflect fully the obligation to protect refugees.
- ◆ The bill broadens **inadmissibility provisions**, including creating a new category for organized criminality, with dramatic impacts on people's rights, but without any requirement that the person actually have committed any crime. The already unfair security certificate process by which permanent residents can be stripped of status is made even more unfair. The CCR urges that security and criminality inadmissibility categories be limited to crimes actually committed or security risks (rather than barring people on the basis of association) and that persons affected be entitled to a fair process in which they can defend themselves. It is essential that there be enough time for careful study and discussion of the bill, and for Canadians to decide whether they really want legislation that does not treat refugees and immigrants with justice.

For more information, please contact:

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IN MEMORIAM

Amina Malko

1962-2001

It is with deep sadness that OCASI staff inform you that Amina Malko has died. Amina died peacefully, surrounded by family, on Friday March 2, 2001 at Toronto Hospital, Western Division in Toronto.

Amina was a committed and tireless advocate for the rights of immigrants and refugees. Amina cared deeply about and devoted her life to improving the lives of refugee women. She was an energetic and vocal advocate at the Canadian Council for Refugees, Toronto Refugee Affairs Council (TRAC) and OCASI.

During her decade at OCASI, she worked closely with member agencies and staff to build a strong network of agencies capable and committed to change. Amina believed strongly in OCASI and its work. Her friends at OCASI will miss her kindness, hearty laugh, gentleness and determination.



REFUGEE UPDATE

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