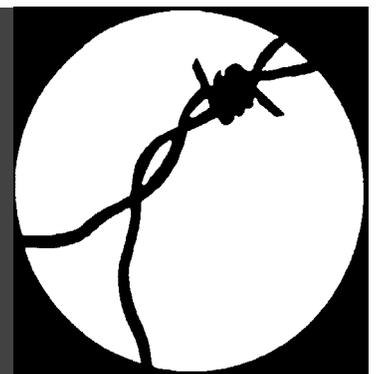


# First Light



A Quarterly Publication of the Canadian Centre for Victims of Torture (CCVT)

Summer, 2000

*First Light*, which is published quarterly, is intended to inform the interested reader about torture, its effects and what we can do in aiding survivors to overcome their experience of torture and war. CCVT views itself as part of a larger global community and is committed to the struggle for human rights, justice and the end of the practice of torture.

**Issue Editor, Layout Design**  
Michele Millard

**Co- Editor**  
Dorothy Thomas, Volunteer

**Public Education Committee**  
Mulugeta Abai, Executive Director  
Magda Hatteb, Board Member  
Susan McGrath, Committee Chair  
Michele Millard, Volunteer Coordinator  
Ezat Mossallanejad, Policy Analyst

Published by  
**The Canadian Centre for Victims of Torture**  
194 Jarvis St. 2<sup>nd</sup> Floor  
Toronto, ON M5B 2B7  
Canada  
Tel: 416-363-1066  
Fax: 416-363-2122  
Email: mabai@ccvt.org  
Website: www.icomm.ca/ccvt

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We welcome your submissions to this publication. Send your writing to:  
Michele Millard,  
Volunteer Coordinator  
Email: mmillard@ccvt.org  
Fax: 416-363-2122

## Mandate

The Canadian Centre for Victims of Torture aids survivors in overcoming the lasting effects of torture and war. Working with the community, the Centre supports survivors in the process of successful integration into Canadian society, advocates for their protection and integrity, and raises awareness of the continuing effects of torture and war on survivors and their families.

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## Report on Canada's Compliance to the Convention Against Torture (CAT)

BY Ezat Mossallanejad

This year, the Canadian Centre for Victims of Torture submitted a report on Canada's compliance to the Convention Against Torture to the Government for Canada's Fourth Report on the Convention Against Torture. This report was subsequently accepted by the Government, who committed to pass it on to the United Nations Committee Against Torture in Geneva, Switzerland. In addition to the settlement and rehabilitation services CCVT provides, we have published scores of articles, essays, pamphlets and books on the issue of the global prevalence of torture and the need for rehabilitation of torture survivors. The CCVT monthly bulletin and its quarterly journal "First Light" aids community workers all over the country make their work more effective in terms of assisting survivors of torture. We have also produced two videos as educational tools in this respect.

Moreover, CCVT has also provided advocacy and public education services to people in limbo, i.e. Convention refugees and many others who are falling between the cracks due to gaps in the Immigration Act and/or the bureaucratic nature of our system (e.g., due to lack of ID documents). Being caught in limbo results in prolonged anguish and separation from loved ones, and aggravates the impact of the torture experience on survivors. In such cases, our advocacy work has included on-going con-

tact with Canadian and UN officials, providing education, information and special counseling to refugees, lobbying the government for policy change, and on-going collaboration with sister organizations such as the Inter-Church Committee for Refugees and the Canadian Council for Refugees.

In its struggle towards the prevention of torture, CCVT has been active in monitoring national and international instruments relevant to survivors of torture, war, and organized violence. We have collaborated with the government in monitoring the implementation of the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and other relevant international instruments in different countries of the world through regular communication and participation in annual consultations with the Ministry of Foreign Affairs. We have attended U.N. seminars on the prevention of torture and the rehabilitation of survivors and similar conferences in countries like Switzerland, Denmark, Ethiopia, the former Yugoslavia, Chile and Nigeria. CCVT is hoping to get consultation status with the U.N. Social and Economic Council in July 2001.

Given our knowledge and expertise on the multiplicity of physical, psychological and social issues faced by torture survivors, we welcome this opportunity to share our in-

sights on how Canada has so far complied with the principles of the CAT.

### **CANADA'S COMPLIANCE**

#### **Article 1**

In applying Article 1, Canada has gone beyond the CAT definition of torture by including gender-related persecution as a type of torture. The Immigration and Refugee Board (IRB) has issued guidelines on dealing with cases of female refugee claimants fearing such persecution. Examples of gender-related persecution include rape, domestic violence and persecution due to nonconformity with gender-discriminatory religious and cultural laws.

#### **Article 2**

Canada has partially complied with this article. For example, Section 291 of the Criminal Code of Canada states that torture is illegal and is considered a punishable offence in this country. However, there remains an urgent need for Canada to incorporate the CAT into the Immigration Act. At present, there is inadequate attention paid to the incorporation of the CAT into the new amendments to the Immigration Act (Bill C-31). It is very important to specifically incorporate the principle of non-refoulement to torture.

#### **Article 3**

This article is one of the most important tools of advocacy in favour of torture survivors. Article 3 explains the principle of non-refoulement, i.e. that, under no circumstances, should a person be returned to a country in which he/she will be at risk of torture. This is regarded by human rights and torture rehabilitation centres as an absolute and cannot be balanced with such

considerations as danger to the security of the public or risks to national security.

Unfortunately, we have serious concerns regarding Canada's compliance with this very important article, particularly in the case of Manickavasagan Suresh, a Sri Lankan Tamil, who came to Canada in 1990 and was recognized as a Convention Refugee. However, his application for landed status was rejected, because he was deemed inadmissible to Canada on grounds of him being a risk to national security. Such decision stemmed from allegations that Mr. Suresh had links to the Liberation Tigers of Tamil Eelam (LTTE). Mr. Suresh was then subsequently made the subject of a deportation order. The Federal Court of Canada confirmed the decision of the Ministry of Citizenship and Immigration and did not pay attention to the principle of non-refoulement to torture. A leave to appeal was filed with the Supreme Court of Canada and was granted recently.

This case is a matter of grave concern to us with regards to Canada's compliance with Article 3 of the CAT. Because, in light of recent events going on in Sri Lanka, Mr. Suresh will likely be subjected to torture or death, if he is returned. As such, this decision is in direct violation of Article 3 and the principle of non-refoulement. It also sets a dangerous precedent for future cases in which refugee claimants, especially torture survivors, may be wrongly labeled as security risks and end up being deported and face torture. This is also contrary to similar decisions made by European human rights courts.

#### **Article 4**

Although, like many other countries, police violence does occur in Canada too, torture is not used here as part of a systematic, political strategy of repression and we feel lucky and proud in this regard. The issue of police violence, in our opinion, cannot be dealt with

under torture, and should be dealt with on its own merit.

## Article 6

We admire Canada for establishing a War Crimes Unit within the Immigration department and we commend the recent activities of the Ministry of Justice pertaining to this matter. Canada has allocated over \$40 million dollars for the prosecution of war criminals and persons who have committed crimes against humanity.

Nevertheless, many problems remain in the implementation of such objectives. Even though it has been more than 12 years since Canada ratified CAT and incorporated torture into its Criminal Code, to date, there have been only a few cases of initiating prosecution for international fugitive torturers in this country. The case of Finta in 1994, which illustrates the difficulties of winning such cases, may explain this lack of prosecutions. Since then, Canada's War Crimes Unit seems to have changed its focus from criminal prosecutions to the revocation of citizenship and deportation.

We are against deportation, we are for prosecution. We strongly believe that deportation should not act as a substitute for punishment. Through deportation, war criminals could even escape prosecution and punishment and may even end up engaging in further human right violations, once they are returned to their home countries.

We strongly propose that Canada work with international law experts and non-governmental organizations to explore legal routes of prosecution of torturers, war criminals and people who have committed crimes against humanity.

## Article 10

The Canadian Centre for Victims of Torture (CCVT) has provided training for IRB officers and also for officials who make PDRCC determinations. In this training, we have focused on torture as a crime against a family of nations, its impact on survivors and the need for its prevention. Such training is very much lacking for staff in enforcement centres, the police and prison authorities in Canada. Unfortunately, there remains a gap in education and training with regards to the Article 10 of the CAT.

## Article 11

Detention of refugee claimants under removal orders is a matter of serious concern, due to the broad discretionary power (and the subsequent lack of accountability) given to Immigration officers in making the decision to detain persons and in interviewing detainees over set periods of time (within 48 hours, after 7 days and after every 30 days thereafter). There are two broad reasons for detention: (1) either a person is considered a danger to the public, or (2) because he/she is considered unlikely to present him/herself at their immigration hearing or for removal and deportation if the case is rejected. We have documented cases of people who are wrongly detained and kept in detention for a long period of time.

We would like to add that the post-claim risk review that is supposed to address the risks facing claimants who are not found to be refugees, is almost an empty process. The limitation period for applying is too stringent, and many failed claimants miss it, in particular those who are detained, and do not have access to regular counsel.

We currently have a very serious problem in Ontario with the detention of unaccompanied minors, who are now being detained at the Toronto Celebrity Inn, a facility designed for

adults. Even immigration has admitted that it is an inappropriate place, but after five months they are still there!

### **Article 12**

Canada has demonstrated its willingness and ability to conduct investigations into allegations of torture. In 1993, for example, the Canadian forces held an inquiry into the actions of Canadian peacekeepers in Somalia, following the deaths of two Somali men while they were in the soldiers' custody. The inquiry resulted in the prosecution and subsequent imprisonment of the soldiers involved. This, in our opinion, has sent a message to the Canadian as well as the world community on the zero percent tolerance of the Canadian government in dealing with the crime of torture.

### **Article 14**

There is a need for public education in this regard for people who have been tortured in other countries and are now living in Canada and may have, over the course of time, become permanent residents or citizens of this society. There is no permanent system for torture survivors to ask for compensation from their torturers in their country of origin. There is also a need for legislative provisions and institutions in Canada to deal with this issue.

### **Article 15**

There is a difference between persecution and prosecution. Sometimes, people have been prosecuted in tyrannical regimes for crimes they have not committed. Human rights activists often serve lengthy prison sentences for their non-criminal actions.

There is a need for Canada to make sure that these types of confessions and convictions are never used against genuine refu-

gees and immigrants. Bill C-31, the draft for the New Immigration Act, so far, does not seem to note the distinction between persecution and prosecution. According to this bill, refugee claimants are automatically deemed inadmissible to Canada (and, therefore, denied access to the refugee determination system) if they have been convicted of crimes outside Canada that, if committed in Canada, would warrant a maximum term of 10 years.

### **Article 16**

There is a need for Canada to define cruel, inhumane, or degrading treatment or punishment and to develop mechanisms for the accountability and prosecution of officers who commit such offences. We have had countless reports of such treatment being inflicted by prison authorities, detention officers, enforcement personnel, Minister's Representatives at IRB, and, occasionally, even Board members themselves.

## **CONCLUSION**

Canada has accepted a long-term commitment towards eliminating torture, investigating its practice and supporting its victims. In fact, Canada is among the first States parties to the Convention Against Torture. Yet, although Canada has made sincere efforts towards the prevention of torture and rehabilitation of survivors, there is much work to be done for the achievement of such challenging goals. Canada ought to do more in mobilizing international communities in this respect. The recent ruling in the Suresh case may put the Canadian global leadership against torture at stake. With the intervention of various human rights organizations, it is hoped that the Supreme Court of Canada would reverse the decision and would help the government to regain its leadership position.

Canada has also consistently played an active role in the Working Group on the Optional

Protocol to the CAT. The Optional Protocol proposes the creation of an international monitoring mechanism that will enable the effective implementation of the UN Convention Against Torture. Its objective is to enhance the worldwide protection of persons deprived of liberty from torture and other cruel and degrading treatment or punishment. Unfortunately, 7 years after the Protocol's initial draft, the ratification of the Optional Protocol has been hindered by debates over issues such as the requirement of unlimited access to all possible sites where torture may be occurring.

It is frustrating that the Optional Protocol was not on the agenda of the UN Commission of Human Rights (CHR) in its 55th

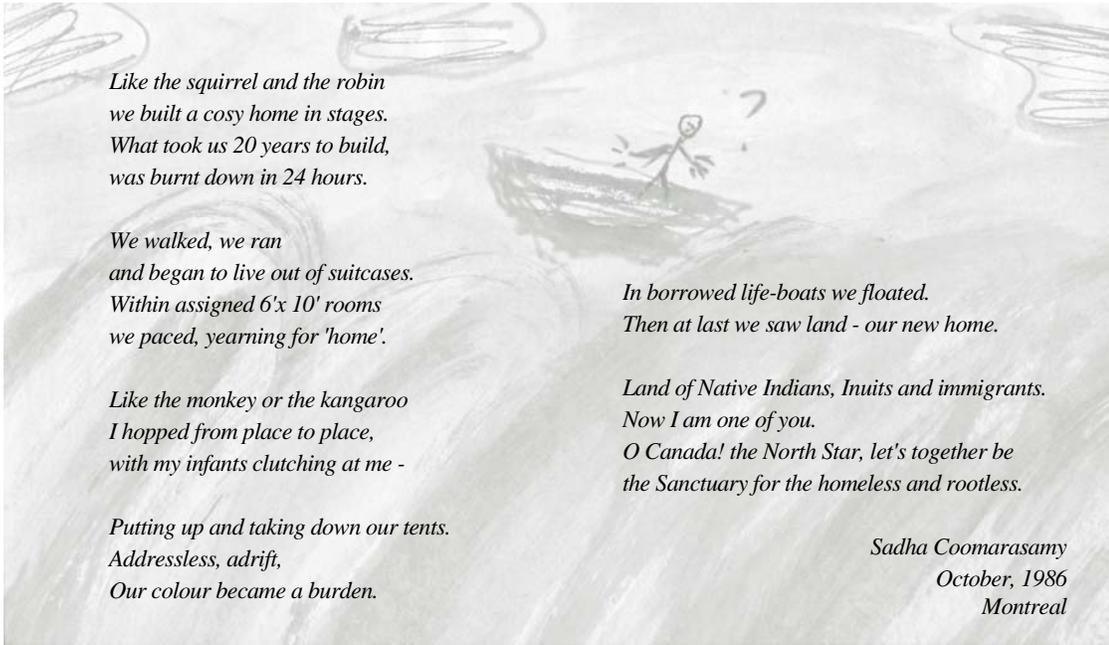
session last year. It is expected that Canada will give voice to torture victims in the next session of CHR. The pre-requisite for this task is a genuine effort by the Canadian government to reform its own domestic legislation and regulation with regards to refugee determination, enforcement and detention.

*(For the full text of this report, please contact CCVT at (416) 363-1066 or email [ma-bai@ccvt.org](mailto:ma-bai@ccvt.org))*

*Ezat Mossallanejad is the Policy Analyst for the Canadian Centre for Victims of Torture  
Email: [ezat@ccvt.org](mailto:ezat@ccvt.org)*

TO: NATIONAL CONSULTATION ON REFUGEE CONCERNS

FROM: A REFUGEE SPONSORED BY THE ANGLICAN CHURCH OF CANADA



*Like the squirrel and the robin  
we built a cosy home in stages.  
What took us 20 years to build,  
was burnt down in 24 hours.*

*We walked, we ran  
and began to live out of suitcases.  
Within assigned 6'x 10' rooms  
we paced, yearning for 'home'.*

*Like the monkey or the kangaroo  
I hopped from place to place,  
with my infants clutching at me -*

*Putting up and taking down our tents.  
Addressless, adrift,  
Our colour became a burden.*

*In borrowed life-boats we floated.  
Then at last we saw land - our new home.*

*Land of Native Indians, Inuits and immigrants.  
Now I am one of you.  
O Canada! the North Star, let's together be  
the Sanctuary for the homeless and rootless.*

*Sadha Coomarasamy  
October, 1986  
Montreal*

## Impunity and Human Rights

By Alex Neve

On July 7, 2000 Canada became the 14<sup>th</sup> state to officially ratify what is commonly known as the Rome Statute. The Rome Statute, agreed to by 120 states in July 1998, lays the ground for the eventual establishment of an International Criminal Court. However, 46 more ratifications are needed before the court will come into being.

Such a court would have the power to try individuals responsible for genocide, war criminals, and criminals against humanity. Such a court would play an absolutely critical role in tackling what is unquestionably one of the most serious obstacles to human rights protection in the world today - impunity. Such a court would become one of the most important human rights institutions on the planet.

And it is so necessary. For impunity does still reign supreme. Over the centuries torturers, architects of genocide, members of death squads and countless others who flagrantly abuse the basic rights of their fellow citizens, have gone confidently about their evil work, certain

that they would face no repercussions. No justice, no penalty, no price to pay for their misdeeds. In fact, there has usually been much to gain, as persecutors have instead enjoyed rewards such as political power, economic gain and even international prestige. No surprise then that torture, disappearances and political killings continue unabated. The consistent lesson is that it is worth it.



We live in a world where the murder of one person is more likely to be punished than the massacre of ten thousand. But we live in a world that is finally waking up to the fact that this is terribly, terribly wrong.

The Rome Statute was a tremendous breakthrough. One hundred and twenty governments agreed that it was time to ensure international justice for the world's worst human rights abusers.

Two years later we are still shy of even 25% of the requisite number of ratifications which would lead to the birth of the court, but things are speeding up and there is good reason to be confident that we will reach the threshold of 60 before too long. There certainly continues to be a pressing need to urge governments to take that step and ratify.

The Pinochet case in the United Kingdom was also a tremendous breakthrough. The unequivocal ruling established that Augusto Pinochet's responsibility for torture in Chile was a matter of international concern, could be litigated in courts outside Chile, and could not be excused by a perverse attempt to hide behind his status as a former head of state. That he was allowed to return to Chile on the basis of controversial medical findings does not detract from that in anyway. And now, the Chilean courts, seemingly energized by their judicial colleagues in London, have picked up the torch, and the possibility that justice will be done in Chile is a real possibility, after close to a decade of it being an absolute impossibility.

But against this backdrop the past two years have given us more heart-wrenching reminders of how deeply impunity is entrenched around the world.

In 1999, the world was faced with human rights catastrophes in Kosovo and East Timor. In both cases, human rights violators had raped, killed and disappeared men, women and children for years, and had paid no price. In 1999, the world watched while the parties to Sierra Leone's vicious civil war signed a peace agreement which granted an absolute amnesty to those who had carried out unimaginable human rights violations. The brutal campaign of Sierra Leone's Revolutionary United Front rebels under the leadership of Foday Sankoh saw the feet and hands of children amputated, large numbers of women raped, and countless civilians massacred. But in the name of peace all that was forgotten and forgiven. No surprise then that within months that false peace came unglued and the rebels began committing the same atrocities again. One year and far too many victims

later some of the rebels, notably Foday Sankoh, are in custody and the world again debates what to do. This time there can be no question, no doubt. There must be justice.

Impunity sailed into Canada this summer as well. In the midst of a Tall Ships festival, celebrating the seafaring era and the grandeur of ocean-going schooners and barquentines, the Esmeralda, a beautiful Chilean ship, arrived in Halifax and Quebec City. Beautiful yes, but the Esmeralda has an ugly past, having served as a detention and torture centre immediately following the 1973 coup in Chile. Countless men and women were tortured onboard, many died, many disappeared. The navy has never admitted what happened, has never allowed an investigation and has never brought those responsible to justice. This despite the fact that the Chilean government's own Truth and Reconciliation Commission documented that these horrors did in fact occur below the Esmeralda's majestic decks. Amnesty International members and other human rights activists protested in both cities. The protest carried one simple request - that there be justice. Chilean officials responded by denying that the ship had ever been used in this way and by accusing the activists of living in the past while they looked to a bright future. But that is precisely the point. When it comes to human rights, unless we commit ourselves to accounting for the past, the future will never be bright.

*Alex Neve is Secretary General of Amnesty International Canada  
(English-speaking branch)*

# The Suresh Case and the Principle of Non-return to Torture

By Ezat Mossallanejad

In its ruling of January 18, 2000, the Federal Court of Appeal in Canada rendered a decision in the Suresh case saying that it is permissible to send people back to torture. Several human rights organizations, including IRCT and CCVT, have opposed this decision by seeking leave to intervene with the Supreme Court of Canada. The following article is a modest attempt to illustrate the background of the case and study the court's decision and its implications.

## I. Background

Mr. Manickavasagam Suresh is a 45-year-old Tamil citizen of Sri Lanka who entered Canada on October 5, 1990 and was accepted as a Convention refugee on April 11, 1991. In Summer of 1991, Mr. Suresh applied for landing in Canada, but his application was suspended as a result of a joint certificate issued by the Solicitor General of Canada and the Minister of Citizenship and Immigration posing him inadmissible to Canada on security grounds. It was stated that during the initial 5 years of his stay in Canada, Mr. Suresh had been involved with the World Tamil Movement (WRM), in its fundraising activities, and had acted as a coordinator for the Federation of Associations of Canadian Tamils (FACT).

Mr. Suresh was detained on October 18, 1995 and spent two years in an Immigration detention centre before being released on bail.

Mr. Suresh was posed inadmissible to Canada under section 40.1 and section 19 of the Immigration Act, which considers persons inadmissible to Canada:

- Where there are reasonable grounds to believe that persons are members of an organization and that there are reasonable grounds to believe they will engage in terrorism; (1)
- Where there are reasonable grounds to believe have engaged in terrorism; (2) and,
- Where there are reasonable grounds to believe persons are or were members of an organization where there are reasonable grounds to believe is or was engaged in terrorism. (3)

The Suresh inadmissibility certificate was based on the opinion expressed by the Canadian Security Intelligence Service ("CSIS") that he could be a member of the Liberation Tigers of Tamil Eelam (LTTE), an alleged terrorist organization.

Pursuant to subsection 40.1(3) of the Immigration Act, a hearing was conducted in the Federal Court of Canada and on August 29, 1997, the judge held that the issuance of the certificate was "reasonable". As was mentioned earlier, the Federal Court of Appeal confirmed the decision. Suresh's lawyer, Barbara Jackman, sought leave to appeal the case with the Supreme Court of Canada and was

granted permission to do so on May 25, 2000. So far, 6 organizations have shown interest in intervening in the Suresh case. The due date for intervenors to file leave applications to Supreme Court of Canada is 21<sup>st</sup> day of September, 2000.

## II. Court's argument

In the case of Suresh, the Federal Court of Appeal went beyond individual involvement to examine the permissibility of *refoulement* to torture under various national and international instruments. What will follow are the main arguments made by the Court in rendering its decision:

It is permissible that the Minister of Citizenship and Immigration return ("refoule") a Convention refugee to the country of persecution despite the fact that "*refoulement*" may expose the person to a risk of torture. (4)

It is not contrary to the Canadian Charter of Rights and Freedoms to deport a person to a country in circumstances where there are substantial grounds for believing that *refoulement* would expose that person to the risk of torture. This is acceptable in the case of "a bogus refugee claimant" who is "a danger to the security of Canada." (5)

"It is permissible in defined circumstances to deport a suspected terrorist to a country even though, in the words of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ... there are substantial grounds for believing that *refoulement* would expose that person to a risk of torture." (6)

"*Refoulement* of Convention refugees who pose a security risk to Canada accords with all three of the international Conventions which bear on the issues raised in this appeal and which have been ratified by Canada; namely the Convention Against Torture, the International Covenant on Civil and Political Rights... and the Convention Relating to the Status of Refugees...." (7)

It is not acceptable that "the right under international law to be secure against torture is absolute and binding on Canada." It does not follow from Article 3 of the Convention Against Torture that "there is an express non-derogable right against *refoulement* even in cases where the 'substantial grounds' test can be satisfied." (8)

Article 16.2 contradicts the belief that there may be no derogation from the prohibition against *refoulement* if it would lead to the risk of torture. That Article provides that the provisions of the Convention "are without prejudice to the provisions of any other international instrument . . . which relates to extradition or expulsion." This qualification is extremely significant once it is recognized that there is another international Convention, which expressly authorizes *refoulement* of Convention Refugees for reasons of national security. This authorization is set out in Articles 32 and 33 of the 1951 United Nations Convention relating to the Status of Refugees which Canada has also ratified. (9).

## III. Implications

The Canadian Federal Court decision will have an immediate impact on the life of Mr.

Suresh as a refugee and survivor of torture. The Sri Lankan authorities have assured Canadian diplomats that Mr. Suresh would not face execution upon his arrival. They have, however, referred to him as a "big fish" in international operations of Tamil separatists and have mentioned that he could be charged for terrorist activities. Leading Sri Lankan lawyers are certain that Mr. Suresh would be tortured upon his return to Sri Lanka. In case of Mr. Suresh, the Federal Court has ignored the fact that lying to the Refugee Board, even if it has happened, does not disqualify a person as a Convention Refugee as long as the possibility of persecution exists.

The Court's decision has also serious national as well as global implications for the life and security of torture survivors who are in similar situations. It can set a dangerous legal precedent in the protection of torture victims and will provide governments with the green signal to return people to torture.

The Canadian courts' decision to return Suresh back to torture clearly goes against the principle of *non-refoulement* embodied in Article 3 of the Convention Against Torture, Article 5 of the Universal Declaration of Human Rights and Article 7 of the International Covenant on Civil and Political Rights.

This ruling is contrary to the decisions of the UN Committee against Torture (11) and the European Court of Human Rights in different cases.

The UN Committee Against Torture, in its decision on Cecilia Rosana Núñez Chipana vs. Venezuela, has confirmed: "The Committee considers that the test of Article 3 of the Convention is absolute. Whenever substantial grounds exist for believing that an

individual would be in danger of being subjected to torture upon expulsion to another State, the State party is under obligation not to return the person concerned to that State. The nature of the activities in which the person concerned engaged cannot be a material consideration when making a determination under article 3 of the Convention." (12)

The majority of the European Court, 12 out of 19 judges, applied its jurisprudence, which held that Article 3 was absolute and could admit no exceptions. The judge in the Canadian Federal Court of Appeal, on the contrary, found Article 3 of the Torture Convention in "apparent conflict" with Article 33 of the Refugee Convention that allows *refoulement* under certain conditions: "the European Court," he mentioned, "concluded that the protection afforded by Article 3 of the European Convention is "wider". With great respect, and as a matter of pure interpretation, I disagree." (13)

A European example is *Chahal v. the United Kingdom*, November 15, 1996 in which the European Court of Human Rights held that the decision to deport a Sikh separatist to India for national security reasons violated Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms [213 U.N.T.S. 221]. It was reiterated that there could be no derogation from Article 3 even in times of national emergency.

The Federal Court's reference to article 16.2 of the Torture Convention seems utilitarian and is totally out of context. Article 16.1 particularly deals with cruel, inhuman or degrading treatment or punishment and explains other articles in which torture could be substituted with "other forms of cruel, inhuman or degrading treatment or punishment". This is not the case for Article 3 which specifically deals with torture and not cruel, inhuman...treatment. Thus, as observed by Prof. Bent Sorensen from

IRCT "no one - not even the Canadian Government - can take Article 16.2 as being valid for Torture." (14)

It should also be noted that Article 64 of the Vienna Convention on the Law of Treaties (15) provides that "if a new peremptory norm of international law emerges, any existing treaty, which is in conflict with that norm, becomes void and terminates." There is hardly any doubt that the rule against *refoulement* constitutes a peremptory norm. Article 7 of the International Covenant on Civil and Political Rights places an unrestricted prohibition on torture. The Committee that oversees the implementation of this Covenant has indicated that "States parties must not expose individuals to the danger of torture or cruel, inhuman or degrading treatment or punishment upon return to another country by way of their extradition." (16) As the rule against torture constitutes a peremptory norm, then Article 16.2 is irrelevant and cannot be reconciled with Article 3 of the Convention Against Torture.

The Federal Court of Canada has underestimated the special significance of the Convention Against Torture and its focus on human rights principles as the foundation of protection. The Court's decision could deliver a heavy blow to the prohibition of torture as "one of the most basic principles of human rights" that is "compared to the most fundamental rights, such as the right to life or the prohibition of slavery." (17) Unlike Article 33 of the 1951 U.N. Convention Relating to the Status of Refugees, Article 3 of the Convention Against Torture is an absolute obligation that cannot be balanced with public or national security considerations. The absolute nature of this article "allows for no exceptions, reflecting the special and serious nature of the prohibition against torture in international law." (18)

It is unfortunate that the Federal Court's decision has failed to grasp the scope of torture and its sinister impacts on the lives of individuals, communities and the whole society. It has undermined international obligations towards condemnation, prevention and eradication of torture as well as the need for rehabilitation of torture survivors.

It is not surprising that the absolute nature of the non-return provision in Article 3 of the Torture Convention do not exist in other human rights instruments. The reason should be found in the fundamental difference that exists between torture and other forms of persecution. Torture goes against the very essence of human existence and its dignity. The absolute nature of the *non-refoulement* commitment reflects the conscious purpose behind prohibition of torture as a crime against humanity. The purpose is to deprecate torture in the most straightforward and absolute manner and to send a clear-cut message to the international community that torture is vicious human vice that must absolutely be condemned and its use or existence can never be justified under any circumstances.

#### IV. Different angles of intervention

Organizations seeking intervenor status with the Supreme Court of Canada in Suresh case have so far held two joint meetings in an attempt to avoid duplication of effort . At this point, these organizations include the International Rehabilitation Council for Torture Victims (IRCT), the Canadian Centre for Victims of Torture (CCVT), the Canadian Council of Churches (CCC), the Canadian Council for Refugees (CCR), Amnesty International (AI), the United Nations High Commis-

sioner for Refugees (UNHCR) and the Tamil community in Canada.

Interventions will be done on two general grounds: 1) whether it is constitutional to deport someone to the substantial risk of torture; 2) on freedom of expression and association and its impact on communities. However, each organization is intended to argue the case with a special angle:

- By looking at the actual facts of the case, Amnesty International will focus on torture and will, to some extent, address the interplay between the Refugee Convention and the Convention Against Torture – Article 3 as non-derogable and *jus cogens*; it will also address the standard i.e. , substantial grounds test vs. balance of probabilities test. AI will oppose Section 53 of the Immigration Act as a violation of the Canadian Charter.
- UNHCR will focus on the interplay of Conventions (CAT; Refugee Convention; etc.) and will possibly address due process issues and interpretation of Article 33 of the Geneva Convention regarding balancing of interests - as a subsidiary issue will be requirements of membership. It will focus on more general legal and not particular facts of this case.
- CCR will look at the definition of terrorism (vagueness); Section 15 (equality) of the Charter as an interpretive tool for rest of Charter; Section 2 (expression/association) for member agencies (non-citizens). CCR could present a race-based analysis to this issue as well.
- CCC will elaborate on the concept of due process, protection for non-citizens and the definition of membership. It may use an Affidavit of one of its members already before the court re: donations of money to armed liberation movements

## V. CCVT/IRCT focus

The IRCT and CCVT are the world's leading organizations involved in the rehabilitation of torture survivors and, as such, have extensive knowledge of the social science literature which depicts the real human face of torture and its devastating impacts on individuals, families, and society. Based on this literature, the I.R.C.T. and C.C.V.T. will focus on the justification for the absolute nature of the prohibition found in Article 3 of the C.A.T. and how this relates to Section 7 and Section 1 analyses under the Canadian Charter of Rights and Freedom.

## VI. Conclusion

The case of Suresh before the Supreme Court of Canada is a crucial historical test for the Canadian people and government. Its significance will go beyond the Supreme Court's decision of 1985 on *Singh et al* in which the Court ruled that everybody, including refugee claimants, who are physically present in Canada, could enjoy the protection of the Canadian Charter. Although it is improbable that all interested organization would obtain intervention status with the Supreme Court of Canada, the scope of interest for intervention itself reflects the national as well as international significance of Suresh case. A negative decision by the Supreme Court will ridicule the Canadian humanitarian and compassionate tradition and will deliver a fatal blow to the Canadian government's global advocacy for fundamental rights of humankind. It will also set a dangerous precedence for other countries to follow. A positive decision will, on the contrary, strengthen the foundation of civil society by reflecting the independence of judiciary and its adherence to the fundamental principle of justice and human rights. It will enhance Canadian

leadership in the global campaign for human rights and its intention to narrow down the existing discriminations between citizens and non-citizens.

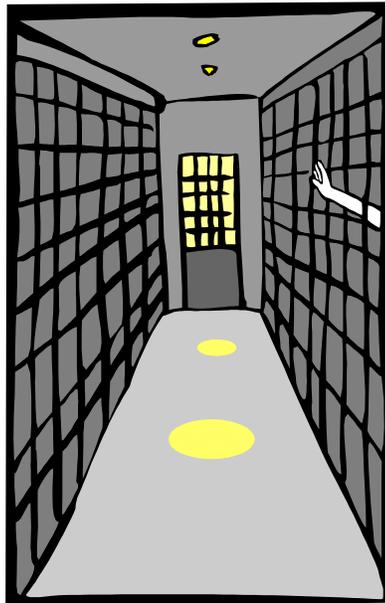
What is needed today is an all-embracing and combined effort for public education on torture and the need for its absolute prohibition.

## Endnotes

1. (s. 19(1)9e) (iv)
2. (s. 19(1)(f)(ii)
3. (s. 19(1) 9f)(iii) (B)
4. Manickavasagam Suresh and the Minister of Citizenship and Immigration the Attorney General of Canada, *Reasons for Judgement*, Docket A-415-99, Date 20000118, P. 2.
- 5, 6, & 7. *Ibid.*, P.3.
8. *Ibid.*, P. 23.
9. *Ibid.*, P. 24.
10. Brian Laghi, "Court upholds Canada's right to deport terror suspects", *The Globe and Mail*, Toronto, Thursday, Jan. 20, 2000.
11. Examples are 1996 decision in Paez v. Sweden

- and Chipana vs. Venezuela.
12. Communication No. 110/1998.
13. Footnote No. 4, P. 26.
14. The author wishes to thank Professor Bent Sørensen, MD, DMSc for his e-mail message of April 4, 2000. Prof. Sorensen has been a member of UN Committee against Torture since its start in 1988 and until 1. Jan 2000. His expert opinions are highly respected in international circles.
15. I am especially grateful to Reem Bahdi who brought this point to my attention. Reem is doing an extensive research on Suresh case.
16. UN Human Rights Committee, General Comment No. 20.
17. As quoted in Deborah E. Anker, *Law of Asylum in the United States*, Refugee Law Center, 1999, Chapter Seven "Protection from Return to Torture: International Legal Protections and Domestic Law."
18. *Ibid.*

*Ezat Mossallanejad is a Policy Analyst for the Canadian Centre for Victims of Torture.*



## TORTURE

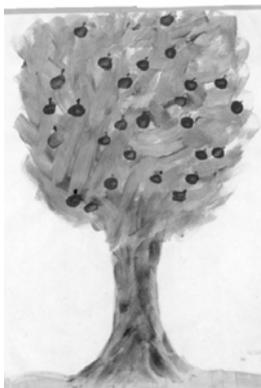
*It will become nothing.  
You will lose the use  
of a part of your body.  
A part you will hold close  
as a child of love.  
It will be horrible.  
You may never again sleep  
in the dark. You will not own  
your dreams. Every night  
a small fleeing bird  
will send out of the woods  
its frightened cry.  
Do you remember their boots?*

*Polished, like the eyes of the dying.  
They raise their drinks to you,  
tell you who was with your wife,  
which ones crushed the skulls  
of your children. Remember  
how they bled the secret  
out of you. You will go on.  
It will become nothing.  
You know so much. Their eyes.  
You will always remember their  
eyes.*

*Michael Daley*

## Group Art Therapy/Psychotherapy at the Canadian Centre for Victims of Torture

By Dr. Abbas Azadian, M.D. and Mary Sanderson R.C.A.T.



1. In the first session, each participant was invited to portray themselves as a tree. A woman from the former Yugoslavia painted this strong, healthy apple tree, laden with fruit. She said it represented her vitality and hope for her new life in this country. She was very proud of this tree.



2. Several months into our group, the woman learned she had been refused refugee status. She painted this picture. The beautiful healthy tree has been uprooted, the green leaves are gone, the fruit is no where to be seen. The tree looks dead. It is lying, abandoned on the beach. The one sign of hope is the single apple on the beach. The woman identifies this as her teenage daughter who is in the former Yugoslavia. Her daughter is the pride and joy of her life.



3. Several weeks after painting the second picture, the woman learned that she will not be allowed to appeal the Refugee Board decision. She is devastated. Now she portrays her tree at the bottom of the lake. Totally abandoned. On the surface of the water is a boat. She identifies this boat as that of the Immigration Board. They are out looking for her. Still, her single apple remains bobbing in the water, a reminder that her daughter is still alive.



4. In the last session of the group we asked each participant to portray their tree again, as a way of assessing what had happened to them during the 6 months of the group. This woman at first said she couldn't draw anything, then she picked up a paint brush and painted this picture. Her tree is being consumed by flames. The apple has disappeared.

*In the fall of 1999, The Health Committee of the Canadian Center for Victims of Torture approved as a pilot project, an Art Therapy/Psychotherapy Group for our clients. The Group was co-led by Dr. Abbas Azadian, and Art Therapist Mary Sanderson.*

### **Background**

The vast majority of our clients suffer from psychological effects of trauma and torture. These include a triad of post traumatic stress symptoms: hyperarousal with anxiety, insomnia, startle reaction or jumpiness; re-experiencing the traumatic experience with nightmares, flashbacks, recurrent images or thoughts; and avoidance of social and personal interaction as well as the avoidance of any thoughts or feelings reminding the person of the trauma. Depressive symptomatology in such circumstances is related to the loss of relatives and friends. In the case of refugees and refugee claimants, there is the added loss of social position and community, which they have not yet achieved in their new country. Women and children are especially at risk of Post Traumatic Stress Disorder (PTSD) following political violence. Women are attacked because of their sexual identity. Providing treatment to this population is challenging and has inherent limitations:

#### **Limitations of work with torture victims:**

1. For obvious political reasons, most torture victims who are seen for treatment do not live in their home coun-

try, which is usually where the torture occurred. Because of this, most victims have only a limited knowledge of the host country's language. This affects their adjustment and limits their use of psychotherapy. Some therapists regularly use interpreters. This is a reasonable solution but has its own inherent problems. An interpreter may affect the therapeutic alliance, and/or may limit effective communication between patient and therapist by creating artificial distance between them. As well, misunderstanding can more easily occur through misinterpretation.

2. The language problem may make the cultural differences between patient and therapist appear more extreme than it really is.
3. Survivors of trauma have difficulty expressing their emotions. Expression of feelings becomes even more difficult when there are language problems and cultural differences.
4. Traumatized refugees are deprived of a social network of support, which has been shown to be the most important factor preventing psychiatric illness.

CCVT has been using Art Therapy since 1992 and we have found that it addresses some of these limitations.

#### **Benefits of Art Therapy**

1. Art is a universal language and needs no interpreter. This does not mean that

the “artist” cannot shed light on his or her work, and that an explanation is not important. However, often the art speaks for itself in profound ways that words could never convey. Art therapy's gentle and non-directive approach transcends verbal expression and allows the client to easily and quickly tap into issues and memories that may be blocked or unexpressed. Often the details of a torture survivor's story are unspeakable. There are sometimes no words to describe what he has experienced and even if there were, he is often unable to articulate them because of pain or shame or grief. But certain images are vivid and ever-present. It is not difficult to put them on paper or make them out of clay. And then, amazingly, it becomes possible to talk about them, sometimes in the third person. Somehow the images seem to lose some of their power.

2. Art therapy allows the client to determine what is dealt with in each session and how fast or slowly the therapist and client proceed. It is the client that decides what art materials to use and what to draw or paint and whether or not to talk about the art. Being in control, even for the length of the therapy session can be very therapeutic for someone who has been imprisoned, interrogated for hours on end and has had little control over most details of his life. The creative process itself is healing. The act of drawing, painting or making something out of clay can be life-giving and empowering. Creativity cuts through pain and anguish

and taps into the inner spirit. For many of our clients, art therapy is the first life-enhancing and creative activity they have engaged in since arriving in Canada.

3. Art therapy is a safe and natural means of expressing strong feelings. It is not enough to simply portray the details of their torture and painful past. The emotion connected with the experience must also be expressed and shared. All survivors of torture have a great deal of unexpressed emotion. Often, the victim has survived because he has been able to repress strong feelings of anger and fear. Now safe in this country, these emotions must find an outlet if healing is to take place and the survivor is to have a full life. Loss, whether physical, emotional or social, must be grieved and reconciled; anger and rage must be expressed. Human beings cannot suppress only their negative feelings. Joy and love are also constrained when grief, anger and rage are suppressed. Many women have been taught that it is wrong not only to express, but to feel anger. For a great number of torture survivors, unexpressed anger manifests itself in depression. Spontaneous art allows strong feelings to emerge when the survivor is ready to face them. Once the details and emotions of the torture experience have been faced, the survivor can begin to integrate them. What once may have been incapacitating pain can now be surmounted and the survivor can begin to develop new and healthy patterns of living.

A 1999 study of torture survivors who had individual art therapy, revealed:

1. Art facilitated communication and the expression of feeling
  2. The safe and trusting environment within which the therapy was conducted contributed to a positive outcome.
  3. There was improved self-understanding as a result of their involvement in art therapy.
  4. The participants experienced a shift in self-perception and improved self-esteem.
  5. There was a shift of attitude toward more future-oriented goals.
  6. Participants found the process of creating art soothing and facilitated expression of thoughts and feelings not expressible in words.
1. Installation of hope. In both the pre-group orientation and in the group, we tried to reinforce positive expectations, to remove negative preconceptions and to provide as lucid and powerful explanations as possible about the group's healing properties. Observing improvement in others is obviously part of this process. We frequently called attention to improvements made both by individual members and by the group as a whole.
  2. Many clients believe that they are unique in their suffering and wretchedness. This is usually heightened by their social isolation. Group therapy provides a forum where patients discover they are not alone and that others share the same dilemmas and life experiences. For many there is great relief in this discovery.
  3. The therapist's clarification of a reaction or symptom in a didactic explanation as well as direct advice from other group members creates an atmosphere of mutual respect, interest and concern.
  4. Many recent refugee claimants are uncertain about their future and feel demoralized. They frequently say they have nothing of value to offer to others. This misconception can be challenged and changed in the group when they offer helpful advice and encouragement to each other.
  5. Social learning operates in all therapy groups. Given the narrow social context of recently arrived refugees, a

### **Advantages of group therapy:**

Reaction and stress related to trauma can be treated in individual or group settings. Since our Centre has had positive experience with art therapy with individuals, we wanted to try it in a group, psychotherapy setting. There were specific therapeutic factors we had in mind when we suggested a group format. Irving Yalom, who has written extensively about groups, describes the benefits of a group format. These factors were our guidelines in our art therapy group:

4. Many recent refugee claimants are uncertain about their future and feel demoralized. They frequently say they have nothing of value to offer to others. This misconception can be challenged and changed in the group when they offer helpful advice and encouragement to each other.
5. Social learning operates in all therapy groups. Given the narrow social context of recently arrived refugees, a

group can provide an opportunity for accurate interpersonal feedback. The group also provides an opportunity for clients to model themselves on aspects of the other group members as well as the therapist.

### Method

Our group consisted of about ten participants, with equal numbers of men and women. Our only criteria for admission to the group was that they be clients of the Centre, (i.e. that they were genuine torture survivors) and that they spoke and understood English well enough to be able to function without an interpreter. They reflected the diverse clientele of our Center: there were members from India, Iran, Madagascar, Nigeria and the former Yugoslavia.

We made available at each session large sheets of white paper, oil pastels, water color paints and clay. The group met for two hours weekly. Initially we allowed up to half the time for artwork but we quickly found clients needed more time to talk. This meant that clients usually completed only one or two pieces of art. The sessions were relaxed and informal, with members of the group getting up at will and finding the art materials they needed. We began each session by inviting everyone to use the art materials. For the most part, people worked quietly and often intently on their own art with little conversation. After everyone had completed at least one art piece, usually after half an hour, we would invite someone to share their art. It was a standard rule that no one should be pressured to talk about anything he or she did

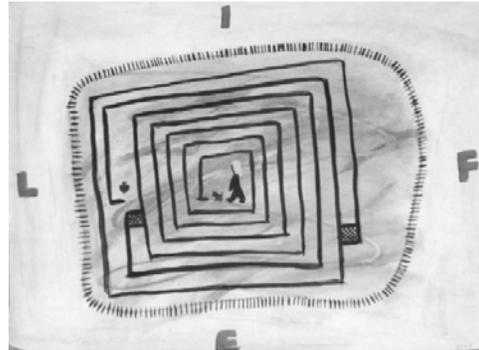
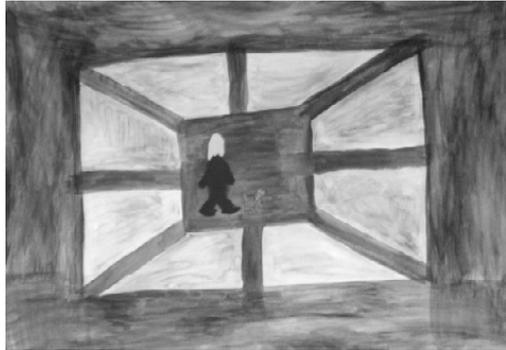
not want to talk about. Once the 'artist' had explained his/her art the other members were invited to ask questions or make comments. These were not limited to the 'artist' only. Others might be asked how they felt about a particular drawing or a comment that someone in the group made.



The woman from a country in West Africa identified the big fish as a person with power and authority. She is the little fish being eaten by the big fish. All the members of the group nodded knowingly and said, 'Yes, people in authority like to destroy little people.' But the woman corrected them, 'No!' she said, 'Sometimes they protect you.'

### Content

During the six months the group met many issues surfaced in the participants' art: loss, separation, grief, identity, adjustment to a new society, suicide and traumatic experiences. As well, there were many issues around immigration--their status, their upcoming hearing, appeals, lawyers, etc. We also dealt with many day to day issues as they arose in client's lives.



The hearing of the Refugee Board looms large in the life of all refugee claimants, who made up the bulk of our group. They live in terror of being refused and returned to their own country. This picture portrays the feeling of helplessness and frustration that comes when someone is refused entry into this country. There is no way out. In the second picture, all roads lead to nowhere.

## Case study:

K. is a 32-year-old woman who was part of our group from the beginning. She is from a country in West Africa and came to Canada a few months before the group began, seeking refugee status. At her initial immigration hearing her request was denied. She is in the process of appealing that decision. She is not working and lives alone.

K. is alone in Canada, her only friends being those she has met in E.S.L. class. She scored 27 and 18 on the Beck Anxiety Inventory and Beck Depressive Inventory before the group began. This indicated a mild to moderate degree of depression and anxiety.

K. initially was reserved and did not participate in the discussion of other people's work. She used the art well, depicting, at different sessions, the relationship between authority figures and community; the boat in which she escaped with her brother piloting her

to safety; her son playing with other children; the map of her country with the country's flag. Gradually, she began talking more about her own work. She started to interact with other people and to relate to their work. She became more spontaneous and vocal.

Eventually, K. felt secure enough to tell her story.

When her mother was pregnant, the family was having a very difficult time surviving. A chief from a neighbouring village approached them with a proposal. He would support the family with food and money, indefinitely, if, when the baby was born he or she be given to the chief. If the baby was a boy he would work for the chief, if it was a girl, she would become one of his wives. The chief was about 40 years of age at the time and already had several wives.

When K. was born she was sent to the chief's village and did not meet her mother until she was 6 years old.

K. did well in the local school and was sent to the capital city to go to college. She had a boyfriend and they were in love with each other. When she returned to the village, she learned for the first time, about the agreement with the chief. She decided to challenge this and ran away. She returned to the city and made an important decision. She and her boyfriend decided to try to become pregnant and eventually she gave birth to a healthy boy.

Nevertheless, this did not stop the chief. When it became known that K had a child, the chief and the people of the village punished her with beatings and burning. K decided there would never be any real future for her in that village and she waited for the right moment to escape from the chief, the village and a life of slavery and entrapment. Leaving her child behind and with the aid of her brother, she slipped away in a boat under cover of night and eventually found her way to Canada, where she applied to be a refugee.

This was an emotional session for the group. It prompted others to talk about how they had escaped and what they have left behind. They offered great support to K. and to each other.

At the end of the group, K. said : "I don't feel isolated any more. I know there are other people who went through the same things. That

makes me feel better. I also feel safer in Canada. Before, seeing a black man would have made me feel scared. Now I know that people are safe here. All members of our group had a hard time but they are safe in Canada." She added: " My future is not clear yet but I am more hopeful about the future. Even if they don't accept my application the second time around I'll continue fighting."

The last time we saw K. she was brightly dressed and looked happy and relaxed. She completed the Beck Anxiety and Depression Inventory Tests again four weeks after the group ended. This time she scored 10 and 6 respectively. Both scores are within the normal range.

The Art Therapy/Psychotherapy Group appears to have met an important need for some of our clients. Many have expressed a wish to continue with the group when it begins again in the fall.

*Dr. Abbas Azadian is a psychiatrist with a special interest in trauma and multicultural issues in trauma at Mt. Sinai Hospital in Toronto and a member of our Health Committee. Mary Sanderson is a Registered Canadian Art Therapist who has been on staff at CCVT for seven years.*



## First Person Singular: Survivors of Torture, Self-esteem and Language Acquisition

By Lawrence Hrubes

Survivors of torture and organized violence arrive in “safe” countries by the tens of thousands each year. In Canada, those who seek a new life in Toronto often make their way to the Canadian Centre for Victims of Torture, the oldest organization of its kind in North America. There, they find diverse yet integrated services designed to help them rebuild their identities, bodies, families, communities, and belief in their own futures. One of the CCVT’s most dynamic programs over the past 11 years has been the English Language (or ESL) Program. Small classes, composed entirely of adult survivors of torture or war, offer a safe, supportive, unthreatening environment where traumatized refugee learners can attempt the vital and daunting task of learning English. The CCVT’s ESL Program has adapted and modified teaching methodologies and curricula to suit the unique needs of its clients. One of the guiding principles of the ESL program is to aid survivors in the rebuilding of their self-esteem. Why is self-esteem so critical to a torture survivor’s success in the classroom?

Torture and organized violence, such as “ethnic cleansing”, often have as a primary goal the degradation, fragmentation or destruction of the victim’s identity or sense of self. As opposed to outright killing, torture deliberately leaves its victims

as living symbols of the power of the state. The more thoroughly those victims have been stripped of their will, dignity and sense of self-esteem, the more they generate fear in their communities, and the more “useful” they become as deterrents to others the state wants to intimidate.

Furthermore, by its very nature, the experience of torture typically shatters the victim’s self-esteem. Those things the victim holds most dear or sacred -their family, intellect, religion, political convictions, status in the community, profession, sexuality, ethnicity- are specifically targeted by the torturer. They are mocked, taunted, threatened, degraded, abused, humiliated or destroyed, as the torture is administered physically. It is essential to remember, however, that the goal of torture is essentially, in figurative terms, to destroy the “spirit” of the victim, leaving them only a shell of their former self. The techniques of modern-day torture have been methodically designed with the psychological destruction of the victim in mind, and they are tremendously effective.

In the last year, Julieta was beaten on her family farm in Kosovo, as the militia set fire to the barn, then her home. Ali Reza was released, after a year, from a torture cell inside a prison atop the mountains

overlooking Tehran. Irina witnessed the murder of her husband, then experienced rape at the hands of his killers, and finally got herself smuggled out of Azerbaijan. These three students, whose names are invented but whose stories represent many typical refugee experiences, suddenly find themselves in a classroom in North America. Their goal: to learn English. Yet the brutality of their recent experiences has left them fragile, distracted, detached. Constantly elevated stress levels, fatigue, and powerful intrusive memories make focusing on learning a tremendous strain on good days, and seemingly impossible on bad days. The teacher is asking them to participate in a strange community, to listen, to speak, to make new and unfamiliar sounds, to read an unfamiliar alphabet, to write. This new language is the key to doing things that only a few months ago were commonplace, things they had mastered decades ago: making a phone call, buying groceries, paying a bill.

Underlying all these challenges Julieta, Ali Reza and Irina are suffering from an almost total absence of self-esteem. They simply cannot imagine themselves a year in the future, having mastered essential elements of the English language, functioning independently, directing the course of their lives. Without self-esteem, the inherent risks of learning language in a class of adults loom large: *I will look foolish, sound foolish, say something foolish; I will not be able to express myself as I used to; I will be unable to learn quickly enough; I will discover that now I am "stupid", a failure.* In fact, during torture the torturers will sometimes tell their victims that, once the torture is complete, they will be unable to do things once taken for granted. Such morbid prophe-

cies seem to come true, when sex, laughter, parenting, political activism, prayer and even sleep become difficult, painful or impossible. Learning in general, and particularly learning the language of the host country, also appears insurmountable.

To learn a new language, especially when that language is the key to survival in a foreign country, the student must believe in their own abilities, must be able to envision or project themselves forward into a future where they have mastered key elements of the language. Without a healthy degree of self-esteem, they lack the courage necessary to take the risks native to the ESL classroom. Without taking those risks -speaking publicly, sometimes answering incorrectly, not understanding, asking questions, mispronouncing words, sharing elements of yourself and your past with strangers- the student never fully engages in the class. They never genuinely participate in the process of discovery of the language, and thus end up largely failing to acquire the new language. The torturer's prophecy becomes self-fulfilling: the student believes that they cannot learn anything new, that the experience of torture or organized violence will forever determine the future opportunities open to them.

How can educators work to promote self-esteem in survivors of torture and war? At the Canadian Centre for Victims of Torture, the staff takes a holistic approach. First, students need to know that language acquisition will be slow. Patience is essential. Past academic success is not always a reliable gauge of future progress in mastering English. Teachers must continually readjust students' expectations, so the students will not set unrealistic and unattainable goals for themselves, then become depressed when those goals are not met. The issue of expect-

tations may be further complicated by the fact that many survivors are well-educated and held positions of respect or prominence within their original communities or cultures. They have often mastered complex subjects, and frequently other languages (including ones they may consider more difficult than English) before going through the traumatic events that forced them to seek asylum elsewhere. Consequently, survivors may experience tremendous frustration when they encounter difficulties with English, or as they perceive their progress as too slow. Specific, realistic, short-term goals need to be established, then regularly evaluated and adjusted, in open dialogue and consultation with individual students.

Second, survivors need to receive clear, specific feedback about the progress they are actually making, however limited. Teachers may need to take a longer view of progress for individual students, comparing current language abilities with those of six months earlier, or even with the previous year. Teacher-student conferences or interviews should be informal, but regular and encouraging. Survivors often come to expect a degree of failure in the things they attempt. One of the documented indicators of Post-Traumatic Stress Disorder (PTSD) among torture survivors is a sense of a foreshortened future, and failure in the ESL classroom simply adds to the sense that one is incapable of creating a meaningful future life. Teachers should point out the specific language skills that the student has mastered, even partially. If the student appears pessimistic about their progress, try discussing weekly or even daily language learning goals.

Goals need to be short, concrete, simple and attainable: memorizing five useful adjectives of emotion, asking four common yes/no questions to a bank teller, using the phone book to find a walk-in medical clinic close to your apartment, even simply increasing listening skills while others speak. Achieving these will help the student realize that they are indeed capable of learning and progressing, and will enhance their self-esteem.

Third, commendation, praise, encouragement, and statements affirming the teacher's belief in the student's abilities, are all tremendously helpful in promoting the confidence and self-esteem of torture survivors, and traumatized refugee learners generally. As educators, we are conditioned to note and respond to academic progress primarily, and we may overlook other significant social, community, emotional or personal victories the students achieve. Verbal recognition of the students' achievements in these non-academic areas, both in private or in front of their peers, fosters self-respect and encourages survivors to continue taking the social and emotional risks that will help them develop language skills. Again, such praise must be specific and genuine: false flattery will quickly be caught, and survivors typically react quite sensitively to any question of trust, especially when dealing with authority figures.

What, then, can we commend if academic progress is limited? Some students are skilled as moderators during class debates and group discussions. Some are logical, some humorous, while others are quietly helpful, to their peers, new students or the teacher. Do we express our appreciation for these qualities? Can we praise our students

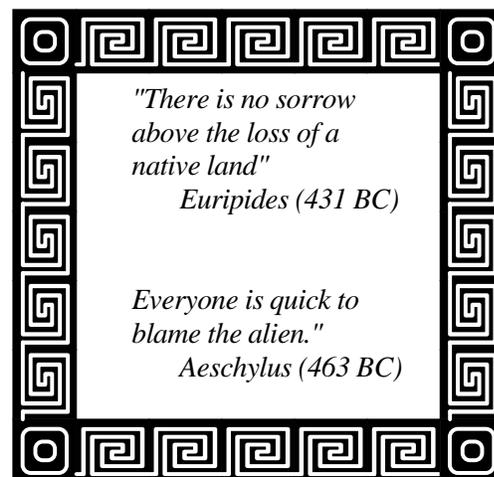
for their perseverance, or for courage to speak out in front of the class, perhaps when we know they are shy? Do we encourage them to give us constructive feedback on the quality and content of our program? Do we tell and show them that we respect their opinions and experiences as adults? When decisions need to be made that will affect the class (new staff, changing classrooms, fees, schedules, public transportation assistance) do we consult the students and enter into a constructive dialogue with them, treating them as mature, capable “stakeholders” whose insights and opinions genuinely matter to us? Do we provide opportunities in class time for the students to demonstrate their unique abilities? Torture survivors had full, rich lives before their traumatic experiences and, although those experiences overshadow much of the present, they need to have healthy opportunities to share aspects of their pasts within the context of the ESL classroom. Teachers should encourage students to do presentations on subjects in which the students feel they are “experts”. These suggestions will help to promote the gradual rebuilding of a survivor’s self-esteem.

The process of healing is long and complex, and unique to each individual survivor. Self-esteem is affected by various factors, many of which are beyond the scope of the English language classroom. However, many aspects of the lives of the students may, if they are willing, be brought into the classroom for discussion or in the form of daily journal writing. In that sense, then, most factors that influence self-esteem may be examined and expressed using English as a common tool. Educators, and particularly English language instructors, have a vital and power-

ful role to play in fostering a sense of self-esteem in their students. Self-esteem is certainly instrumental to the success of all students, children and adults, native citizens, immigrants and refugees. But for refugees suffering from the complex and extreme effects of torture and organized violence, the promotion of self-esteem within the context of the ESL classroom is an essential ingredient, one that can make or break the learning experience and set the tone for many years to come.

*Lawrence Hrubes has been an English language educator for ten years. He has been on staff at the CCVT for seven years, as an ESL teacher and Coordinator of the English Language Program.*

*Email: lhrubes@ccvt.org*

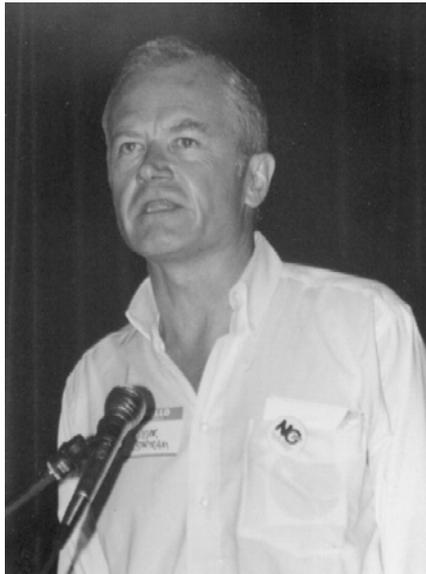


## In Memoriam: Trevor Bartram

Trevor Bartram's death earlier this year caused great sadness and feelings of great loss in the CCVT community. Trevor was a founding member of the Centre and remained an integral part of its life throughout the years. At the time of his death, Trevor was a board director and active member of the International Committee.

Trevor's energy seemed to know no bounds. From the beginning, Trevor maintained a faith in the organization's potential. While serving on the executive committee of Amnesty International Canada in the 1970s, he discovered first hand the extent of the practice of torture throughout the world and became determined to help build a place where survivors could find understanding, assistance and solidarity.

As the founding legal advisor, Trevor undertook the tedious and unglamorous tasks that developing organizations require. He wrote (and rewrote) the agency's bylaws, undertook to find office space (a rather permanent need in the early years), and negotiated leases, contracts and funding agreements. At various times throughout the two decades of his CCVT affiliation, Trevor served as recording secretary and he invariably produced the minutes on the day following the board meeting. He also learned to put up drywall for more than a few of the Centre's renovation projects.



Much of this work was done quietly and without fanfare. Most members will not know the many days that he spent at funding appeal meetings in order to establish the agency's credibility. There were many times when he would wait for long hours for CCVT to be called to report to a meeting while he did his own corporate legal work on the arm of his chair.

More publicly, CCVT members will remember Trevor as an active participant in the agency's social events. He befriended newcomers and included his many new friends into his active social life. He often recruited them to work with his other volunteer efforts, including Street Kids International, the Couchiching Institute and FOCAL.

Trevor contributed much to the organization that the Centre grew to become. He enjoyed its success but never believed that its tasks were completed. His travel internationally as a human rights consultant proved to him that torture, genocide and organized violence needed to be countered by an even stronger CCVT. He is missed and he is not forgotten.

In the Latin American culture that Trevor loved, there is a traditional observation that recalls deceased friends. Following this custom, in his memory, we express, "Trevor Bartram—PRESENTE!"

*Joan Simalchik, CCVT volunteer  
Executive Director, 1986-1994*

# First Light

RETURN ADDRESS:

Canadian Centre for Victims of Torture  
194 Jarvis St., 2<sup>nd</sup> floor  
Toronto, Ontario M5B 2B7  
Canada

To:



**Yes!**

I want to help CCVT respond to the needs of survivors of violent oppression who have sought refuge here in Canada.



- \$20     \$40     \$50     \$150     \$250  
 Other \$ \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

**Canadian Centre for  
Victims of Torture**

194 Jarvis Street, 2nd Floor  
Toronto, Ontario  
Canada M5B 2B7

Tel: (416) 363-1066  
Fax: (416) 363-2122

Charitable Reg.  
13332 7908 RR0001