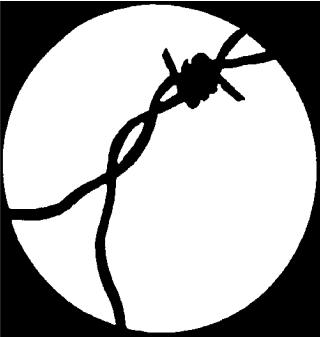


First Light



A Biannual Publication of the Canadian Centre for Victims of Torture



ALL HUMAN BEINGS
ARE BORN FREE AND
EQUAL IN DIGNITY
AND RIGHTS

- ARTICLE 1 -
UNIVERSAL DECLARATION OF HUMAN RIGHTS



GENDER, SEXUAL ORIENTATION AND TORTURE



Accredited member of the International Rehabilitation Council for Torture Victims (IRCT)



THE ONTARIO TRILLIUM FOUNDATION LA FONDATION TRILLIUM DE L'ONTARIO

TORONTO



Citizenship and Immigration Canada

Citoyenneté et Immigration Canada

First Light is published semi-annually and 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. We chose to call this publication **First Light** because as the first light before true dawn, it symbolizes the first ray of hope for survivors of torture.

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Mandate

The Canadian Centre for Victims of Torture aids survivors in overcoming the lasting effects of torture and war. In partnership with the community, the Centre supports survivors in the process of successful integration into Canadian society, works for their protection and integrity, and raises awareness of the continuing effects of torture and war on survivors and their families. **The CCVT gives hope after the horror.**

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Sexual Orientation and Torture

Ezat Mossallanejd

Introduction

Sexuality is one of the most complex phenomena of human life. It may take many different forms. Diversity in sexual orientation has frequently been recorded in history, although it was prohibited in some cultures. In almost all religions, except for a few cults, homosexuality or bisexuality is forbidden.

The story of Sodom and Gomorrah in the Old Testament has been employed by religious scholars to 'prove' that homosexuality is a sin and an evil act. In this story, God supposedly punishes the people who live in the cities of Sodom and Gomorrah for sodomy. This myth has tragically been reproduced and sanctified by Christianity and Islam. In many modern societies, homophobic myths and religious verses act as justification for perpetration of torture against people with different sexual orientations.

A Glimpse into the History of Persecution

Historically, slave owners forced slave girls to have sex with them, but also raped their boy-slaves. They would also sell them as objects of sex or give them as gifts to other members of the aristocratic class. In the Persian world, the Farsi term, Gholambareh, was developed for masters who use their slaves for sex. These masters would turn their handsome young male slaves into sex slaves and castrated them. Selling castrated boys as sex-slave became profitable and as a result, some boys were castrated in their infancy. The method was very painful. They used to insert a rough metal into the baby's rectum and turned it until it crushed their testicles. Following his coronation ceremony (1736 A.D.) the Persian King Nadir Shah the Great donated 700 castrated Armenian boys to the tribal chieftains.

For hundreds of years, homosexuals were stoned to death in Islamic world for no reason except their sexual orientation. This practice continues today in many parts of the world. Although there was a lack of a Quranic sanction for such torturous acts, this discrimination was justified by scores of Hadith (narrative) that are attributed to Prophet Moham-

med, the four caliphs and their descendant. According to one Hadith, sodomy is worse than adultery. This Hadith states that those who commit sodomy should be burned or killed by a sword or have their heads crushed by a wall.

The treatment of homosexual was not much better in the West. Western history is also stained with the blood and ashes of thousands of innocent homosexuals. This intolerance is primarily based on religious justifications and prejudices with regards to sexual variance in human society. According to Leviticus 20:13, homosexuals should face death penalty. Despite the lack of any recorded statement by Jesus Christ about homosexuality, early Christianity under St. Paul, condemned its practice. This condemnation still continues in many sects of Christianity albeit to varying degrees.

Inquisitions carried out throughout Europe and the Americas from the 12th century to the 19th century aimed to root out heretics and witches as well as those with different sexual orientations. The repression of the 'sexual offence' of sodomy was justified because it was considered a crime against nature. In his classical *Book of Torture*, John Swain has shared a horrible and terribly unjust trial involving homosexuality:

All the summoned persons being together in the hall, the prisoner and a young boy were brought out, and after the first Inquisitor had finished his bitter correction, the secretary read the examinations and sentence as followeth:

"Whereas informations were made, and by evidences proved, that Fryer Joseph Peralta has committed the crime of sodomy with the present John Romeo his disciple, which the said Romeo himself owned upon interrogatories of the Holy Inquisitors: they having an unfeigned regard for the order of St. Jerome, do



declare and condemn the said Fryer Joseph Peralta to a year's confinement in his own convent, but that he may assist at divine service, and celebrate mass. Item, for the example to other sinner, the Holy Fathers declare that he, the said John is to be whipt through the public streets of the town, and receive at every corner, as it is a custom, five lashes, and that he shall wear a Coroza, i.e. a short Mitre on his head, feathered all over, as a mark of his crime. Which sentence is to be executed on Friday next without any appeal."

After the secretary had done, Don Pedro Guerreor did ask Fryer Joseph, whether he had anything to say against the sentence or not? And he answered "No," the prisoners were carried back to their prisons, and the company was dismissed....

The boy was 14 years of age, under the power of Fryer Joseph.... The poor boy was whipt according to sentence, and died the next day. (1)

In the Medieval Era, hundreds of homosexuals were burned. The most recent recorded story of a mass burning of homosexuals happened in Netherlands. The imposition of the death penalty on "sodomy" on July 21, 1730 led to the mass persecution of homosexuals in Holland and Utrecht. This triggered a nationwide hunt of "sodomites". Over 300 trials were carried out throughout the country, which led to the execution of 60 men some of whom were burned alive. On one day, September 24, 1731, 22 men and boys from Faan and other nearby villages were executed. Others languished in jails, without a trial, until 1747. (2)

Global Homophobia

Unfortunately, the world is still not free from homophobia. According to Louise Arbour, the former UN High Commissioner for Human Rights and the current President and CEO of the International Crisis Group, homosexuality is considered a criminal offense and is criminalized in more than 80 countries

of the world. (3) It is punishable by death in nine countries – Iran, Mauritania, Pakistan, Saudi Arabia, United Arab Emirates, Yemen, Sudan, Nigeria and Somalia. While some countries prohibit gender reassignment surgery for transsexuals, others discriminate against intersexed people. Acts of violence against homosexuals occurs throughout the world and frequently, there is impunity for perpetrators.

In United States of America, for example, police officers who have used atrocious means (violent assault, sexual abuse and rape) against lesbian, gay, bisexual and transgender (LGBT) people go with impunity. Victims usually refuse to prosecute them due to their fear of retaliation and their experience of improper investigation

by higher enforcement authorities. (4)

What is particularly disturbing is the silence and denial surround acts of torture and degradation of homosexuals. The most recent example was offered by the Iranian President Mr. Mahmoud Ahmadinejad. In his speech at Columbia University on September 24, 2007, he was challenged

about the execution of homosexuals in Iran. He responded by making the following comments: "In Iran, we don't have homosexuals. In Iran we don't have this phenomenon. I don't know who has told you we have it." (5) A week later, Mr. Mohsen Yahyavi, a member of the Iranian Parliament, publicly called for the torture and execution of homosexuals in Iran. Ahmadinejad's ridiculous statement was undermined by the explicit call to 'hunt down' LGBTs. It is clear from both statements that Iran is carrying out publicly condoned campaigns of discrimination and abuse against this population.

Despite the fact that respect for minority rights is enshrined in various international human rights declarations, tyrannical regimes use religious and cultural differences to justify the violation of the fundamental human rights of people with different sexual orientations. Egyptian authorities, for example, condemn homosexuality as an evil imposed on their religious and cultural dis-





tinctiveness. In the year 2001, for example, 52 homosexual men were tried for the "habitual practice of debauchery" in Egypt. The Egyptian police forces raided private homes and seized suspects on the street. The various infamous methods of torture they used against those with various sexual orientations were recorded: hanging, suspension in painful positions, burning with cigarettes, submerging victims in ice-cold water, and subjection to electroshock on limbs and genitals. In response to what they saw as a threat to their religion and culture, authorities carried out systematic campaigns of torture against innocent citizens. This response is uncalled for, unjust and unacceptable.

Towards Emancipation

The struggle against anti-homosexual laws began with the development of the civil society. It started with French Revolution in late 18th century. With its anti-clerical and anti-Christian tendency, the revolution initiated discussions about the fundamental rights of humankind – including the rights of women and homosexuals. The rest of Europe followed the path carved by the French toward more emancipated societies the 20th century.

In 1869, the Austro-Hungarian doctor, sexologist and author K.M. Benkert, coined the term 'homosexuality', which replaced the religious pejorative term 'sodomite'. As a result of his system for the classification of sexual types (homosexual, heterosexual, pygist, and so on), he altered the notion of homosexuality from a sin to an illness.

Benkert's efforts were followed by the German Dr. Magnus Hirschfeld whose indefatigable research contributed towards the acceptance of homosexuality as a sexual variation in human life and society rather than an 'illness'. In 1897 Dr. Hirschfeld established the Scientific Humanitarian Committee in an attempt to promote the tolerance of the homosexuals and the decriminalization of homosexuality. The ascendance of Nazi Party to power in 1933, resulted in the suppression of Dr. Hirschfeld's movement and his subsequent death in 1934. Soon afterwards, a period of harassment, persecution and torture started against homosexuals. Thousands of homosexuals were killed in concen-

tration camps during the Holocaust. (6)

After World War II, the American biologist Alfred Kinsey shard his statistical survey according to which 37% of males and 13% of females in USA had enjoyed homosexual orgasm at least once in their lifetime. (7) This resulted in public acceptance of homosexuals as a minority group and the strengthening of the gay movement. This was followed by a cry for homosexuals to "come out of the closet." In 1974, the American Psychiatric Association (APA) disproved the existence of any physical, mental, or psychiatric disorder linked to people's homosexual orientation. Therefore, homosexuality was removed from the list of APA's illnesses.

International instruments

International human rights instruments such as the UN Declaration of Human Rights, the UN Covenant on Civil and Political Rights (UNCCPR) and the UN Convention against Torture can be employed as legal instruments for advocacy in favor of gay rights. Article 17 of the UNCCPR stipulates that "no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation." Article 26 has guaranteed the principle of non-discrimination and the equality of every human person before the law: "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

A very successful application of international human rights law regarding homosexual rights occurred in the case of Toonen v. Australia (1994). The complainant Tooven, an Australian citizen, requested the intervention of the UN Human Rights Committee (HRC) against the laws of the Australian state of Tasmania prohibiting private sexual contact between consenting adult males. He argued that the law as such had the potential to allow the police to investigate private aspects on an individual's life, if the police felt there was evidence that a crime under the law had been committed. The UN ruled that the rights of homosexual persons were violated by the laws of



the state of Tasmania and that these rights are protected by the International Covenant on Civil and Political Rights (ICCPR). The HRC concluded that the word 'sex' in UNCCPR should be taken to include 'sexual orientation' and recommended that the offending laws be repealed by the state of Tasmania. (8)

Apart from this partial achievement, there is no direct reference to the right of the freedom of sexual orientation in binding international human rights instruments. This is mainly due to the power of homophobic governments within the UN system. The UN system has a long way to go to bridge this gap.

Canadian Achievements

Despite all Canada's shortcomings, this country is at the forefront of the gay rights movement, recognizing the right to the freedom of sexual orientation. Distinguished Canadian figures no longer hide their sexual orientations. On July 20, 2005 the Civil Marriage Act was passed and Canada became the fourth country of the world to legalize same-sex marriage.

It should be noted that until 1969, homosexuality was punishable by a maximum of 14 years imprisonment in Canada. Since then, Canada has made great progress. (9) Most Canadian provinces have passed legislation against the discrimination of homosexuals. The Canadian military has also prohibited discrimination on the basis of sexual orientation. Despite the lack of outright constitutional protection for the freedom of sexual orientation, section 15 of the Canadian Charter of Rights and Freedom which prohibits has been interpreted to include this right. Section 15 prohibits discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability.

Moreover, Canada's Immigration and Refugee Protection Act has extended the definition of spouse to include same-sex partners. It is now possible for Canadian citizens or permanent residents to sponsor their same-sex and common-law spouses from overseas. The Immigration and Refugee Board (IRB), a quasi-judicial body mandated to decide refugee claims, have given pro-

tected status to those who have sought refuge in Canada on the basis of persecution due to sexual orientation – among them are clients of the Canadian Centre for Victims of Torture (CCVT).

Non-governmental human rights and service agencies have always advocated for the rights of LGBT people. The Canadian Council for Refugees (CCR) has developed an anti-homophobia and anti-heterosexism policy, as an integrated part of its existing anti-racist policy. The movement on this vital issue is gaining more and more momentum within Canada.

CCVT clients

We, at the CCVT, believe that homosexual rights are human rights. We are highly committed to the protection of sexual minorities. We have continued and will continue to provide our holistic services to LGBT people who have experienced torture in Africa, Latin America, Middle East, and Europe. Our clients who have lived under religious fanaticism and tyranny, have experienced torture both at the hands of government officials and at the community level.

Throughout my life, I have witnessed gay people being persecuted in the name of purification of religion or tradition. This has warned me to hide my sexual orientation.

The following is an excerpt from the statement of a Moslem gay client:

"In my country homosexuals are treated like non-reformable criminals. They are deemed 'undesirable' riff raft. We are victims of killings, kidnappings and other abuses at the hands of the police, militia, fanatical forces, our own family or even ordinary people. Throughout my life, I have witnessed gay people being persecuted in the name of purification of religion or tradition. This has warned me to hide my sexual orientation."

Another client complained about the lack of police protection: "I could not complain to the authorities for the fear of the exposure of my sexual orientation and because I was afraid that they would persecute me."

Another CCVT client testified the brutality carried out against him by ordinary citizens and the police in the name of religion:

"When Muslim prayers left the shrine, they saw me. I tried to avoid them, but it was too late. They surrounded me. Some started beating me violently on



the head with a stick repeating the name of Allah with every blow. They continuously punched me and put me to the ground. Then, they took me to the police station where I was detained and went through a torturous interrogation. Police called me a pervert, an infidel, a dirty beast and an abnormal rascal."

Gay women and men cannot effectively participate in the economic, social and cultural life of their community due to their constant stigmatization. A client of the CCVT explained, "my teachers and classmates back home showed a great deal of hostility to me when they suspected that I might have homosexual tendencies. They advised me that I must be tough as a man and warned me that homosexual behaviour would bring shame to the school and it is an unforgivable sin to the God Almighty." This discrimination limits the ability of LGBT individuals to grow as individuals and be involved or included in their community. Our clients who have experienced sexual discrimination and abuse explain that talking about sex is a taboo in many countries. In most of the world, when it comes to the rights of LGBT, people take law in their hands. As demonstrated by the above accounts of discrimination and abuse, it is also very difficult (if not impossible) for homosexuals and bisexuals to stand before government officials and speak to them about their sexual orientation. Most of the world is not accepting of them.

We have served homosexual survivors of torture who were suffering from inadequate self-esteem, lack of trust, unwarranted pessimism, hypersensitivity, feelings of rejection, tendencies towards self-isolation and even internalized homophobia. There have been cases of addiction and suicide among our LGBT clients due to past oppression from their respective communities. We have tried our best to empower them and refer them to sister agencies or provide them with our professional services. We have a long way to go; but we are ready to learn and accept new challenges.

Conclusion

It seems that we are living in the age of extremes. At one end, same-sex marriage is highly appreciated and accepted. At the other, homosexuals are stoned, beat and whipped to death. It is ironic that in most cases, those who torture gay men and women are reputed for their own records of homosexual affairs. They use LGBT people as their scapegoat and victimize them in their sinister struggle for power.

Religious fanaticism has always acted as an obstacle to the right of freedom to sexual orientation. We need to continue to challenge religious justifications for discrimination and abuse of LGBT people .

It is not an exaggeration to state that the main criterion for the civil and cultural progress of a society is its treatment of people with different sexual orientation. In most Latin American countries, progressive movements for women's emancipation simultaneously advocate for gay rights. Today's scientific achievements have opened up new horizons for the justification of sexual freedom. We need to consolidate our solidarity and cherish human differences in order to make progress.

Notes

1. John Swain, *The Book of Torture*, Worldwide Copyright Ltd. 1968, pp. 175-6.
2. www.geocities.com/gueroperro/Chron-44-page.wps.htm)
3. From Ms. Louise Arbour's speech at the International Conference on LGBT Human Rights held in Montreal in July 2006.
4. For more information visit the website of Amnesty International: www.amnesty.org.uk/news/press/16891.shtml
5. The Guardian, Tuesday September 25 2007.
6. For more information please refer to Vern L. Bullough, *Sexual Variance in Society and History*, A Wiley-Interscience Publication, New York, London, 1976, pp. 645-6.
7. Carol Tarvis and Carole Offir, *The Longest War: Sex Differences in Perspective*, Harcourt Brace Jovanovich Inc. New York, 1977, p. 71.
8. For more information see: www.austlii.org/au/journals/PLPR/1994/33.html
9. For more information see Donald W. McLeod, *Lesbian and Gay Liberation in Canada: a selected annotated chronology, 1964-1975*, ECW Press/Homewood Books, 1996.

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Gender Based Violence and Male (In)vulnerability

Paulina Wyrzykowski, JD, MSW

"You become violent when you're at your most vulnerable, it's the last thing you got left."

- Chris Dolan, Director, Refugee Law Project, speaking in "Gender Against Men"

Before the movie even came out, the Refugee Law Project (RLP) heard rumors of the stir it was causing in humanitarian circles. The title "Gender Against Men" was seen by many as a deliberate provocation, because, after all, it is women who are overwhelmingly perceived to be the targets of sexual and gender based violence (SGBV) throughout the world. After the movie's launch in a downtown Kampala theatre, one activist was so incensed that she was shaking as she stood up to assert that most sexual violence in conflict zones targets women.

Yet to reduce the concept of gender violence to mere statistical comparisons is to miss the point of the movie entirely. "Gender Against Men" is a documentary that targets stereotypes of male invulnerability by drawing attention to the ways in which individual men are targeted in conflict zones, resulting in physical and psychological damage not only to themselves but to the community as a whole. It talks about sex-selective massacres in the Congo; the rape of Acholi men by UPDF soldiers in the North of Uganda; and men forced to rape their sisters or to watch as others rape their wives. Ultimately, it argues, in a patriarchal world, one of the most effective ways to attack a man is to undermine his sense of masculinity. Once such damage is done, and unless it is healed, not only the individual but his family and community will continue to suffer the aftereffects for years to come.

It was not long ago that the international community first accepted that sexual violence can be a tool of political terror. Although the Geneva Conventions and their two Additional Protocols of 1977 condemn rape and sexual assault, it was



Photograph from the cover of the Gender Against Men DVD. © Refugee Law Project, Makerere University

only after the signing of the Rome Statute in 1998 that rape, sexual slavery and forced prostitution were considered war crimes and crimes against humanity.

Recent feminist scholarship has shed light on the challenges faced by women at different stages of conflict. They have proven that there is a heightened rate of domestic violence, rape, and sexual abuse within families in post-conflict societies as well as during periods of war or repressive rule. The same writings point out that while such abuses would have been categorized as private in the past, these acts have a political dimension which is revealed once one considers the interplay between gender and conflict. It is partly the growing recognition of the political qualities of gender that has resulted in the recognition of rape as a weapon of war, ethnic cleansing and genocide by the International Criminal Tribunal for Yugoslavia and the ICTR.

Such developments, though encouraging, are also striking in their almost exclusive focus on women as victims of gender based violence and of sexual abuse in particular. Men, when they feature in the deliberations of international bodies and in the

media covering such proceedings at all, are likely to star only in the role of perpetrators. Yet increasingly, organizations such as the Refugee Law Project in Uganda and the American Bar Association (which operates a sexual violence legal clinic in Goma, Congo) are coming forward with anecdotal evidence of men who have been singled out for sexual abuse in the course of conflict, and a survey of the victims who have testified in front of various truth commissions in the recent past indicates that women were in fact not the sole targets of gender based violence.

Aside from direct physical violence, sexual or otherwise (for instance, in the case of forced conscription of boys), men in conflict zones are frequently the victims of psychological violence. It is a platitude in humanitarian circles that the violence perpetrated against women in wartime is often intended as a message to enemy *men* that they are weak and cannot protect their families. Thus men in wartime are frequently forced to witness or participate in atrocities committed against their loved ones, including the rape of mothers, sisters or children. In the context of prolonged conflict, these deliberate acts of emasculation by the enemy may be compounded by displacement and the inability to provide for one's family economically. Crowded into Internally Displaced Persons (IDP) camps with little prospect of employment and faced with the inability to protect their families from violence at the hands of combatants, these men may suffer a wide range of psycho-social consequences. Highly traumatized, with their traditional role as protectors and providers shattered, some may then seek affirmation of their masculinity through domestic violence or through violent social movements.

In such a setting, being a man may come to be synonymous with being prepared to use violence to achieve one's goals. The man with the gun is the only "real man" around. In a militarized context, men, more than women, may be pressured to join the armed forces and may also be forced to take up arms in order to defend themselves in situations where they are, by virtue of their gender, singled out for attack. Armed groups have a stake in maintaining the perception of 'armed manhood' as the only 'true' manhood in order to assure steady recruitment and to ensure a certain level of ruthlessness among their ranks. Those men who choose to remain nonviolent under such circumstances may then be subjected to ridicule or violence at the hands of other men as not sufficiently masculine.

The way to break this cycle of violence, "Gender Against Men" implies, is to acknowledge the victimization of men along with the explicit attacks on male gender identity in conflict zones, and to help individuals regain control over their own lives and recognition in the eyes of their community through non-violent means. This task is made difficult, however, because of the stigma attached to the victimization of men. To the extent that men are socialized to deny experiences of suffering and vulnerability, it may be doubly difficult for them to come forward and speak about their experiences. Male victims of sexual violence, in particular, often face not only the ridicule and disbelief of wider society, but in some cases, a legal system that renders their ordeal invisible by defining rape in ways that are explicitly limited to women. Even among humanitarian workers ostensibly dedicated to the protection of human rights, it is common to find the issue of sexual violence against men trivialized as a marginal phenomenon. "Gender Against Men" offers several examples of such marginalization, ranging from the complete lack of support groups for male survivors of sexual violence in IDP and Refugee Camps to the testimony of an individual gang-rape survivor whose case failed to gain adequate support by UNHCR because the Protection Officer conducting the interview did not recognize that men too could be raped.

At the end of the day, "Gender Against Men" is a movie about silence. It argues that a system glorifying a form of male gender identity that emphasizes invulnerability and control can easily be turned against individual men by taking that control away from them. Where men are not permitted to be vulnerable, violence against them becomes invisible – first, because to be its target is to be rendered less than a man, and then again because, particularly in the case of sexual violence, existing legal and political frameworks do not recognize it. In conflict scenarios where such violence is widespread, the result of leaving it unaddressed can be dire for the entire community, as individual victims seek to reassert their sense of masculinity through violence directed at their families or through the perpetuation of political conflict.

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The Gender Factor in Refugee Determination and the Effect of Gender Guidelines

Geraldine Sadoway

Context

In July of 1991 the United Nations High Commissioner for Refugees published *Guidelines on the Protection of Refugee Women*. This document drew attention to the fact that, while the Refugee Convention⁽¹⁾ forms the basic legal instrument for the protection of all refugees, refugee women and girls have special protection needs that reflect their gender and that special efforts may be required to resolve problems faced specifically by refugee women.⁽²⁾

In March of 1993 the Chair of the Immigration and Refugee Board of Canada, Nurjehan Mawani, issued the Chairperson's *Guidelines on Women Refugee Claimants Fearing Gender-Related Persecution* the Gender Guidelines. These were the first guidelines ever issued by a chair of the IRB and were the first guidelines on gender-related persecution issued by any adjudicative body dealing with refugee status determination within the countries that have signed the Refugee Convention. The Canadian Gender Guidelines were subsequently updated and re-issued in November of 1996 as *Guideline 4: Women Refugee Claimants Fearing Gender-Related Persecution*.⁽³⁾

Since the Canadian Gender Guidelines were published, refugee adjudication bodies in a number of other countries have issued similar Gender Guidelines⁽⁴⁾ and in the past ten years considerable jurisprudence has developed in different countries in which the application of the Gender Guidelines can be observed and analysed.⁽⁵⁾

Do Gender Guidelines help refugee women?

Despite the prevalence of gender inequality and violence against women throughout the world, the individualized method of determining refugee status under the Refugee Convention has often failed to protect women who face very serious harm and are not adequately protected by the state in which they live. Due to the ubiquity of gender discrimination and the fact that many forms of gender oppression are common in many refugee-

receiving countries as well as in refugee-producing countries, forms of persecution particular to refugee women are rendered almost invisible.

Thus, a woman fleeing FGM (female genital mutilation) and bride-burning might readily be seen as having a well-founded fear of persecution, a woman suffering from rape or domestic violence may not be distinguishable from women in the host country (country of refuge) and thus, her plight might be minimized.⁽⁶⁾ Some may react to the acceptance of women as refugees who have suffered from 'universal' forms of gendered oppression by stating that women are also battered and raped in Canada but this does not mean that they qualify as refugees. This results in ignoring 'universal' forms of gendered oppression. On the other hand, forms of oppression of women that are less common in the West (or relegated to history) such as child-brides, forced marriage, female infanticide, honour killing, forced sterilization, and so on, are shrugged off as an expression of that particular culture. In these cases, refugee decision-makers may be influenced by theories of cultural relativism and may be wary of applying a Western standard to the perceived cultural norm in the country from which the claimant has fled.⁽⁷⁾

The Gender Guidelines help to overcome these two barriers for women refugees because they are firmly rooted in various international human rights instruments.⁽⁸⁾ The Gender Guidelines responds to the first dilemma of disqualifying oppression due to its 'universal' nature. According to the Gender Guidelines, "the fact that violence, including sexual and domestic violence, against women is universal is *irrelevant* when determining whether rape, and other gender-specific crimes constitute persecution" and the decision-maker is advised to focus on whether the risk of that violence is the result of "a failure of state protection". With respect to cultural relativism, the Gender Guidelines state that "social, cultural, traditional and religious norms and the laws affecting women in the claim-



ant's country of origin ought to be assessed by reference to human rights instruments which provide a framework of international standards for recognizing the protection needs of women." The international instruments referred to include the *Convention on the Elimination of All Forms of Discrimination Against Women*, the *Convention on the Political Rights of Women*, the *Convention on the Nationality of Married Women*, and the *Declaration on the Elimination of Violence Against Women*.

By naming the forms of oppression against women, including the 'universal' forms of oppression such as rape and battering, the Gender Guidelines, brings the reality of gendered persecution into focus for decision-makers and locates these forms of oppression squarely within the context of human rights: women's rights are human rights. In fact, the Gender Guidelines make it easier to protect women through the Refugee Convention.

For example, in 1986 I represented a woman whose husband, a wealthy businessman, had abused her for years. He had broken her arm in the same place seven times (we had X-ray evidence of these repeated fractures). She fled her country on a visitor visa to Canada, leaving her children behind, because she was so terrified of this continuing brutality and knew that she would not receive any protection from the police in her country. We initiated a refugee claim for this woman but also filed a 'humanitarian' application because, at that time, the Refugee Board would not accept her claim based on domestic violence. In the end, the 'humanitarian' application was successful and the refugee claim was then withdrawn. Ten years later, after the Gender Guidelines were adopted in Canada and after the Supreme Court's *Ward* decision, another client who was in a very similar situation - fearing her abusive spouse and unable to rely on state protection - was accepted as a Convention refugee.⁽⁹⁾ A review of the Compendium of Decisions relating to Guideline 4, published by the IRB in February of 2003, clearly indicates that there is a greater possibility of securing refugee protection for women since the Gender Guidelines came into effect.⁽¹⁰⁾

Stereotyping, 'Neo-Orientalism' and Reactionary Backlash

One danger of the Gender Guidelines is the tendency of advocates to simplify and stereotype the claimant to easily fit categories outlined in the Gender Guidelines. Thus an advocate may present the

claimant as a passive victim fleeing a stereotypical patriarchal Eastern or Southern state. This tempts Board members to buy into both stereotypes, when the reality of the claimant and the country she comes from is more complex. It may appear easier and safer, for example, to base the claim on a fear of FGM even if this is only one aspect of the case. For example, the claimant may oppose the practice of FGM as part of a more sophisticated resistance to discrimination and inequality within her social environment. Furthermore, if the case is argued based only on the fear of FGM, the claim might be denied if the woman has already been subjected to this practice (in the Board's view, if it has already taken place, she no longer has any reason to fear it), or because new laws may have been passed condemning the practice of FGM even though they are not enforced.

In a compelling critique of the stereotyping of Islam by advocates and academics Susan Musarrat Akram studies the Gender Guidelines in refugee claims by Arab and Muslim women to demonstrate how the use of Gender Guidelines has actually hurt some refugee claimants and resulted in the denial of their claims. In describing the U.S. asylum claims of three Iranian women, she demonstrates how the women were "silenced" by the decision to base their claims on the social group of Iranian women who opposed the dress code imposed by the theocratic regime in Iran, when in fact the cases could have been based on fear of persecution due to religion and political opinion. All of the women were Muslim but they disagreed with the form of Islam practised by the government of Iran. Their non-conformity was not merely a preference for Western dress and culture, but a positive expression of their own Islamic beliefs and their political opinions opposing the Iranian regime. Akram concludes that the "new Orientalism emerging from feminist perspectives on human rights advocacy in the asylum and refugee context, threatens accurate presentations of human rights violations and victimization."⁽¹¹⁾

In the context of refugee claims based on sexual orientation, failure to look and act like the stereotype might result in a refusal of refugee status. In a perceptive article describing the situation of gay Chinese men seeking refugee status in Australia, Kristen Walker suggests that refugee status may be a "violent gift", requiring





those who seek it to stereotype themselves, doing violence to the individual with complex sub-identities⁽¹²⁾. The Gender Guidelines may be a “violent gift” that sacrifices the more nuanced complexity of women refugees, especially when they don’t fit the stereotype expected by the Refugee Board.

However, a more serious problem is the backlash against the Gender Guidelines based on reactionary, neo-conservative and anti-feminist attitudes towards women. This is seen particularly in cases involving the more ‘universal’ forms of oppression of women such as domestic violence and sexual assault. In the case of domestic violence, Board members have been quick to applaud any efforts by a particular state to remedy the protection issue. For example, if a state passes a new “Domestic Violence Act”, Board members may argue that the situation has changed and the claimant can obtain effective state protection in her home country. High profile cases that highlight the failure of state protection in Canada, as revealed by the inquests into the murders of Arlene May and Gilian Hadley by their respective partners⁽¹³⁾, encourage the Board to refuse claims by women who have fled to Canada to escape an abusive partner, on the grounds that no state can guarantee full protection.

Furthermore, Board members must be educated on “battered wife syndrome” and the nature of sexual violence. Despite the Gender Guidelines, some Board members are still prone to making assumptions about women who are victims of domestic violence or rape. In overturning a lower court decision in the case of *R. vs. Lavallee*, the Canadian Supreme Court Judge Bertha Wilson described the “myth” of domestic violence as: “[e]ither she was not as badly beaten as she claims, or she would have left the man long ago. Or, if she was battered that severely, she must have stayed out of some masochistic enjoyment of it.” Despite the fact that the Gender Guidelines⁽¹⁴⁾ specifically cite the Su-

preme Court decision of *R. vs. Lavallee* to draw attention to inaccurate myths about wife battering, some Board members still don’t find it plausible that a well-educated and intelligent woman would remain in a situation of spousal abuse. In a 1998 decision refusing the claim of a woman subjected to several years of severe domestic violence, the Board members found that this claimant was “assertive”, “intelligent” and “resourceful” and that she demonstrated “a certain degree of independence, organizational ability and competence”. These characteristics did not ‘jibe’ with her alleged “helplessness” and her claim that she was “powerless” to leave her abusive partner. The Board therefore concluded that her story of abuse was “exaggerated” and her evidence was “fabricated”⁽¹⁵⁾.

Some decisions on refugee claims involving sexual violence reveal the persistence of the myth that rape is a private criminal act of lust, outside the scope of the Refugee Convention⁽¹⁶⁾. In a U.S. case that was decided after the adoption of U.S. Gender Guidelines by the INS, the Federal Board of Immigration Appeals determined that the claimant’s gang rape by soldiers in the Guatemalan military was “a random criminal act, unconnected to the government”. Fortunately, this decision was recently overturned on appeal by the Ninth U.S. Circuit Court of Appeals⁽¹⁷⁾. In a U.K. case of a woman raped by state agents, the Adjudicator of the Immigration Appeal Tribunal refused the claim on the basis that it was “simple and dreadful lust” rather than persecution⁽¹⁸⁾. The appeal was also unsuccessful but a public campaign was launched to prevent this claimant from being deported.

The Gender Guidelines, Refugee Protection, and International Human Rights Law

Despite setbacks, the development of Gender Guidelines in Canada and other countries has dramatically improved the protection of women who have fled their countries and has successfully highlighted the issue of the continuing oppression and inequality of women world-wide. The Gender Guidelines have also opened up the possibilities of refugee protection for other vulnerable social groups: children⁽¹⁹⁾, the elderly, gays and lesbians, persons living with HIV/AIDS, and persons with disabilities.

At the same time, there is tremendous resistance to recognizing these ‘non-traditional’ grounds of persecution under the Refugee Convention. This is nourished by the anti-refugee bias in the domi-



nant media. Guidelines alone will not ensure good decision-making if the refugee determination system itself lacks appropriate safeguards and if the selection of Board members continues to be affected by political patronage.

Tragically, refugee determination is becoming more and more based on ‘the luck of the draw’ in Canada. Under the Immigration and Refugee Protection Act, a refugee claim is heard by only one member of the Refugee Protection Division of the IRB and a claimant can make only one refugee claim in her lifetime (20). Although an appeal process was included with the new legislation, it was not implemented when the Act came into effect in June of 2002, and has not been implemented since. We have many excellent and well-qualified Refugee Board members, however the lack of the option to appeal is a serious flaw in our system. New guidelines to increase the efficiency of decision-making at the IRB, including hearings by video-conference, strict rules on extensions of time and adjournments, and “reverse order” questioning(21) of the claimants, all have a disparate adverse impact on the most vulnerable refugees including women, children and survivors of torture (22). Judicial review on narrow legal grounds does not constitute an appeal and is out of reach for most refused refugees because of the legal complexity and cost. The ‘pre-removal risk assessment’ [PRRA] - available to all refused refugees - is not an appeal either, as the PRRA officers may only consider new evidence that could not have been presented at the hearing before the RPD. The current 2 - 3% success rate of PRRA applications is clear evidence of the failure of this process as a safety net. Although a refused refugee claimant may submit a “Humanitarian and Compassionate” application to be landed in Canada, filing such an application (with payment of a \$550 filing fee) does not delay removal from Canada, and the current processing times for these applications is two to three years. When the “safe third country” regulations(23) come into effect, women fleeing to Canada through the U.S. will also be denied the opportunity of making a refugee claim in Canada, as they will be ineligible.

It is the most vulnerable and traumatized refugees - women, children, survivors of torture, persons with disabilities and so on - who are the principal victims of this flawed refugee determination system. It is for this reason that the Gender Guidelines are needed and similar guidelines should be developed to assist in the determination of claims by other particularly vulnerable groups. That being said, the system itself

must also change because if the claimant does not succeed in getting refugee status, her chances of rectifying the situation and securing protection are very poor.

At the same time, the potential to use positive Refugee Board decisions based on gendered persecution to improve the human rights of women internationally, is not yet being fully exploited. Deborah Anker makes the point that the “parallel disciplines” of international human rights law and refugee law, traditionally have not had much to do with each other but are becoming increasingly interconnected. She argues that this is a useful development. For example, while refugee claims are fact-based and provide individual remedies in a private and confidential procedure, when individual cases are grouped together it becomes possible to publicize and denounce the failure of state protection before international human rights bodies such as the Human Rights Committee of the United Nations, the European Court of Human Rights, the Inter-American Commission of Human Rights, the Court of Human and Peoples Rights of the Organization of African States, and so on(24).

Furthermore, international human rights tribunals that prosecute war crimes and crimes against humanity have had to develop procedures for receiving victims’ evidence that accommodate the particular difficulties and vulnerabilities of witnesses. The evidentiary guidelines used by these tribunals can inform the procedures followed by refugee claims adjudicators. For example, the international criminal tribunals on Yugoslavia and Rwanda (the ICTY and ICTR) have made allowances for the effect of Post-Traumatic Stress Disorder (PTSD) on the victim’s ability to testify consistently(25). The same principle should apply in the hearing of a refugee claim if the claimant is suffering from PTSD. The Gender Guidelines provide some assistance but more comprehensive guidelines describing the effects of PTSD or head traumas are required to appropriately determine claims by refugees – particularly survivors of torture(26). It is also important to note that the recognition by the ICTY and ICTR that rape is a war crime and a crime against humanity has helped to counteract the myth that sexual assault is an act of passion rather than an act of violence.

Now, more than before, human rights activists,



refugee advocates and the academic community have the opportunity to work together to call states to account for the treatment of women and other vulnerable social groups. The Gender Guidelines, by mainstreaming women's rights as human rights, have enhanced the possibilities for valuable exchange and mutual reinforcement between refugee law and international human rights law. The fabric of international human rights law is strengthened as it is interwoven with the testimonies of women refugees. It is important to build on the progress that has been made. The granting of refugee protection based on gendered persecution is a positive step in the direction of greater recognition of economic, social and cultural rights as human rights and towards a feminist "reconstruction"⁽²⁷⁾ of international human rights discourse.

Note:

1. *United Nations Convention Relating to the Status of Refugees* of 1951 and the *Protocol of 1967*.
2. *Guidelines on the Protection of Refugee Women*, United Nations High Commissioner for Refugees, Geneva, July 1991
3. *Guideline 4: Women Refugee Claimants Fearing Gender-Related Persecution*, November 13, 1996, Immigration and Refugee Board, Canada. The major change in the up-dated guidelines was to reflect the Supreme Court of Canada decision *Canada (Attorney General) v. Ward*, [1993] 2 S.C.R. 689, which provided a basic framework for analysis of refugee claims based on the Convention ground of "particular social group", and also some guidance to applying the Convention definition in situations of non-state "agents of persecution" in which, although the state is not directly complicit in the persecution, the person may be found to be in need of international protection due to the failure of the state to provide "effective" protection.
4. *Considerations for Asylum Officers Adjudicating Asylum Claims From Women*, United States Immigration and Nationality Service (INS), 1995; *Guidelines on Gender Issues for Decision-makers*, Australian Department of Immigration and Multicultural Affairs (ADIMA), July 1996; *Position Paper on Asylum Seeking and Refugee Women*, European Council on Refugees and Exiles (ECRE), December 1997; *Gender Guidelines for the Determination of Asylum Claims in the UK*, Refugee Women's Legal Group, UK, 1998, and *Asylum Gender Guidelines*, Immigration Appellate Authority, UK, November 2000. *Refugees and Gender: Law and Process*, Heaven Crawley, Jordan Publishing Lt., Bristol, 2001.
5. See generally "The Convention Refugee Definition and Gender-Based Persecution: A Decade's Progress" by Ninette Kelly, *International Journal of Refugee Law*, Vol. 13, No. 4, 2002.
6. See generally "Refugee Women and the Imperative Categories" by Audrey Macklin, *Human Rights Quarterly*, 17 (1995) 213-277.
7. See H. Crawley, (*supra, note 3*) at pages 10 to 12 for a review of the debate on the relationship of women's human rights and the issue of cultural relativism in the context of refugee law. See J. Bhabha, "Embodied rights: gender persecution, state sovereignty and refugees" (1996) *Public Culture*, Vol. 9, pp. 3 - 32
8. See "Particular Social Group: A Human Rights Based Approach in Canadian Jurisprudence" by Krista Daley and Ninette Kelley, *International Journal of Refugee Law*, 2000, Vol. 12, No. 2.
9. "Victim of Spousal Abuse Granted Refugee Status" by Catherine Kentridge, *Law Times*, June 28 - July 4, 1993; "Afflicted Women Find Hope In Canada's Refugee Rules" by Mark Clayton, *Christian Science Monitor*, March 9, 1994.
10. *Compendium of Decisions: Guideline 4, Women Refugee Claimants Fearing Gender-Related Persecution: Up-date*, Immigration and Refugee Board, February 2003, http://www.irb-cisr.gc.ca/en/about/tribunals/rpd/compendium/index_e.htm
11. "Orientalism Revisited in Asylum and Refugee Claims", Susan Musarrat Akram , *International Journal of Refugee Law*, Vol. 12, No. 1, pages 7 - 40, Oxford University Press, 2000.
12. "The Importance of Being Out: Sexuality and Refugee Status" Kristen Walker, (1996) 18 *Sydney Law Review* 598.
13. For the jury recommendations of the coroner's inquests concerning Arlene May and Gilian Hadley, see the Ontario Women's Justice Network website: owjn@web.ca.
14. *Guideline 4: Women Refugee Claimants Fearing Gender-Related Persecution*, Immigration and Refugee Board of Canada, Update, 1996, at End-



- note 31.
15. IRB File No. U97-00088, September 9, 1998.
 16. See "Rape, Sexual Assault and the Meaning of Persecution" by Jacqueline R. Castel, *International Journal of Refugee Law*, Vol. 4, No. 1, pp. 39 - 56, 1992.
 17. *Garcia-Marquez v. Ashcroft*, 02-74068.
 18. The case of Rose Najjemba, referred to in *Women=s Asylum News*, Issue number 44, August 2004, at page 2, and fully described in WAN Issue No. 31, April 2003.
 19. The Chair of the IRB issued *Guideline 3: Child Refugee Claimants: Procedural and Evidentiary Issues* on September 30, 1996. Unfortunately these guidelines do not deal with substantive law issues of what constitutes persecution of children. The U.S. INS *Guidelines for Children's Asylum Claims*, published on December 10, 1998, go much further in this regard.
 20. *Immigration and Refugee Protection Act*, S.C. 2001, c. 27, implemented on June 28, 2002. Under the former *Immigration Act*, two Board members heard a refugee claim and a split decision resulted in the granting of refugee status to the claimant. There was no appeal but a repeat claim was possible if the refused claimant left Canada for three months and then returned. This served as an appeal in some cases and, according to anecdotal evidence, approximately 40% of repeat claims were successful.
 21. Rather than being examined first by her counsel, the new standard procedure is for the Refugee Protection Officer to examine the claimant and then allow counsel to ask questions. This is the reverse of the traditional trial procedure in which the person who bears the burden of proof has the opportunity to present her case first, with the assistance of counsel. "Reverse order" questioning was instituted by *IRB Guideline 7 in 2003*.
 22. The current IRB Chairperson, Jean-Guy Fleury, has introduced Guidelines 5, 6 and 7 in 2003, all designed to increase the efficiency of the Refugee Protection Division [RPD] of the Immigration and Refugee Board.
 23. Canada and the United States agreed, following the events of September 11, 2001, to implement the "safe third country" arrangement - denying access to the refugee determination system to claimants who passed through the "safe third country" before reaching the country in which they wanted to claim refugee status. Thus, refugees passing through the United States on their way to claim protection in Canada (about 40% of Canada's refugee claimants), will be found ineligible to make a claim in Canada. Similarly, any refugee claimants arriving first in Canada and then attempting to travel to the U.S. to claim asylum (currently a very small percentage), will be returned to Canada. For an excellent discussion of the failure of similar "safe third country" agreements in Europe, the "Dublin agreement", see Macklin, "The Value(s) of the Canada-US Safe Third Country Agreement" December 2003, *Caledon Institute of Social Policy*, www.caledoninst.org.
 24. Deborah E. Anker, "Refugee Law, Gender, and the Human Rights Paradigm" 15 *Harvard Human Rights Journal* 133 (spring, 2002). Anker describes how this was done in a complaint to the Inter-American Commission on Human Rights of the Organization of American States [OAS] by Haitian refugee women in the U.S. who had been raped in Haiti during the struggle against the dictatorship. This effort was a crucial first step in recognizing rape as torture and as a crime against humanity.
 25. See the decisions of the ICTY on *Tadic* and of the ICTR on *Akayesu: Prosecutor v. Tadic*, IT-94-1, Trial Chamber, Judgment, 7 May 1997; *Prosecutor v. Akayesu*, ICTR-96-4, Trial Chamber, Judgment, 2 Sept. 1998.
 26. See generally, "Questions of Credibility: Omissions, Discrepancies and Errors of Recall in the Testimony of Asylum Seeker" by Juliet Cohen, *International Journal of Refugee Law*, Vol. 13, No. 3, 2002. In Canada, the Canadian Council for Refugees, the Canadian Centre for Victims of Torture and other groups have repeatedly asked for IRB guidelines to assist in the determination of refugee claims by victims of torture and trauma.
 27. See *The boundaries of international law: A feminist analysis*, Hilary Charlesworth and Christine Chinkin, Manchester University Press, 2000.

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Violence Against Women in Guatemala

Emily A. Willard

Guatemala suffered from a 36 year internal armed conflict between the Guatemalan Government and leftist guerilla forces, which left more than 200,000 people murdered or disappeared. The majority of the people killed were indigenous civilians, including women, children and the elderly. The United Nations has declared the conflict as genocide by the government against the indigenous people. The peace accords were signed in 1996, however the violence continues, especially violence against women. Since 2000, more than 4,000 women have been murdered because they are women, a phenomenon described by the human rights community as femicide.

During the War

Women's bodies are often the battle ground for conflict. During the war, we see that it was a military strategy. The military uses the female body as the focus of violence against the community and women because "it serves to underscore who must be dominant and who must be subjugated". Specific strategies include sexually assaulting and raping women in front of their families as well as murdering women because they are seen as the continuance of life and of a culture. The later is considered a strategy of genocide as the perpetrators seek to completely erase an entire people.

The military strategies of violence against women, as well as the promotion of a patriarchal social structure during the war normalized rape and violence against women. The militarization of society also further supported the social structure of patriarchy and preservation of gender roles, normalizing violence against women who stepped out of the traditional roles. This is compounded with the fact that the perpetrators of horrific crimes including mass rape and genocide during the war have lived with impunity.

Today

Nearly two women are killed every day in Guatemala. While violence in general is increasing, vio-

lence against women is increasing disproportionately in comparison to men. In recent years, 509 women were murdered in 2007, 722 in 2008, and 549 between January and September of 2009. Victims have suffered sexual assault, torture and mutilation targeting their face or reproductive organs, denoting a specific attack against their femininity, or Femicide. Today's phenomenon of femicide can be attributed to the culture of violence and impunity that was created during the years of internal armed conflict. However, the true cause of femicide is unknown because 99% of the cases are never investigated and the perpetrators live in impunity.

Future

Despite the fierce violence and lack of justice these women explain, "We were not conquered, look, we are still here!" In the face of genocide, the indigenous Guatemala woman has found a way to continue life. She has protected her family and her traditions. She continues to fight for her children to have a peaceful future.

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Indigenous Quiché women telling the stories of the massacre of their loved ones by the PAC and Military forces in 1982-83. Photograph taken in 2008.



Protection Model for Survivors of Human Trafficking

Roya Ghafari & Concillia Muonde

Brief Background

The disappearances of aboriginal women who are presumed dead following some form of sexual exploitation dates back over 30 years ago. In Canada, the subject of human trafficking emerged as a subject for major discussion in the 1990s. Between 1992 and 2002, the issue was largely addressed through refugee tribunals with limited criminal court engagement. Canada ratified the United Nations Convention and supplementary protocols on December 15, 2000 in Palermo Italy.

Trafficking of persons was criminalized under the *Immigration and Refugee Protection Act* (IRPA) effective June 28, 2002. Smuggling and trafficking are criminalised and if found guilty one can receive a prison sentence of up to ten years, and life respectively.

The prevalence of human trafficking and sexual exploitation in Canada

The trafficking and exploitation of women (sexual, labour, etc) is a complex issue and problem. There is an international component as well as a local dimension to it in Canada. Women are trafficked to Canada from different parts of the world and in Canada, women and girls are trafficked across the country. The magnitude of this problem is hard to discern because the trafficking and exploitation of women falls in the same context as violence against women, which is not commonly reported.

The major sources of data on violence against women, Statistics Canada, National Clearing House on Violence Against Women, do not have any statistics on the trafficking and exploitation of women and girls. The estimation by the Royal Canadian Mounted Police (RCMP) of the number of trafficked persons in Canada is at least 600 persons. This figure includes men and boys. However, our awareness of the gender bias in

trafficking, sexual exploitation and other forms of exploitation cause us to deduce that women and girls that are trafficked and exploited are misrepresented in this estimated figure. In Canada, violence against women, particularly sexual violence, is at an alarming rate of 2 out of 3 women within the general population and even higher among aboriginal women. Recent reports of the overrepresentation of sexual exploitation of aboriginal women and girls are a cause for concern.

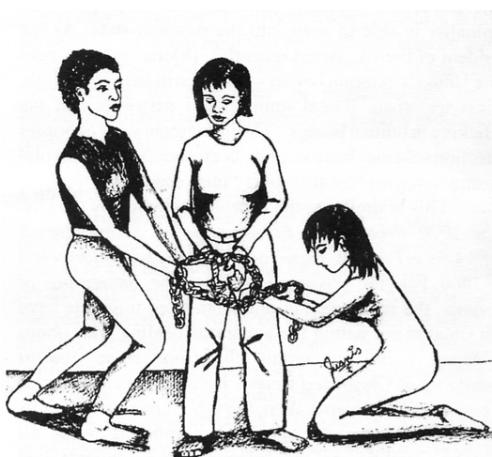
One positive aspect about the conceptions of violence against women not only in grassroots literature but also in government and intergovernmental data sources is that sexual violence and the exploitation of women are understood to be a result of gender inequity. For example, Statistics Canada reports on violence against women to have its roots in the inequitable social position of women in Canadian society. Women and girls' other situations in oppression further marginalise them and as a result, poor women, women of colour, immigrant women, non English speaking women, aboriginal women, young women, to mention a few oppressed groups of women, are overrepresented among trafficked and exploited women in Canada.

Canadian Legislation

The two forms of legislation that have the most impact on trafficking and sexual exploitation are the Canadian Criminal Code and the Immigration and Refugee Protection Act. Under the Criminal Code of Canada, the prostitution law in Canada is one piece of legislation whose intentions are well-meaning yet practically detrimental to the exploited women's cause. Advocates and sex trade workers argue that the legislation puts women in more danger of violence.

Our experience in Canada is that any piece of legislation designed in the guise of helping victims never goes far in enough to serve that pur-





pose. In fact, it has been found to increase the victimisation of marginalised women. Solutions based on legislation also create the illusion that something is being done, thereby risking the loss of other forms of support that are more likely to serve victims. For example, legislation that aims to reduce prostitution in Canada has recently been challenged in a court of law. On October 6th, 2006, a law professor, a dominatrix, and two sex trade workers launched a constitutional challenge on the current prostitution legislation in Canada. Their argument being that the law marginalises women in the sex trade further and in fact is responsible for the disappearance, violence, and killings of women in the sex trade. The connection of this issue to human trafficking is apparent. Women who are sexually exploited are impacted by this legislation in similar ways.

The Immigration and Refugee Protection Act is another piece of legislation aimed at addressing the problem of trafficking and exploitation. Advocates and academics argue that this piece of legislation is premised on security rather than social justice. Restricting the number of refugee claimants and other migrant groups creates a fertile environment for trafficking because people seek other creative means to access the country. Often these individuals use means that might result in their exploitation.

Visa restrictions and requirements are one main form of control that the Government of Canada uses to limit the flow of refugees and immigrants. Recently, citizens of Mexico and the Czech Republic were added to the list of nationals who require visas to enter Canada. The implications of such measures on the trafficking of women and girls are clear. Furthermore, there is a private members bill in the House of Commons/Senate, whose objectives are to give im-

migration officers the privileges to refuse visa applications for women whose likelihood of being trafficked are high. This is highly problematic.

Based on the number of cases that have been brought forward through border control measures, such as the Refugee Protection Act (2002), these measures are inadequate in preventing the problem. For example, in a review of criminal and immigration determination cases by Bruckert and Parent (2002) they found that there has not been that many cases of human trafficking in Canada despite the attention that human trafficking gets in the Canadian media. They found eight cases of female refugee claimants who were victims of human trafficking.

Is legislation the answer?

In Canada, resorting to legislation to combat violence against women is not enough. The reason for this is that legislation works only when it is *framed, interpreted, and applied* in a fashion that is in sync with the framework within which the problem exists. The problem of human trafficking is a human rights issue, and a gender equality issue, yet government policies have kept it within national security, border control, and to a larger extent, criminal justice context. Trafficking and exploitation of women is a problem whose roots lie in the gender inequities that women in Canada continue to experience. It is a problem which continues to be sustained by sexism and the undervaluing of women in Canadian society. A ton of literature situates the trafficking and exploitation of women and girls in the larger context of not only the feminization of poverty, but also the feminization of migration and movement and regional economic disparities.

The use of the Criminal Code of Canada to police human trafficking is inadequate for some of the following reasons:

- Stigmatization: labeling the victims; voices of victims are silenced,
- Criminalization: women are charged with sex; the focus is on the sex worker, blaming the women but not the perpetrators; criminalization of immigrant and refugee women (maintains women in undocumented situations), further makes women submissive to the perpe-



trators; creates fear of law enforcement.

Listed above are some of the problems inherent in the use of border controls as a measure to address human trafficking.

These approaches complicate the problem further by increasing the vulnerability of women to exploitation because entering the country becomes a challenge for marginalised people; as a result, it opens up opportunities for traffickers to exploit them.

In Canada, (and this may be true for other jurisdictions as well) this does not address the trafficking of women and girls within the borders. For example, they do not address the trafficking of women from rural to urban areas, from smaller cities to larger cities such as Montréal, Toronto, Vancouver, the trafficking of French Speaking women, the trafficking of aboriginal women, and immigrant and refugee woman. Instead, such an approach creates a narrow conception of a trafficked woman.

With these measures in place, there is an illusion that all that can be done has been done. This affects resource allocation to service agencies that support survivors. Lobbying for financial support and policy reform by women's organisations and advocates becomes much harder when there is legislation in place aimed at addressing the problem.

These measures also affect public support and public perception of the issue of human trafficking as a foreign problem rather than a problem that is a result of restrictive migration policies, global socioeconomic imbalances, gender inequities, domestic violence and gender based violence, economic dependence of women on male partners, the feminisation of poverty etc.

The measures contribute to the sexualisation and racism that immigrant, refugee, aboriginal, and other women of colour experience in Canada. There is too much focus on policing and controlling trafficking, and little recognition for the effects of trafficking. Women who are affected are often labelled deviant and deserving of what they experience.

The problem with the government's position is the focus on the criminalisation, and combating trafficking and less emphasis if any on the survivors

of trafficking. These responses paint a picture of a victimless crime. These gaps in government responses are gaps that the NGO sector needs to focus on; focusing on the needs of trafficked or exploited women and girls.

Some of the government players in combating human trafficking:

The Royal Canadian Mounted Police (RCMP): the RCMP's human-trafficking unit is a player in addressing trafficking and exploitation of women and girls. It plays an enforcement role. The focus is on combating/policing the problem rather than on supporting victims.

Citizenship and Immigration Canada (CIC) and Canada Border Services Agency (CBSA) collaborate to provide guidance and training to immigration and border officers on identifying victims of trafficking, being sensitive to their needs, and ensuring protocols are followed. CBSA officers receive specialized training in passport and document fraud detection, intelligence collection, and the reporting and identification of inadmissible persons. New CBSA recruits receive training in detecting trafficked persons <http://www.justice.gc.ca/eng/fs-sv/tp/p1.html>.

Provincial and municipal police services are also involved in combating human trafficking. They address human trafficking through heavily policing the sex trade (and drug control). Police forces play a part in enforcing laws that result in the criminalisation of sex trade workers, thereby further stigmatizing and marginalizing exploited women and girls.

Toronto police:

Almonzo initiative focused on adult entertainment parlours that engaged migrant workers from Eastern Europe as exotic dancers

Projects Trade and Orphan which targeted massage parlours that employed undocumented Asian women

In British Columbia:

Initiatives to gear up enforcement in preparation for the upcoming Winter Olympics in 2010



Domestic Trafficking in Canada: Sex trafficking of aboriginal girls in Canada

The focus on this population is not to imply that they are the only population affected by the problem of trafficking and sexual exploitation. Rather it is to bring some awareness to an issue that has largely been ignored in Canada. The silence around this problem is a result of years of colonisation of the aboriginal people and of the history of no interest by authorities and mainstream Canadian society as well as the failure to recognise the impact of all these on aboriginal people in Canada. The silence has caused a lot of pain and has served to maintain violence and lack of effective responses to the oppression that this population continues to experience. As non-aboriginal women presenting on this issue at the conference, we recognized the privileges that have allowed us access to participation at the event. Our awareness of the oppression we represent as non-aboriginal people challenged us to take notice of the silence that has gone on for so long. It was therefore our attempt to use our privileged voices to bring this issue up and to break the silence. We also wanted to emphasise the fact that the problems that aboriginal girls experienced are not caused by aboriginal people, but by the larger Canadian society. Therefore, these issues should be seen as part of a larger problem in Canadian society.

Scope of the problem of sex trafficking of Aboriginal Girls

It is hard to determine the scope of this problem because of issues of reporting, and the stigma attached to the sex trade. In addition, trafficked girls are a hidden population. Furthermore, statistics on human trafficking in general are not avail-



able from Statistics Canada, a government source for various data in Canada. Judging by the number of aboriginal women who are impacted by sexual violence, it is safe to estimate that a large proportion of aboriginal girls are trafficked and sexually exploited across Canada. There have been several reports across the country about the overrepresentation of aboriginal girls among sex trade workers. The RCMP estimates that underage aboriginal girls make up some 90 percent of visible sex trade workers in Canada (Gilbreth, S, May 2009, <http://www.novascotiascott.com/2009/05/22/90-of-canadian-prostitutes-are-underage-aboriginals>).

There are many ways by which aboriginal girls are lured into the sex trade, including at airports, schools, bars, by boyfriends, by other girls, as dancers, internet, hitchhiking (Seth, 2007). These are some of the common patterns of human trafficking of aboriginal girls in Canada.

Type of trafficking	Nature and Perpetrators	Causes
Familial Trafficking (Sethi, 2007)	- family members; fathers, uncles, brothers, grand fathers (see Lynne, 1998 as cited in	- A history of colonization Poverty and the marginalisation of aboriginal people compared to the general Canadian population - The legacy of colonisation of aboriginal people - The cycle of violence within the home
Organised (gang related sex trafficking)	-escort services, massage parlours, dancers, in this type of trafficking, girls are moved from one city to the next in a pattern that forms a triangle , from province to province (Sethi, 2007)	- Regional economic disparities e.g. an attraction to the oil rigs, uranium mines - Isolation in rural aboriginal communities and the lure of the big city as an escape - Gang activity - Homelessness



Other causes of the trafficking of aboriginal girls include the following:

- Sexualised racism, a legacy of the residential school system
- Complacency by mainstream Canadian society, and the government of Canada's deaf ear to the plight of Aboriginal population
- An unwillingness by law enforcement officials to contextualise the problem or a lack of cultural awareness

Service gaps and challenges:

- Services are not designed to accommodate the needs of sexually exploited girls,
- Resource limitations, which lead to wait lists, limited services, are not supportive to girls who are escaping sexual exploitation.
- Lack of culturally relevant services, or well-informed services e.g. co-ed addiction treatment facilities may also expose girls to sexual exploitation by men.
- Lack of alternatives for addressing socio-economic issues limit girls' options and their ability to leave the sex trade

- Failed interventions has taken the trust of aboriginal people in mainstream responses away, thereby limiting the opportunities for intervention
- Sexual exploitation is a complex issue involving violence, disease, poverty, drug addictions and these aspects make it difficult for those who are victimised to come forward and seek help

Notes:

Bruckert, C., & Parent, C. (2002). Trafficking in human beings and organised crime: A literature review.

Sethi, P. (2007). Domestic sex trafficking of aboriginal girls in Canada: issues and implications. *First Peoples Child & Family Review: A Journal on Innovation and Best Practices in Aboriginal Child Welfare Administration, Research, Policy & Practice*, 3 (3). 57-71.

* Roya Ghafari & Concilia Muonde work at the Sexual Assault Support Centre of Ottawa

Women should have every honorable motive to exertion which is enjoyed by man, to the full extent of her capacities and endowments. The case is too plain for argument. Nature has given woman the same powers, and subjected her to the same earth, breathes the same air, subsists on the same food, physical, moral, mental and spiritual. She has, therefore, an equal right with man, in all efforts to obtain and maintain a perfect existence.

Frederick Douglass



Pathways to Gender Justice Handbook A practical tool for working with newcomers

Meissoon Azzaria

How does gender affect newcomers' experience of migration and settlement? What does gender mean? Are only women affected by gender issues? If you work or volunteer in an organization serving newcomers, you may want to deepen your understanding of gender and how it affects the experience of newcomers, in order to better adapt your services to the different realities of immigrant and refugee women and men.

The Canadian Council for Refugees launched a new tool, the **Pathways to Gender Justice Handbook** that aims at enhancing the capacity of organizations to use a gender-based approach in their work with newcomers. The Handbook is a practical guide that can be used in different areas of an organization, such as governance, management and direct services.

Significant attention has been paid to gender in recent decades, but there is still a need within the immigrant and refugee serving sector to better understand gender issues and to effectively apply a gender-based analysis within the service delivery framework. A gender based approach ensures that policies and services are designed, analyzed, implemented and monitored, with an appreciation for gender differences.

Gender roles often change after a person or a family arrives in Canada and these changes affect relationships between women and

men, as well as girls and boys. Changes in gender roles can empower some family members, with various possible repercussions for family relationships. Looking at the process of migration and settlement with a "gender lens" may help improve programs, services and policies. However, in order to succeed, a gender-based approach to settlement work needs to involve everyone, including men.

The Handbook was developed with an understanding that different forms of oppression intersect and create different experiences of the migration and settlement process. Power in relationships also plays a special role in shaping newcomer experiences. For example, when a service user enters a settlement agency for the first time, the following factors should be considered by staff, as they affect the settlement process: family dynamics, domestic violence, mental health before/after migration; race; status in Canada; surviving rape, torture and crimes against humanity, among others.

The Handbook is a flexible tool that offers a variety of entry points and encourages organizations to make the process their own. It includes suggestions of self evaluation, action plans, references and examples and can be adapted to different sizes and types of organizations across Canada. The Handbook's approach is to use open questions



CCR Gender workshop at the Canadian Centre for Victims of torture (CCVT)

that can help organizations find their own pathway to gender justice. The project was overseen by an active Advisory Committee, who contributed their time, energy, experience and creativity. Members of the Advisory Committee are people active in the immigrant and refugee serving sector – most of them have refugee or immigrant background. To make sure it is as concrete as possible, the Handbook was also piloted by 7 organizations across Canada. The pilot was done with the input and participation of refugee and immigrant women clients of the organizations. The Handbook is available at <http://www.ccrweb.ca/Genderhandbook.pdf>

* Canadian Centre for Victims of Torture (CCVT) was instrumental in providing insights in regards to working with survivors of torture and war from a gender perspective. CCVT was one of the first organizations that piloted the Gender Handbook and continues to find ways to implement it in our day to day operation.



Survivors of Torture and Trauma

Mulugeta Abai

The migration of people from valley to valley, region to region and, since the emergence of the nation-state, from country to country is so common that it is an acknowledged characteristic of humanity. The motivations behind these population movements fall into two broad categories. First, people migrate because of a need to escape persecution, oppression and human rights violations that resulted from intolerance and discrimination. Second, people migrate to improve their lives. This motivation is most often based on economic and livelihood considerations.

This paper is primarily concerned with the first group of individuals although these fundamental explanations of population movements may be inter-related. The portion of humanity compelled to avoid physical danger resulting from official or societal attitudes and policies by migrating are called refugees.

Refugees constitute a significant percentage of migrants. UNHCR's 2008 annual "Global Trends" report found that 42 million people were forcibly uprooted as a result of conflict and persecution at the end of last year. The total includes 16 million refugees and asylum seekers and 26 million people uprooted within their own countries (Internally Displaced Persons).

While mass exodus due to persecution has always existed, given the violent state of our modern world the scale and severity of human agony is unprecedented. Modern refugees flee from civil war, brutal military dictatorships or extremist religious laws. Under these conditions, they face unimaginable atrocities and human rights violations including arbitrary arrest, disappearances, physical torture or psychological torment. This inhumane treatment forces people to flee their homelands leaving everything behind, including loved ones.

The grisly details of terror, torture and atrocities are difficult to explain and are just as challenging to comprehend. No one can present it better than those who experience it, who suffered under it and who still maintain memories of it.



Below is a testimony from a refugee. This testimony has been abridged and names are left out. This story is illustrative of the torture refugees go through and explain the reason why they are compelled to migrate.

"I was arrested in September 1999. Police guards came for me because of a tip they said they received from an informer. They took me to the central jail where I was placed in a cell with 41 other prisoners. The cell was small and crowded, but the most terrible part was the smell. It smelt of urine, of unwashed bodies, and there was a sickening stench which I was later to find out came from the rotting flesh of tortured victims. Six of the prisoners were paralyzed from the waist down as a result of being tortured and were carried away by others when they wanted to urinate. There was another prisoner who had gone insane and either cried or laughed suddenly. They called me out in the evening and took me to a room which evidently was the torture chamber. There were five torture interrogators. They tied my hands behind my back with my elbows fastened together and they suspended



me from the roof with my feet dangling above the floor. One of them turned me around like a fan or propeller. They pulled down my trouser and underwear. I was flogged on my naked buttocks by two of them – one was using a thorny stick while the other had a short thick whip. When they stopped and pulled down the rope I fell sprawling and screaming to the floor. They then untied my hands, pulled off my shirt and tied my hands again. Forcing me to lie on the floor on my stomach, they beat me on my naked back and buttocks. I wished I would die, but this was not to be.I finally fainted and when I woke up in my cell I was covered with blood and vomit. I was tortured five times in two weeks. While in the police jail, I saw prisoners being called out at night and none of them ever returned. The six paralyzed one I mentioned were killed. I was never charged or brought to trial. I expected to be called one night to die. But I survived. Four years later I was released."

It is atrocities of this kind that force people to flee and become international refugees. This story is but one of millions.

It is important to remember that in spite of the injustices committed against these refugees, they are people determined to piece their lives together again and regain their self pride. Even in refugee camps where resources are sparse, the perseverance and creativity of refugees still shines through. Many of them have organized community services and created support systems within the camps. They have also created jobs for themselves by farming tiny plots and developing crafts in an effort to build self sufficiency. These people have a true inner spirit. They don't want charity. They want a chance to help themselves. The question is, what can be done to empower refugees who are also victims of torture?

Exploring International Solutions

This is one area in which the international community and, in particular, developed countries can make a valuable contribution. By increasing our awareness of the plight of refugees who are also victims of torture and by opening our doors to those unjustly persecuted, we can alleviate this inhuman suffering.

And, yet, the international community and developed countries are not doing what they can. Instead, the poorest developing countries have been left to absorb the world's refugees despite the fact that they are impoverished and do not have the resources to assist refugees, let alone to provide adequate social services to their own people. This has left hundreds of thousands of tortured and persecuted individuals to rebuild their lives on their own – without support, services and assistance.

The Canadian Role: Living up to Our Humanitarian Reputation

Besides encouraging fellow Canadians and our government to take notice of the escalating global refugee crisis, a lot has to be done to assist the refugees and asylum seekers who have arrived in Canada.

We must not forget about the pressing needs refugees living in our communities. After all, for refugee victims of torture, leaving their home is just the beginning of a long struggle to start again, re-establish and pursue a life of dignity.

Canada is a humanitarian country committed to helping those fleeing repression and a multicultural country built by immigrants and refugees. Canadians, for the most part, understand the difficulty in transition. However, there are many gaps in our social services and many ways for refugees and victims of torture to get lost in these cracks. Clearly then, this is one area in which we can help and where the Canadian Centre for Victims of Torture plays an important role.

CCVT: The Voice of the Voiceless

The Canadian Centre for Victims of Torture (CCVT) is a non-profit registered charitable organization, dedicated to:

- responding to the continuing needs unique to survivors of torture and their families in Canada and abroad,
- increasing public awareness in Canada and abroad, of torture and its effects upon survivors and their families.

The focus of CCVT is to help victims of torture help themselves. It is to give refugees and victims of torture a voice and ensure that their stories are heard.



Background

In 1977, Dr. Frederico Allodi, a Toronto psychiatrist, and Dr. Philip Berber, a family physician, along with fellow members of the Canadian Medical Group of Amnesty International provided an increasing number of medical assessments for new arrivals seeking refugee status in Canada. It became clear to them that many were victims of torture and therefore a collective strategy and response to the situation was needed. As a result, Drs. Allodi and Berber founded the CCVT to address the needs of torture victims claiming refugee status in Canada. Approximately 20 % of all new immigrants to this country are refugees, the great majority of who are victims of violent oppression.

The CCVT originated because these Toronto doctors recognized that their patients required counsel to adequately address their urgent legal and social problems. The Centre also emerged because lawyers and other community agencies recognized the need to have their clients treated physically and emotionally by health professionals.

As a result, the CCVT was created as a fully integrated and decentralized agency. Rather than offering a clinical or purely medical services doctors, lawyers, counselors and social workers developed a holistic approach to the rehabilitation of torture survivors.

Since its inception, the CCVT has responded to the needs of more than 16,000 survivors who originate from 136 different countries around the world.

The Legacy of Torture

Torture is the willful infliction of severe pain and suffering. It is a "calculated assault on one's mind, one's body and one's human dignity." In many cases, it is a political phenomenon - a strategy deemed essential by those in power to ensure their continued existence and to control the populace. It is currently practiced in at least 90 countries worldwide.

Victims of torture attempt to seek refuge in countries that respects the basic rights and freedoms of the individual, as declared in the UN Charter of Human Rights. They seek refuge on the grounds that they have undergone persecution, including torture. Traditionally, Canada has welcomed refugees who are also victims of torture, offering them safety and protection. Canada has admitted more than 700,000 refugees since the Second World War, according to Amnesty International Canada.

Refugee victims of torture may exhibit symptoms of the psychological condition known as Post Traumatic Stress Disorder (PTSD) – a lingering effect of their experience. Further, many refugees – particularly women - report pain or suffering caused indirectly from the persecution or torture of family members. Experiences of torture, therefore, can have long-term effects on refugees. This can affect their experience as newcomers to countries like Canada.

Conclusion

In accepting refugees, developed countries like Canada must recognize the intensely traumatic nature of their journey and address the challenges they face. To do this, Canadians must be prepared to provide services and support to refugees arriving in Canada. It is especially important to recognize that refugees who are also survivors of torture or witnesses of torture suffer from the psychological effects of displacement and the challenge of creating a new home as well as the psychological effects of torture. These individuals require assistance that may vary greatly from other refugees. Moreover, they may require very particular forms of assistance, such as psychological, medical, legal or social support.

While there are many organizations and centers within Canada to assist these individuals cope with their past and move forward confidently, more must be done to ensure that refugee victims of torture do not fall through the cracks. This is true in developed countries where there can be a lack of awareness about the challenges faced by victims of torture, but more so in developing countries. There are not enough services for refugee victims of torture within refugee camps and developing countries. In some circumstances, these individuals not only fail to be treated and assisted but continue to be abused in the host country by officials and civilians. This compounds the experience of displacement and trauma faced by refugee victims of torture..

Due to the sheer number of individuals who are displaced by persecution and conflict, it is of the utmost importance that refugees have access to legal, medical and psychological assistance. Without these services, individuals will not be able to be empowered to confront their past and move beyond it.

* *Mulugeta Abai is the Executive Director at the Canadian Centre for Victims of Torture (CCVT)*



Are We Lacking Civil Courage?

Written by: Carmen Aristegui
Translated by: Jennifer Arango

Alejandro Junco de la Vega president of the Grupo Reforma [reform group], gave an absolutely chilling lecture in New York last week regarding the realities of today's Mexico: drug trafficking, violence, and the absence of rule of law. This difficult description was a concoction composed of crime, violence and impunity that in general affects the average citizen, but in particular targets journalists whom conduct or attempt to conduct their work.

This was not your average discourse. Alejandro not only described the degree to which we have suffered a breakdown as well as the perspective that things are worsening, but he also confirmed to his audience, the important fact that had been revealed several weeks prior: Alejandro Junco de la Vega, president of one of the most powerful and influential modes of communication in Mexico, made the decision to leave his country, together with his family, due to security concerns brought about by threats: "this year, for the second time in four decades, my family and I have been obligated to move to a secure location in the United States...we find ourselves under the siege of the drug lords and criminals; the more we expose their activities, the more violent their response. They are relentless. For them, life is worthless." Junco de la Vega spoke about a decision made, forced by a critical situation – although no details were provided – he unmistakably called attention to the journalistic work that the Grupo carries out. He was at pains to express himself as someone who has defended freedom of expression, justice and the rule of law. He is someone who has dedicated his "...whole life to the publication of newspapers that have crusaded for these causes... and maintains that this will make Mexico a better country".

It is obvious that something extraordinarily serious

had to have taken place in order for someone like Junco, who has been used to struggling for many years due to his chosen profession, with many pressures - from veiled remarks to bold threats, coming from anyone with a voice of power in this country – he has seen himself forced to come to the extreme decision of being exiled in New York.

Those of us invited to the lunch, presented by the School of Journalism at Columbia University, this past Thursday the 16th, closely followed Junco, being the keynote speaker, as he touched upon such sensitive topics which described the tragic setting that is our country: where children are kidnapped and murdered by people that travel in police vehicles; where intimidation presents itself

in the form of the decapitated; where there are 80 bodies which await in a morgue because there are not enough doctors; where five year old children draw pictures of executions or where grenades land in press offices. Many of those present, remembered that several weeks ago, Ramón Alberto Garza's Reporte Índigo [indigo report], released the letter that Junco de la Vega sent to the governor of his state, giving him notice of his decision to leave the country where journalists are threatened by drug trafficking.

Junco de la Vega recounted, among other things, that two reporters from our newspaper in Monterrey were recently investigating a story. It was known that the owner of a repair shop in a nearby town was facing severe extortion and had to give money in exchange for protection - this being the way in which drug traffickers have "diversified". The reporter and photographer visited the town and before ten minutes had passed, several armoured vehicles parked themselves

we are all members of a community and there is no community in the world that is better protected than that of a good newspaper which maintains its ability to denounce corruption.



outside of the shop, blocking the exit. The reporters were thrown to the ground and their computers, cameras, telephones and identifications containing their addresses were seized. They were subsequently beaten, resulting in several broken ribs, along with injuries to their shoulders and eardrums. Both quit their jobs. He described that this is not the first time that something like this has happened and "the criminals have made it very clear that unless they are left alone, it will not be the last". We may find, Junco said "...every reason to abandon this type of reporting. We may find even more reasons to look the other way.

But, how can we? How can we ignore the words of Edmund Burke? 'All that is necessary for the triumph of evil is for good people to remain silent'.

This was not your average discourse. To close, Alejandro Junco adapted the famous words of Martin Niemoeller:

"First came the violence amongst the drug traffickers, and I did not speak out because I am not a drug trafficker.

Then came the kidnapping of the rich, and I did not speak out because I am not rich.

Then they came for the people who caused conflicts, and I did not speak out since I am not one of them.

Then they came for me, and there was no one left to speak for me."

I leave you with this message: "we are all members of a community and there is no community in the world that is better protected than that of a good newspaper which maintains its ability to denounce corruption." Many of us believe in this, **Alejandro. You are not alone.**

*This article was originally published by **Carmen Aristegui** in the Mexican newspaper, **Diario Reforma** on November 10th, 2009. Translation was done by CCVT volunteer, **Jennifer Arango**.

Congratulations to newly elected IRCT Executive Committee!

Since its inception in August, 2009, the newly elected IRCT Council met for the first time in Nairobi, Kenya on November 21st and 22nd, 2009. In addition to drawing up the outlines of a new five-year strategy for the IRCT, the council elected following individuals for a new Executive Committee.

- President: Dr. Muhamud Said, Member of the Board, Independent Medico-Legal Unit (IMLU), Nairobi, Kenya
- Vice-president: Mr. Jorge Aroche, Executive Director, STARTTS – NSW Service for the Treatment and Rehabilitation of Torture and Trauma Survivors, Carramar, Australia
- Member: Ms. Loreine B. dela Cruz, Chair of Board, BALAY Rehabilitation Center, Inc., Quezon City, Philippines
- Member: Ms. Karen Hanscom, Ph.D, Executive Director, Advocates for Survivors of Torture and Trauma (ASTT), Baltimore and Washington D.C., USA
- Member: Dr. Lilla Hárdi, Medical Director, Cordelia Foundation for the Rehabilitation of Torture Victims, Budapest, Hungary
- Member: Ms. Suzanne Jabour, Director, Restart Center for Rehabilitation of Victims of Violence and Torture, Tripoli, Lebanon
- Member: Mr. Ronald Amilcar Solis Zea, psychologist, Office of Human Rights of the Archbishop of Guatemala (ODHAG), Guatemala City, Guatemala
- Independent expert: Ms. Clarisse Delorme, Advocacy Advisor, World Medical Association, Geneva, Switzerland



Newly elected executive committee of International Rehabilitation Council for Torture Victims (IRCT)

CCVT would like to congratulate the members of the new Executive Committee and look forward to continue working with International Rehabilitation Council for Torture Victims (IRCT)!

My Agony of Living in Immigration Limbo

Korosh Nuknam

"I am the common pain, cry me out!" said the Iranian poet Ahmad Shamlu. I am a person with no status in Canada. I have been in tormenting limbo for the past eight year. I cannot get proper employment; I am unable to study; it has become impossible for me to establish my family due to my inadmissibility in Canada. I am, and at the same time, I am not. I have been imprisoned here in the tower of forgetfulness. The Canadian government has accepted that I would face risk upon my return to Iran due to my past political and humanitarian activities. Therefore, I need protection. At the same time, Canada does not give me any status due to my haphazard affiliation with a political group more than a decade back.

I have faced all these problems due to my quest for justice. It goes back to my childhood, to the early years of my life, when I had a very naïve approach to the concept of justice. In those days, justice for me was the freedom to play. I used to call anyone who stopped me from playing unjust. Involvement in politics persuaded me to make the link between justice and democracy. My country, Iran, was ruled by a highly oppressive regime. Fanatical forces spared no time to suppress any kind of opposition. In conditions as such, I came to know that a gross injustice was underway against the whole nation. At this time, I made the link between justice and politics. Justice could only be achieved through a just government.

In 1984, under the influence of a massive movement in Iran, like millions of young people, I became involved in politics. I was fascinated by the opposition groups that spoke out for social justice. One of these groups was a semi-religious, semi-

leftist group called *Mojaheddin-e Khalgh* (MEK). My involvement with MEK goes back to the time when I was only 16. My affiliation was mainly an emotional one that was actually a reaction to the state repression.

My involvement with MEK was limited to humanitarian activities. I never involved myself in any kind of violent armed combat, because I did not want to achieve justice through unjust means. My non-violent activities, however, did not stop the forces of tyranny to arrest me.



My life changed forever one dark night in 1985 when I was sleeping on the roof of my house with two close friends and we were awakened by a loud noise at the entrance to the house. It was the government 'Guardian of the Revolution'. I and my friends tried to escape while the Guards were shooting at us. In a desperate attempt to escape, I began climbing down off the roof. I was hanging from the eaves of the roof when I was shot in the leg. I fell about ten meters, striking my thigh against the edge of the neighbor's pool, fracturing my left femur. The Guards kicked me, including a kick to my nose which broke it. I was almost unconscious when they took me away.

I was taken to an unknown location. After being questioned I was seen by a doctor and transferred to a hospital, where I underwent surgery to repair my fractured femur. After about five days I was transferred back to prison and the interrogations resumed. My torturers slapped and punched me and focused many of their blows on my fractured leg. They kept aggravat-



ing my wound as they questioned me about the visitors who had been at my house.

During my detention there, I was subjected to many forms of torture. Let me described an occasion when after being kept in solitary confinement, I was blindfolded and then kicked hard enough in the head so that I lost consciousness. When I regained consciousness, they stripped me and tied me to a bed, where they whipped me with some kind of lash I could not see. I lost consciousness again while they were whipping me. For some time after this, I was unable to control my bladder. It was a horrific experience which has scarred me for life. The 'flashbacks' I experience of that night are indescribable.

They put me in various painful positions. They tied my wrists and then hoisted me off of the floor by my tied wrists. They suspended me horizontally, face down, with my outstretched arms against a wall and only my legs on a table, and then put a heavy weight on my back (since then my back I feel like it is in two parts). They put me in a seated position, with a heavy weight on my shoulders, not allowing me to move my legs as my legs and back became increasingly painful. On one occasion they told me that they were taking me for a bath. They immobilized my arms, torso and head and then dripped water repeatedly onto my forehead – after awhile each drop felt like a hammer.

I was always blindfolded when taken from my cell or tortured. The rest of the time, for a span of more than a year, I was kept in solitary confinement. There was a period of about three months during which the interrogation and torture was most intense. Because they would wake me up for cross-examination by kicking me in the head, I became afraid to sleep; for years afterward no one could touch me while I slept without eliciting a terrible reaction in me. Sometimes they would take me, blindfolded, to a place where I could hear someone else weeping and crying in pain. They kept me there for a couple of hours, not letting me cover my ears. On a number of occasions I was told that I had been sentenced for execution; they would tell me to prepare myself, take me to a site, and I would hear the weapons being prepared to shoot me. At that point they would tell me that there was

a technical problem, and that they would shoot me next time.

Before I was transferred to the provincial jail, I was told not to tell anyone what had happened to me. I was told, "If we ever arrest you again we will do worse; we will kill you". My experience at the jail was also psychologically destructive on me. There was a great deal of mistrust between the inmates. I saw fellow prisoners being called out to be shot, and they would not return. Sometimes the prisoners were made to sit in the yard and watch while a guilty verdict was read to another prisoner, and then they were forced to watch him hang.

When you are subjected to severe torture and imprisonment, you have no time to think about the concept of justice. Your main preoccupation is how to resist

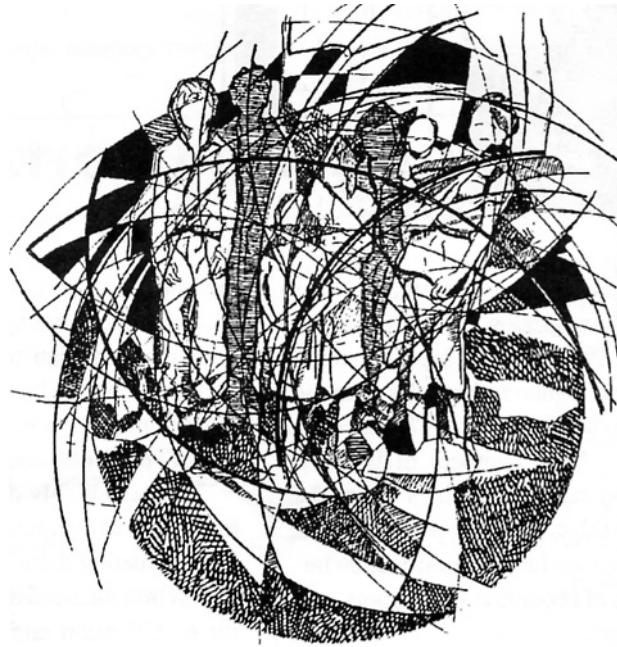
the torture. Torture itself is an absolute denial of justice. It reduces victims to their basic instinct of survival. There is no time for philosophizing. You do not know what would happen in the next hour. You are reactive. They do not let you think. You are helpless. You have to resist and at the same time reduce the risk of going through repeated torture. The main challenge is keeping your morale high. It is extremely difficult. During those days, I became so overwhelmed with my feelings that I cut my arms and thighs with the 'razor' of a pencil sharpener.

Much later, I came to know about the gross injustice of my imprisonment and torture. I had no chance to defend myself. I had no lawyer. There was no compassion whatsoever. The worst type of injustice was keeping helpless prisoners, like me, in a state of tormenting limbo between life and death. They tried in vain to break my spirit and reduce me to the rank of an informer.

I was released after twenty three months, after signing a written 'agreement'. I found myself physically weak and broken, and stayed home for a long time to recover. I required medication to sleep during that time. One of the other men who was arrested with me had been executed, and the fate of the third was unknown. The ominous shadow of arrest, torture and execution hung

Torture itself is an absolute denial of justice. It reduces victims to their basic instinct of survival. There is no time for philosophizing. You do not know what would happen in the next hour. You are reactive. They do not let you think. You are helpless.





over my head. I decided to escape Iran. I went to Banadar Abbas, the biggest Iranian port in Persian Gulf, and hid there. From there, I escaped to Dubai in a fishing ship where I lived a difficult life of an alien for seven months. I had no choice but to escape to Iraq where I was provided with partial protection for five years. In Iraq, I joined the medical team of the MEK and worked as an ambulance driver. For some time, I worked in the kitchen as the chief cook.

In May of 1994, I escaped to Europe, applied for and received refugee status due to technical reasons. In 1998, I left the MEK and joined a non-violent left-wing organization. Upon my arrival in Canada, I applied for refugee status and described all of my activities truthfully to the Immigration official in the airport. The officer arrested me on the spot. "You will be our guest for one night," he said. That was on August 14, 2001. One night was extended to almost 23 months. They transferred me to four different jail during this period. In the Canadian prison, I did not let anyone see me cry, but I did cry under my sheets frequently. My passion for life was so high that I had never developed suicidal thoughts, but I would rather die than be sent back to Iran.

Through refugee advocates and community agencies, my case was brought to the attention of the Canadian Centre for Victims of Torture (CCVT).

A medical assessment was needed for legal reasons, as a supporting document for my Pre-Removal Risk Assessment. In early 2003, the CCVT affiliated physician Dr. Wendell Block along with the CCVT counsellor, Mr. Ezat Mossalanejad visited me at the Metro West Detention Centre. Dr. Block examined me thoroughly. For the first half hour of the encounter Dr. Block did not have the benefit of an interpreter, but he was able to complete a physical examination. After this, Dr. Block was able to interview me for about 90 minutes while Ezat acted as interpreter.

With generous help from my lawyer, Mr. Michael Brodzky, I was bailed out with a \$20,000.00 cash bond on June 30, 2003. I have visited my lawyer and counselor frequently. They have done their best to provide me with their integrated and comprehensive services. Unfortunately, they cannot do much more due to the rigidity of the Canadian Immigration system. It seems that the system does not have heart. I am living in a harsh spiritless condition. I have no status. No one is accessible. Nobody is accountable. There is no face to face contact with those who decide immigration status. Officials work behind closed doors. Canada is reputed as a compassionate country. I am wondering where I can find a little compassion.

Being forced to live in survival limbo was used against me as a technique of torture in Iran. I am now experiencing another type of agonizing limbo in Canada. I would love to find employment, but I have no work permit. I would love to study, but I am not allowed to do that.

With the help of the CCVT, my lawyer has applied for Ministerial Relief for me. He has asked the minister responsible to grant me the right to have status in Canada. Nearly a year has passed and there is no response. I feel that I will remain in limbo for many years to come. I feel very lonely and want to have the company of my fiancé who is living in Iran. I cannot travel and am not eligible to sponsor her. What will happen to me?

**Korosh Nuknam is a client of the Canadian Centre for Victims of Torture (CCVT).*



Reflections from a CCVT client

Ali Miraku



My name is Ali Miraku. I am from Albania and I am CCVT client for around 7 years.

First I'm sorry for my English. I know it's a paradox, I can't speak English, however I am saying s.m.th. willingly (actually and out of Annual General Meeting Agenda). What I see every

day in CCVT urges me to discuss, but it's a problem that my English can't express fully what CCVT deserves. (I think I wouldn't do that and in my language.) Anyway, as much English as I speak, I have learned here, in CCVT.

All of us, clients of CCVT have emigrated and left behind all that we achieved in our country. We lost everything, even what people lost the last hope. When I remember my first very difficult days in Canada, now I feel reborn although I am 69. I have been lucky that I was enrolled in CCVT program, that's why I am grateful to this institution and its wonderful staff which is led perfectly by Mr. Mulugeta Abai. CCVT staff is very supportive and understanding of our problems and issues. Let me please to tell you shortly two examples:

Mr. A was my classmate. He is from Iraq and my age. His son was killed in Iraq and certainly Mr. A was very very sad. But all CCVT helped him, especially Elizabeth teacher and his counselor Muhamett, so bit by bit he got through it in no time second! My Albanian friend (woman) has suffered of depression for more than 5 years. Her doctor, specialist, psychiatrist has treated her and she appreciates that. Recently she was much better. The reason wasn't the medicine that she has taken for 5 years, but something else.:

Albanian counselor (Ermelina) organized support group program. The women used to come to CCVT every Friday and organized party, talked with each-other, tell story, gossip... so spent much

You know – crying with someone is more healing than crying alone. And CCVT is more than someone for us.

time together. My friend was enrolled in this program. I think this was the reason that she was in better humor. Because you know – crying with someone is more healing than crying alone. And CCVT is more than someone for us. It is the only consolation for Mr. B (from Iran), Susanna's student, who lost his son (Mech. Eng.) in Alberta and now lives by himself, away from his family in Iran.

Last but not least, I want to thank our teacher Elizabeth and all others. She is extremely patient with us. I worked as a teacher in my country, but I never do her job. The teacher's job is not very difficult, but we are, the students are.

All us are very different. Different in age, different in education, in behavior, in culture, in tradition, in religion, etc. All these differences make the teacher's job difficult, but she does it excellent.

We are in contact with the good work that CCVT staff puts in, but it's Board of Directors that supports, leads (directs) and manages all CCVT program. That's why we will vote today, without hesitation for all returning Board of Directors members and new nominations.

I'm sorry again for my English, but I decided to discuss because Victor Hugo says:

"The truth that isn't said produces poison so somehow I survived poison"
Thank you for your patience and time,

Sincerely,
Ali Miraku, Dec. 13 09

***Printed without any editing except the names of individual clients.**





CANADIAN CENTRE FOR VICTIMS OF TORTURE

Media Release:

December 10, 2009

RE: Protection against torture

The Canadian Centre for Victims of Torture (CCVT) is deeply concerned about the allegations that during 2005-2007, Canadian forces were implicated in the torture of detainees by Afghan authorities. We are disturbed by the testimony of the Canadian diplomat Mr. Richard Colvin on November 18, 2009, before the Standing Committee on National Defense about the practice of handing detainees over to Afghan authorities without assessing the risk and avoiding the possibility of their torture. The top Canadian military official General Walter Natynczyk revealed on Wednesday December 9, 2009 that the military had been aware of the torture of at least one detainee in Afghan's custody.

We find any kind of involvement in torture, including consent or acquiescence to it, as the breach of Canada's human rights obligations, international law and the fundamental rights of humankind. Such allegations about the Canadian involvement, especially from credible sources such as Canadian diplomats, should be taken seriously. As a Centre that works with torture survivors coming to Canada from across the globe, including Afghanistan, we:

- Call upon the Canadian government to conduct a full public inquiry into the issue to find the truth about the circumstances of the alleged Canadian involvement and role played by Canadian military and civil authorities.
- Ask for the Canadian government's active intervention to work further toward the development and implementation of an effective code of conduct for the military and enforcement personnel in and outside Canada with regards to human right and the absolute prohibition of torture.
- Call upon the government of Canada to come up with a systemic program of education and training for military, police force, prison guards, border officers and others involved in enforcement and interrogation.

The CCVT is ready to help the government in its education and training endeavors about the crime of torture and need for its strict prohibition. The CCVT is urging the Canadian government to take all necessary measures to protect fundamental and indivisible human right in Canada as well as overseas, and under all circumstances. This will be the best guarantee for the restoration of the Canadian reputation as a human rights leader in the international arena.

The Canadian Centre for Victims of Torture (CCVT) aids survivors to overcome the lasting effects of torture and war. In partnership with the community, the Centre supports survivors in the process of successful integration into Canadian society, works for their protection and integrity, and raises awareness of the continuing effects of torture and war on survivors and their families. The CCVT gives hope after the horror.

If further information is required, please contact Mulugeta Abai at mabai@ccvt.org or by telephone at 416-363-1066 ext. 225. Fax: 416-363-2122.





CANADIAN CENTRE FOR VICTIMS OF TORTURE

The Right Honorable Stephen Joseph Harper
Prime Minister of Canada
Office of the Prime Minister
Langevin Block, 80 Wellington Street,
Ottawa, ON. K1A 0A2

June 12, 2009

Dear Right Honourable Harper,

We, at the Canadian Centre for Victims of Torture (CCVT), along with hundreds of sister agencies across the globe, are highly concerned about the aggravating humanitarian crisis in northern Sri Lanka. According to authentic sources, as of late April, more than 6,500 civilians had been killed and more than 13,000 wounded in the conflict area since January 2009. The International Committee of the Red Cross, which is reputed for its impartiality and who scarcely makes public announcement, has referred to the present condition as "nothing short of catastrophic." Mr. Philip Alston, the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions has noted that the Sri Lankan government, "has yet to account for the casualties, or to provide access to the war zone for journalists and humanitarian monitors of any type."

We are extremely concerned about the awkward condition of 300,000 internally displaced civilians who have fled war-ravaged areas trying to live in overcrowded refugee camps that are under the strict control of the military forces. They continue to face acute shortages of food, drinking water, fuel, shelter, and sanitation. They are not allowed to enjoy freedom of movement outside the closed camps. The government has refused to allow adequate humanitarian personnel and delivery of essential relief supplies, denying civilians critical assistance. This widespread disaster has resulted in the tragic death of hundreds of displaced civilians.

In a sinister attempt to cover the present catastrophic situation created by the Sri Lankan forces, the government has banned independent observers to enter the country. We were shocked and distressed by the recent Sri Lankan government's refusal of entry to our honorable member of parliament, Bob Rae, despite the fact that he had already obtained visa to enter that country. It is upsetting that journalists, human rights activists, and even Red Cross workers have been denied entry into Sri Lanka, while others are deported with no explanation. This has led to an unfortunate lack of transparency and accountability. There is a need for the meaningful resettlement of displaced people in their hometowns and their effective rehabilitation in northern Sri Lanka along with reconstruction of these war-ravaged areas. The Sri Lankan government's policies and practices have so far provided insurmountable obstacles towards achieving these goals. It has hardly shown any respect for international humanitarian and human rights legal instruments in protection of wounded civilians, prisoners of war and displaced people. We have received horrible reports about the prevalence of torture in Sri Lankan jails, detention centres and military camps. Sri Lankan government has neglected urgent appeals by the United Nations, individual governments and international NGOs to work towards reduction of harm to civilian population in the war-trodden regions.



First Light

Mr. Prime Minister! Canada is respected all over the world as a global human rights leader and as a prestigious peace-loving nation. We are, therefore in a unique position to contribute towards amelioration of the appalling conditions of thousands of people in northern Sri Lankan. We urgently appeal to you to rely on the moral authority of Canadian society and utilize all bilateral as well multilateral means to influence the Sri Lankan government to comply with its international humanitarian and human rights obligation in terms of the protection its internally displaced population. Sri Lankan government needs to take the following immediate measures to alleviate the worsening humanitarian crisis in Sri Lankan:

- Allow international relief agencies, journalists and independent human rights monitors to enter Sri Lanka and have free access to the war-ravaged areas;
- Allow effective registration of all internally displaced people under international supervision;
- Allow the United Nations High Commissioner for Refugees (UNHCR) to run camps for displaced persons. In the interim the camps must be placed under civilian control, with the residents enjoying international relief, right to freedom of movement, and immediate family reunification.

Mr. Prime Minister, we also request you to ask the International Monetary Fund, the World Bank and other international financial corporations to stop granting loans to the Sri Lankan government until and unless it takes effective measure for the protection and relief of displaced civilian under international supervision.

We believe that the end of armed conflict does not mean the establishment of peace and security in Sri Lanka. We appeal to you, Mr. Prime Minister, to contribute to the international efforts in finding a political solution based on full rights for all Sri Lankan citizens.

We are extremely concerned, Mr. Prime Minister, about the danger of the forced dislocation of Tamil population by the Sri Lankan government. As is well known to you, this is considered a crime against humanity under Article 7 of the Rome Statute for International Criminal Court. Please, Mr. Prime Minister, call upon the Sri Lankan government to take effective steps in timely resettlement of internal and external refugees in their native places. There is also an urgent need for the prosecution of torturers, war criminals and those who have committed crimes against humanity in Sri Lanka.

Since its inception, the Canadian Centre for Victims of Torture (CCVT) has provided its holistic services to the victims of torture and war from Sri Lanka. We have presently two Sri Lankan counselor who are involved in rehabilitation of Sri Lankan of survivors. We strongly believe that the Sri Lankan community in Canada should be supported by your esteemed government. There is a need for resettlement of greater numbers of refugees from this country through expedited government and private sponsorship. The process of family unification for Sri Lankan refugees should be accelerated too. We also call for your intervention to end limbo for Sri Lankan refugees and to speed the process of refugee determination for those who have already asked for protected status in Canada.

Mr. Prime Minister, please act before it is too late. The Canadian Centre for Victims of Torture (CCVT) along with many other agencies in Canada (Sri Lankan and others) are willing to help you in addressing the present crisis in Sri Lankan and in finding a durable solution.

Canada has accepted the greatest challenges in global human rights leadership. We expect your government to protect Canadian values and play a leading role in resolving the present humanitarian crisis in Sri Lanka. Please help us to continue adhering to the basic principles that make Canada admired and respected.

With best wishes and in the hope future cooperation,

Yours sincerely,

Mulugeta Abai
Executive Director





Ottawa, Canada K1A 0G2

NOV - 4 2009

Mr. Mulugeta Abai
Executive Director
Canadian Centre for Victims of Torture
2nd Floor
194 Jarvis Street
Toronto ON M5B 2B7

Dear Mr. Abai:

The Office of the Right Honourable Stephen Harper, Prime Minister, has forwarded to me a copy of your letter of June 12, 2009, on behalf of the Canadian Centre for Victims of Torture and several other sister agencies, concerning the situation in Sri Lanka. I regret the delay in replying to you.

The promotion and protection of human rights is an integral part of Canadian foreign policy. In any circumstance, Canada stands up for human rights and takes principled positions on important issues to promote freedom, democracy, human rights and the rule of law.

The Government of Canada is concerned about the human rights situation in Sri Lanka, including arbitrary arrests, disappearances, and media freedoms. The High Commissioner of Canada in Colombo has engaged the Sri Lankan leadership at the highest levels to register Canada's concern over these issues.

Canada welcomes the end of hostilities in Sri Lanka, which have caused untold suffering over the past 27 years, and wishes to convey its condolences to the people of Sri Lanka and to those around the world who have lost friends and family members in this horrific conflict.

The Government of Canada is deeply concerned by the ongoing humanitarian situation in the aftermath of military action in Sri Lanka, and the consequences it has for the safety of civilians, humanitarian workers, human rights defenders, and journalists. I have released a number of statements expressing Canada's concern for the well-being of civilians caught up in the conflict.

From July 4 to 7, 2009, Mr. Deepak Obhrai, Parliamentary Secretary to the Minister of Foreign Affairs, visited Sri Lanka. Mr. Obhrai engaged with senior Government of Sri Lanka officials on the humanitarian and transition needs of internally displaced persons (IDPs). He visited the IDP camps, secured consular access to a Canadian currently in the IDP camps, and dispelled misconceptions about the Government of Canada's position on the Liberation Tigers of Tamil Eelam (LTTE). He also discussed how the Sri Lankan diaspora in Canada can be engaged in the reconstruction and reconciliation process. Mr. Obhrai also met with Sri Lankan Cabinet ministers including His Excellency the Honourable Rohitha Bogollagama, Minister of Foreign Affairs, and

.../2

Canada



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leaders of local civil society and humanitarian non-governmental organizations. In discussions at the IDP camps and in Colombo, Mr. Obhrai conveyed Canada's need for consular access and interest in seeing continuous improvement in the conditions in the camps and the return home and resettlement of IDPs as early as possible.

The Honourable Beverley J. Oda, Minister of International Cooperation, also visited Sri Lanka in August 2009, where she expressed Canada's ongoing concern about the situation in Sri Lanka, as well as conditions of persons in IDP camps. Minister Oda reviewed activities supported by Canada in IDP camps in Sri Lanka, and when meeting with Sri Lankan ministers in Colombo, she stressed that the safe and voluntary return of IDPs was in everyone's interest.

Minister Oda announced an additional allocation of up to \$15 million from Canada's Crisis Pool of the International Assistance Envelope to be used to support the activities of trusted humanitarian partners in Sri Lanka to meet critical needs. This brings Canada's humanitarian assistance in Sri Lanka to \$22.5 million in 2009. You may read Minister Oda's statement at <http://www.acdi-cida.gc.ca/acdi-cida/ACDI-CIDA.nsf/eng/LUC-8772053-FBM>.

Canada takes a strong stand against terrorism. In April 2006, Canada listed the LTTE in the *Criminal Code* as a terrorist organization, thereby freezing LTTE assets in Canada and prohibiting any fundraising on its behalf.

Recent developments underline the urgent need for progress toward a meaningful and durable political solution. Canada recognizes the President of Sri Lanka's vow to launch a political process that is inclusive of all communities in Sri Lanka. Canada looks to the Government of Sri Lanka to show leadership by moving forward with the tabling of further details for meaningful power-sharing agreements that will be acceptable to all communities.

In addition, to begin a process of reconciliation, actions will need to be taken with respect to allegations of violations of international humanitarian law during the conflict. Canada supports the calls for the establishment of an independent investigation and encourages the Government of Sri Lanka to request international assistance to create an independent entity to investigate and recommend measures for accountability.

Canada will extend its assistance to all parties willing to work peacefully toward the elaboration of a political settlement. I will continue to promote Canadian values of freedom, democracy, human rights and the rule of law. The Government of Canada supported and participated in a successful regional conference on pluralism held in Sri Lanka in March 2008. In addition, Canada organized a series of workshops exploring pluralism in Sri Lanka, which culminated in a successful conference held in Colombo in March 2009. These initiatives helped to promote a dialogue among a broad range of civil society representatives and officials of the Government of Sri Lanka.

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I note your comments on the denial of entry to the Honourable Bob Rae, Member of Parliament, by the Government of Sri Lanka. On June 9, 2009, Mr. Rae travelled to Sri Lanka on a private visit with a valid visa issued by Sri Lankan authorities. Upon arrival, Mr. Rae was detained, accused of being a national security threat by the Government of Sri Lanka and refused entry into the country. It is unreasonable to suggest that Mr. Rae represents a threat to Sri Lankan national security, or is a supporter of the LTTE. On June 16, 2009, I called Foreign Affairs Minister Bogollagama, to register the Government of Canada's displeasure with the Government of Sri Lanka's treatment of Mr. Rae. I also discussed bilateral relations and underlined Canada's ongoing concerns about the humanitarian situation.

With respect to the issue you raise about Sri Lanka's request to the International Monetary Fund (IMF) for an emergency support loan, Canada looks forward to improvement in the humanitarian situation in Sri Lanka, and considers that IMF financial assistance, if appropriately tailored, could be important in this regard.

Sri Lanka has experienced severe balance of payments difficulties over the past several months, in particular through downward pressure on the central bank's foreign currency reserves due to the country's high external financing needs, which have become more difficult to meet given the unfolding global economic and financial crisis. If left unchecked, these difficulties could seriously damage the standard of living of the entire population, as they entail potential adverse consequences including a weaker currency, higher inflation and higher public debt.

The Government of Canada will evaluate any request for IMF financial assistance in terms of how effective it would be in helping to support the country's public finances and lead to meaningful improvements in the welfare of all Sri Lankans, particularly those affected by the humanitarian situation.

For the full text of the statements referenced above and other statements and information regarding what Canada has done in response to the civil conflict and humanitarian situation in Sri Lanka, please visit the Media Room on the website of Foreign Affairs and International Trade Canada at www.international.gc.ca.

Thank you for taking the time to write and share your concerns.

Sincerely,



The Honourable Lawrence Cannon, P.C., M.P.

c.c. cims_oper@pco-bcp.gc.ca





CANADIAN CENTRE FOR VICTIMS OF TORTURE

Hon. Hillary Clinton
U.S. Department of State
2201 C Street NW
Washington, DC 20520]
U.S.A.

May 13, 2009

Dear Secretary Clinton,

RE: Concerns about the return of Camp Ashraf residents to torture

We, at the Canadian Centre for Victims of Torture (CCVT) reiterate the concerns of the Amnesty International regarding the fate of more than 3,000 Iranian exiles currently living in Camp Ashraf in northeast of Baghdad (AI Index: MDE 14/012/2009). According to some reports, Iraqi authorities have mentioned about the possibility of their removal from Iraq. The camp's residents are mainly members or supporters of the People's Mojahedin Organization of Iran (PMOI).

In particular, the CCVT is extremely concerned about a recent statement reportedly made in an interview with al-Forat, an Iraqi TV channel, by National Security Advisor Dr. Muwaffaq al-Rubaie, in which he said that the authorities intend gradually to make the continued presence of the Camp Ashraf residents "intolerable". Shortly after this, possibly in a related development, a team of medical doctors were denied access to the Camp for several days. One purpose of their visit was to provide treatment to a woman in the Camp in need of surgery for an internal cancerous tumor. The doctors were later allowed into the camp.

We urge you, honorable Secretary Clinton, to use your moral authority and the services of your esteemed department and ask the Iraqi government to ensure that no action is taken by the Iraqi authorities that violates the human rights of the Camp Ashraf residents and to clarify the government's intentions towards them in the light of Dr. al-Rubaie's reported threat to make their lives "intolerable".

We, at the CCVT, believe that there is no legal, moral or even utilitarian basis for the use of torture. It is outlawed unequivocally by the customary international law under any circumstances. This rule is an absolute. Article 2 of the UN Convention against Torture (CAT) reiterates states' obligation in the prevention of torture. It leaves no doubt whatsoever about the absolute prohibition of torture: "No exceptional circumstances whatsoever, whether a state of war or a threat or war, internal political instability or any other public emergency, may be invoked as a justification of torture. An order from a superior officer or a public authority may not be invoked as a justification of torture."

Article 3 stipulates that "No state party shall return or extradite a person to another state where there are substantial grounds for believing that he would be in danger of being subject to torture". This article is one of the most important tools for protection of torture survivors. This article is regarded by human rights and torture rehabilitation centers as an absolute that cannot be balanced with such considerations



as danger to the public or risks to national security.

In the name of Article 5 of the UN Declaration of Human Rights, Article 7 of the International Covenant on Civil and Political Rights, Article 3 of the Convention against Torture, Article 27 of the International Humanitarian Law and Article 33 of the Refugee Convention, I urgently appeal to you, Honorable Clinton, to assist with ongoing protection of residents of Ashraf camp in Iraq and work against their *refoulement* to Iran or anywhere else that put them in the risk of torture and other cruel, inhuman and degrading treatment or punishment.

I would like to end by mentioning that Canadian Center for Victims of Torture (CCVT) is respected among human rights and service organizations and is recognized both nationally and internationally. CCVT aids survivors to overcome the lasting effects of torture and war. Working with the community, the Center 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. CCVT gives hope after the horror. Since its inception in 1977, the Canadian Center for Victims of Torture has provided services to over seventeen thousand survivors of torture, war, and generalized violence from 136 countries.

The CCVT has long had a positive working relationship with the United Nations system as well as sister agencies in the United States of America. We would highly value the opportunity to share with you our frontline experience working with survivors of torture and also to learn from your professional experts in the field of international justice.

Thank you for your consideration of our request. We would welcome an opportunity to discuss the issue further with you or with your respected representatives.

Sincerely,

Mulugeta Abai
Executive Director

Tell me yourself, I challenge you - answer. Imagine that you are creating a fabric of human destiny with the object of making men happy in the final, giving them peace and rest at last. Imagine that you are doing this but for that you must inevitably and unavoidably torture to death one tiny creature, that same child who was beating her chest with her little fist, and raise your edifice on the foundation of her unavenged tears. Would you consent to be the architect on such conditions?

Tell me. Tell me the truth.”

Fyodor Dostoyevsky, The Brothers Karamazov, ‘Rebellion’





United States Department of State

*Assistant Secretary for Democracy
Human Rights and Labor*

Washington, D.C. 20520-7802

June 22, 2009

Mr. Mulugeta Abai
Executive Director
Canadian Centre for Victims of Torture
194 Jarvis St, 2nd Fl.
Toronto, ON, Canada M5B 2B7

Dear Mr. Abai:

Thank you for your May 13 letter to Secretary Clinton regarding the People's Mujahedin Organization of Iran, also known as the Mujahedin-e Khalq (MEK). Secretary Clinton asked me to respond on her behalf, and I welcome this opportunity to update you on the situation at Camp Ashraf.

U.S. forces treated the residents of Camp Ashraf as protected persons under the Fourth Geneva Convention as a matter of policy until January 1, 2009. The Multi-National Force-Iraq (MNF-I) provided protection to the residents of Camp Ashraf through the end of 2008 consistent with its mandate from the UN Security Council. When the UN mandate for the MNF-I expired on December 31, 2008, so did MNF-I's authority to maintain this protection, and the Government of Iraq assumed security responsibility for the camp and its 3,400 residents.

The United States has designated the MEK as a Foreign Terrorist Organization, as has Canada. The Iraqi government also considers it a terrorist organization, and has expressed its desire to see the MEK depart from the country. Nevertheless, it has given the United States written assurances that it will treat the residents of Camp Ashraf humanely and will not forcibly transfer them to any country where there are substantial grounds for believing they would be persecuted based on religious or political beliefs, or be subject to torture. The Government of Iraq is honoring these commitments, and the United States continues to monitor closely the situation at Camp Ashraf.

I hope this information is helpful. Please feel free to contact us on this or any other matter that is of importance to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen B. Stewart".

Karen B. Stewart, Acting





CANADIAN CENTRE FOR VICTIMS OF TORTURE

Mr. Barack Obama
The President
The White House
Washington, DC 20500
U.S.A.

February 17, 2009

Dear President Obama,

First of all, allow me to congratulate you on your presidential victory, a much hoped for event not only within the United States of America but amongst many citizens around the world.

I am writing to you regarding a matter of great importance. I would like to ask you to support both U.S. ratification of the United Nations Convention on the Rights of the Child and the Rome Statute for the International Criminal Court.

The *Convention on the Rights of the Child* is an internationally recognized agreement that establishes a comprehensive set of goals for individual nations to achieve on behalf of children. The *Convention* is the most widely adopted human rights treaty in history with 191 States Parties. Unfortunately, only the United States of America and Somalia have not ratified this celebrated agreement. The adoption of the Convention on the Rights of the Child (CRC) on 20 November 1989 and its enforcement on the 2 September 1990 was a major development in addressing the crime of torture against children. The United States of America signed the CRC on February 16, 1995, but it has not yet ratified it.

Delay in ratification of this important document seems to be related to problems of implementation. The primary focus of the Convention on the Rights of the Child is the protection and well being of vulnerable children. It seems that it is not possible for the federal government of the USA to ratify the protocol without the approval of all states. Negotiations between the federal and state governments can result in a most positive outcome. There exists an urgent need to break this deadlock. The USA can play a more effective global leadership role in the prevention of torture and other atrocities against children with the ratification of this crucial legal instrument.

A major human rights achievement of the 20th Century was the adoption of the Rome Statute of the International Criminal Court (ICC) on 17 July 1998 by the family of nations. The establishment of the ICC on 1 July 2002 ushers in a new era of the termination of impunity for torturers, war criminals and those who have committed crimes against humanity.

The Rome Statute for International Criminal Court is based upon the principle of "complementarity". The ICC intervenes only when national courts are unwilling or unable to prosecute. It is difficult for the ICC to act in a country that has not ratified the Rome Statute unless the state where the crime has been committed accepts its jurisdiction.



First Light

We, at the Canadian Centre for Victims of Torture (CCVT) were encouraged by the fact that President Clinton supported and signed this vital human rights treaty. This initial support did not unfortunately continue and the United States of America did not take any initiative in terms of the recognition of the International Criminal Court (ICC), let alone the empowerment of this unprecedented human rights institution. Mr. President, your intervention is crucial in terms of the strengthening the very foundation of the ICC. We need your immediate intervention, Mr. President. We need the global leadership of the United States of American in terms of children and human rights. I strongly appeal to you, Mr. President, to stand by your nation's commitments to the global promotion of these rights and play a strong role towards ratification of the UN Convention on the Rights of the Child and the Rome Statute for International Criminal Court.

Mr. President, let me end by mentioning that the Canadian Center for Victims of Torture (CCVT) is respected among human rights and service organizations and is recognized both nationally and internationally. CCVT aids survivors to overcome the lasting effects of torture and war. Working with the community, the Center 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. CCVT gives hope after the horror. Since its inception in 1977, the Canadian Center for Victims of Torture has provided services to over seventeen thousand survivors of torture, war, and generalized violence from 136 countries.

The CCVT has long had a positive working relationship with the United Nations system as well as sister agencies in the United States of America. We would highly value the opportunity to share with you our frontline experience working with survivors of torture and also to learn from your professional experts in the field of international justice.

Thank you for your consideration of our request. We would welcome an opportunity to discuss the issue further with you or with your respected representatives.

Sincerely,

Mulugeta Abai
Executive Director

Each man must for himself alone decide what is right
and what is wrong, which course is patriotic and
which isn't. You cannot shirk this and be a man. To
decide against your conviction is to be an unqualified
and excusable traitor, both to yourself and to your
country, let men label you as they may.

~Mark Twain



Lost Conscience

By Saltykov-Shchedrin
Translated from Russian by Elena Solokhina

The following piece was written in mid-19th century by the Russian novelist Michael Evgrafovich Saltykov-Shchedrin (1826-1889). He is remembered as a pioneer of the freedom of thought in Russia. Shchedrin actually lived only for his time, but how well the celebrated German thinker Goethe has mentioned: "Who lived for his time, he lived for all times." The story was translated by the CCVT Computer Instructor Elena Solokhina. She is originally from Russia and has a great passion for classical literature. She has done her best to deliver the spirit and style of the author's literary work while keeping the text of English version as close as possible to the original Russian text. She shares her hopes as follows : « I hope much respected readers of our magazine will enjoy the Lost Conscience as much as I did while working on its translation. Thank you for reading! » The CCVT is highly grateful to Jessica Roher for accompanying Elena's translation with a 19th century text.



Conscience was lost but everything carried on as before. As always, the streets and theatres were crowded. People went about as usual, bustling through the city. If something positive came their way, they snatched up the opportunity. Nobody noticed that something was suddenly missing - that in the orchestra of life, a violin ceased to play.

Some started to feel more free. People's steps became lighter. It became easier to trip up others- to deceive, to lie and to slander.

It seemed as if the difficulties of life had suddenly disappeared. People did not walk on common ground but felt as though they were above it. Nothing affected them. Nothing made them sad and filled them with regret. Nothing made them stop and think. The present as well as the future seemed to be easy to reach for those who did not notice the loss of conscience.

The conscience disappeared suddenly... almost momentarily! Yesterday, conscience lingered in front of one's eyes, visible for all to see and demanding attention. Then suddenly, nothing! Moral discomfort, which acts as an inner monitor, disappeared. Now, nothing was left to stop men from taking advantage of the pleasures that came their way. They broke free of this yoke, which previously hampered their movements, and, of course, they enjoyed this freedom. The violent took advantage of this opportunity. Robberies and brigandage began. Total destruction started.

Conscience lay tormented and abused on the road. Pedestrians trampled it as they passed by. Everyone walked over it like they would have done over a worn-out piece of cloth. God knows how long the poor exile would have been there, if some drunkard did not pick her up, hoping to sell it for another shot or two.

As soon as he picked conscience up, he felt an electrical shock pierced through him. He started looking around. He felt the alcohol clear from his head. Slowly, the bitter reality of his condition came to him. First he felt only fear - a dull unreasoned fear, which takes hold of a man who is aware that an imminent

danger threatens him. Then his memory awoke him; imagination began to talk. From the darkness of his shameful past, he remembered all details of violence, treasons and untruths he was guilty of. He remembered everything that degraded his soul and his imagination gave these details fresh life.

The drunkard awoke up from a long sleep to find himself in a court where he was both the arbiter of justice and the accused.

His entire past seemed to him, a continuous ugly crime. He was so depressed by his immoral ways. However, the process of self-judgment to which he voluntarily subjected himself, seemed greater punishment than the strictest human court.

He didn't consider that a large part of the past, for which he cursed himself so badly, was beyond his control as a pitiful drunkard.

"Why did he live this way and not another? What was he?" he asked himself. But, these were questions to which there were no answers. He felt deeply ignorant and astonished at where he found himself.

Now that conscience appeared – what good would it do? Did conscience come to ask him pitiless questions to which there were no answers?

The awakened conscience does not bring with it hope or reconciliation. The roused conscience points at only one solution - the solution of barren self-condemnation.

Before, the drunkard lived in a haze. Now, the haze was still present but it was full of agonizing phantoms. The heavy chains that weighed him down before doubled in their weight, because he understood clearly what chains they were.

The drunkard began to shed tears; good people stopped in front of him, but each decided that nothing but drunkenness plagued him.

The unhappy drunkard yelled: "Friends, I cannot help but cry. This is too unbearable!" While the pitiful drunkard shouted, the crowd laughed at him and mocked him. The onlookers did not understand that the drunkard had never been more sober as he was at this particular moment and that he made a discovery, which was tearing apart his heart. If those in this crowd had also discovered conscience, they also would have realized that the fiercest of all sorrows in the world is to find one's conscience when one least expects it. The crowd would have realized that their soul and spirit was as degraded as the drunkard.

Finally, the drunkard yelled, "I have to get rid of this somehow! Otherwise I will be done for and perish like a homeless dog!" The drunkard prepared to throw himself onto the road, but a policeman standing by stopped him.

"Brother," the policeman said, mistaking conscience for pamphlets, "it seems to me that you are trying to distribute revolutionary pamphlets. We will soon have you serving a detention for this!"

The drunkard quickly hid his find in his pocket and hastily took off. Looking around to ensure that no one was following him, he made his way to the tavern where his old acquaintance, Prokhorych, worked. Before he went in, he slowly peeked into the window. No one was inside and Prokhorych was napping alone behind the bar. He opened the door quickly, ran in and, before Prokhorych realized what's happening, the drunkard thrust his find into Prokhorych's hand and fled.

For a moment, Prokhorych stood without opening his drowsy eyes; then he felt a cold shudder pass over him and he began to sweat all over. For some reason, he thought he was doing business without the necessary certificate; but he looked around and realized all the licenses – the dark blue, the green, and the yellow demanded by the authorities - were present. He glanced at the worn-out piece of paper that



appeared in his hands and it seemed familiar – he seemed to recognize it.

"Ah-ha!" he recalled, "this is the very same old piece of paper that I got rid of with such difficulty before buying the licenses for this business. Yes! This is it!"

But, he was suddenly seized with a fear unknown to him. He started shaking and became pale. Conscience awakened in him. It murmured: "it is not good to go on letting poor people get tipsy."

Frightened to death, he called his wife, Arina Ivanovna.

Arina Ivanovna came running. As soon as she saw the involuntary acquisition Prokhorych made, she shouted in a high pitch voice: "Help! Police! Robbery!"

"Why was I instantly deprived of everything through this thing?" Prokhorych thought, wondering who had foisted conscience on him. Big drops of perspiration streamed from his forehead.

Meanwhile, the bar filled with people. Instead of serving customers with his usual generosity, Prokhorych refused to fill their glasses with wine. Instead, he pointed out to them that the source of misfortune for a poor person is wine and alcohol.

"If you drink one small glass it would be fine. It would even be good for your health!" he said through his tears, "But you always consume whole barrels! And after you get drunk, the police gather you up, take you to a police station and thrash you. So, stop and think. Is it worth while going through with this and paying me your hard earned money to be lashed?"

His customers were amazed and astonished. They said: "Prokhorych, have you lost your mind?"

Prokhorych replied: "You would have lost your mind if you experienced the suffering that befell me! Look at the license that I received!" He showed them the conscience that the drunkard thrust upon him and offered it to any customer who wanted to take it. But, when his customers saw what it was, no one expressed any interest and kept their distance from it.

"What are you going to do now?" –his customers asked.

"My dear friends, there is only one thing left for me to do – die. I don't want to deceive any more and I do not consent to intoxicating poor people with brandy. What in the world can I do now, besides die?"

His customers laughed at him. "He is right" some remarked.

"I think that I should break all these bottles and barrels and allow their contents to run into the canal," Prokhorych continued. "This will rid the temptation to drink alcohol."

Arina Ivanovna finally spoke. "Please just try breaking one or two and see how you feel. Don't break them all at once," she urged her husband. Her heart was not touched by the goodness that had suddenly descended upon Prokhorych.

But Prokhorych was already too hard to get through to. He was crying and kept talking and talking.

"If a misfortune like mine comes over you, it is fate – you ought to be miserable. It would not be worth asking why this misfortune came to be because it would only be in vain."

The whole day passed and Prokhorych continued these philosophical exercises and, even though Arina Ivanovna resolutely opposed her husband pouring out the wine into a trench, they didn't sell a drop of wine that day.



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As the evening approached, Prokhorych cheered up and, when he lay down for the night, he told crying Arina Ivanovna: "Well sweetheart, though we have not earned anything today, what does it matter? Life is better for those who have a clear conscience!"

And sure enough, as soon as he lay down, he fell asleep. He slept peacefully the whole night. He did not toss and turn and he did not snore as he did when he was earning money, but had no conscience.

But Arina Ivanovna saw things differently. She understood very well, that for a tavern owner, conscience is not a desirable acquisition from which it would be possible to profit. So, she decided to get rid of this unwelcome guest. She waited through the night and as soon as the dawn appeared through the dusty windows of their tavern, she stole the conscience from her sleeping husband and rushed with it onto the street.

It was a market day. Men from neighboring villages were already pulling in on their carts and Lovets, a police inspector, was getting ready to go to the market to ensure everything was in proper order.

When Arina Ivanovna caught sight of him, an idea came to her. She ran after him at full speed and as soon as she reached him, she quietly put the conscience into the pocket of his coat without him noticing with wondrous dexterity.

This Lovets was not a rogue, but he did not like to constrain himself. He indulged in other's goods quite freely. The look he had was not that impudent, but inquisitive and determined. His did not have a hand in every affair but he willingly snapped up everything that came his way. In short, he was a 'respectable rogue'.

But, the moment conscience was thrust upon him, he changed.

When he reached the market square, it occurred to him that the goods on the carts, on counters and in boutiques were not his, but someone else's. Never before had he been aware of this. He wiped his eyes and thought: "Have I gone crazy or is this a dream?"

He approached one of the carts, with the intention to helping himself to the goods within it. But, his arms remained on his sides. He approached another cart with the intent of pulling the beard of the peasant, but his hand remained clenched.

He was frightened and said to himself: "What happened to me? If I continue like this, I will not be able to continue with my profession. I should just go home because I seem to have lost my senses." However, he decided to stay, hoping that this affliction would pass by. He began walking around the market. He looked around and saw produce and poultry. These goods seemed to say to him: "Help yourself, take your pick."

The market people saw that Lovets was not his usual self. He seemed content just to stare at their goods. They dared to make fun of him, calling him 'a son of a simpleton'.

"No, this must be some kind of illness!" Lovets decided and he started towards home, empty handed.

When he got home, his wife was waiting for him, thinking: "How many bags of goodies did my lovely spouse bring today?" Although he normally came back with bags full of pilfering, that day, he returned from the market without a single bag.

All at once, she lost her temper and pounced on her husband. "Where are the bags of goods? " She asked him.

"Faced with my conscience I testify..." began Lovets.



"I asked, where are your bags?"

"Faced with my conscience I testify..." repeated Lovets again.

"Well then, eat your conscience until next market day. I don't have anything to give you for dinner" declared his wife.

Lovets hung his head because he knew that his wife would be firm. He could not argue with her.

He took off his coat - and he changed completely! Since the conscience remained in his coat hung up on the wall, he felt at ease and free. Once again, he felt that everything in the world belonged to him and that he had the right to take other's belongings.

"Ah ha! Now you won't get off so easily pals!" he said, rubbing his hands. He put on his coat hurriedly, eager to get back to the market. But, as soon as he put on his coat, he lost his ambition again. He felt like there were two people in him: one without the coat, shameless and greedy, and another with the coat, shy and timid.

However, though his good intentions had returned, he was determined to go to the market. "Maybe," he thought, "I will prevail."

But the closer he got to the market, the stronger his heartbeat became and the more he felt inclined to show kindness to the poor market people who were struggling to make a penny a day in the rain and slush. He could not think of taking other people's belongings any more. He felt that his own purse had become a burden to him. It was as if he realized that the money contained in it was not his but somebody else's.

"Here's fifteen cents for you, my friend!" he said to a market peasant, giving him a coin.

"What for?"

"Ah, for my past offenses! Forgive me!"

"Well, may God forgive you then!"

In this way, he walked around the whole market, giving out all the money he had. Having this done, though he felt as if a great weight was lifted from his heart, he started thinking. "Certainly, some kind of disease must have fallen on me today," he said to himself again, "I'd better go home and I will take this opportunity to pick up as many beggars as possible on the way, so I can feed them a meal." And so, he did.

He gathered the beggars by thousands, and brought them to his yard. When his wife saw these men, she threw up her hands in horror, waiting to see what he would do next. Lovets slowly walked up to her and gently said: "See these strange people whom I brought you, feed them for the love of God."

But as soon as he hung his coat on the wall, he felt again at ease and free. He looked out of the window and saw that his yard was full of poor brethren from all over the city. He did not understand why they were there. What had they come for?

"What are these people doing here?" he asked as he ran out to the yard in frenzy.

His wife quickly replied: "What do you mean? These people? They are strange people, whom you just commanded me to feed!"

"Send them away!" he shouted angrily and, like a madman, rushed back to the house.



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Pacing through his house, back and forth, he kept thinking: "what happened to me? How is it that a man who was so fierce and indifferent became as limp as a rag?"

"Theodosia Petrovna! Tie me up, for heaven's sake! I feel that I might commit deeds that would take a whole year of work to repair," he commanded.

His wife realized that her husband was in trouble. She put him to bed and gave him a hot drink. Only after a quarter of an hour, did it occur to her to search his coat to see if there was any money left in his pockets. She looked through one pocket –and found an empty purse. She then ransacked the other pocket and found a dirty, greasy piece of paper. As she unfolded the piece of paper, she gasped!

"This explains the tricks he was playing; he had conscience in his pocket!" she exclaimed. She started to think about how she could get rid of conscience. She was thinking about who she could pass it on to – someone who would not be overly burdened by it and someone who would only be temporarily inconvenienced by it.

After a while, she decided that she better give conscience to Shmul Davidovich Brzhotski, a Jewish banker, financial advisor and director of railway companies. "His back is broad enough," she said to herself, "he will struggle a little with conscience, but he won't be hurt by it."

Having decided this; she carefully put conscience into a stamped envelope, wrote Brzhotski's address on it and put it into the mailbox.

She returned to her husband's bedside. "Now you can boldly go to the market."

Samuel Davydovich Brzhotsky was sitting at the dining table, surrounded by his family. His ten-year-old son, Reuben Samuilovich, was talking to his father about banking operations.

"What would happen, Papa, if I invested the money you gave me at twenty percent per month? How much would I have at the end of the year?" Reuben asked.

"At what interest did you invest: simple or complex?" replied Samuel Davydovich.

"Of course, complex!"

"That would come to forty-five rubles, and seventy-nine kopeks!"

"Ok then, I will invest my money like that, Papa"

"Invest it then, my son, but you must ensure that you get good security on your investment."

At the other side of the table, another son, Samuilovich sat. He was a boy of seven. While his brother and father were talking, he occupied himself by attempting to solve an arithmetic problem in his mind. Next to him sat another two children who were considering how much interest one owed to the other for some loaned candy. Brzhotsky's beautiful wife sat at the other end of the table, Leah. She was holding their tiny baby girl, Rivka, who instinctively grabbed for her mother's golden bracelet.

In short, Brzhotsky was a happy man. He was about to eat some wondrous sauce, as a servant handed him the letter on a silver platter. As soon as he took the envelope in his hands, he started becoming extremely agitated.

"What is this? Why would anyone send me this and why do I need it?" he yelled, his body shaking.

Although his family members did not understand his outcries, it became clear that it was not possible to continue dinner.

I will not describe here the torment that Brzhotsky suffered on this memorable day. I will say only one thing: this man, who looked frail and weak, heroically endured the most grievous torment. But, he would not agree to give up the smallest sum of money.



"What I suffer is nothing," he said to his wife, "Make sure to hold me tight and if I start asking for our cash box don't bring it to me! Better let me die!"

Despite the embarrassing nature of this situation, there was a way out of it – like almost all situations. Brzhotsky remembered that he had long promised to make a donation to a charitable institution, which was managed by his friend, a General. Though he postponed the donation for different reasons, circumstances were now such that this was the most convenient way of fulfilling his obligation and a longstanding intention of donating money.

Brzhotsky cautiously opened the envelope that he received in the post, took out the parcel using tweezers, put it into another envelope with a hundred-ruble banknote, sealed it carefully and went to see the General.

"I wish, Your Excellency, to make a donation!" - he said, putting the package on the table in front of the General.

"Well, sir! This is a commendable act!" answered the General. He continued, "I always knew that you ... as a Jew... and by the law of David ...were meant to donate ... is it right?

The general was confused, because he did not know exactly the laws of Judaism and whether David decreed laws.

"Exactly so, sir" Brzhotsky was happy to be relieved from his burden. –"We financiers are motivated by patriotism. We are Jews by looks but we are Russians above all things."

"Thank you," said the general, "Well, well. God be with you."

Brzhotsky did not walk but felt as though he flew home as if on wings. By that evening, he had forgotten about the suffering he endured and was himself again.

Poor conscience continued on like this for a long time. It was expelled from everywhere and passed from hand to hand. It was not wanted. On the contrary, everyone who possessed it only thought about how to get rid of it.

Finally conscience got tired its wandering existence. Finally, conscience ended up with a small tradesman, who never made a profit.

"Why are you torturing me?" complained poor conscience.

"Well, what am I going to do with you, my dear conscience, if you're no use to anybody?" – he asked in turn.

Conscience replied, "Do this - find me a little Russian baby and bury me in its pure heart. Maybe it, an innocent baby, will cherish me and keep me. Perhaps it will become attached to me when it grows up and make its way in life with me. Perhaps it will do so with no disdain."

The tradesman did as conscience asked. He found a little Russian baby and slipped conscience into its pure heart.

The little baby is growing and conscience is growing in it. One day, this little baby will be a great person, with a great conscience. Only then will falsehood, deceit and violence disappear because conscience, grown bolder, will speak and be obeyed.



CCVT Programs and Services

1. Mental Health

- **Counselling**
- **Individual and Group Therapy, Mutual Support Groups**
- **Crisis Intervention:** suicide attempts, breakdowns, family problems, etc.
- **Coordinated professional services:** doctors, lawyers, social service workers provide treatment, documentation and legal support

2. Settlement Services

- Includes information/orientation, interpretation/translation, counselling, employment-related issues and referrals to resources relating to the economic, social, cultural, educational and recreational facilities that could contribute to the initial settlement of the client.

3. Children/Youth Program:

- Intake/assessment, settlement services, mental health services, recreational and empowerment activities that incorporate conflict resolution, mentoring, peer support and story-telling

4. Volunteer Program

- **Befriending** to assist survivors in rebuilding their connections to others as well as to the greater community.

- **ESL Tutoring and Conversation Circles** to help students learn and practice their English.
- **Escorting and interpreting** for survivors at different appointments (medical, legal, social).

5. Public Education

- responds to numerous requests for information, assistance and consultations on torture and the effects of torture as well as regularly producing resource materials

6. Refugees in Limbo

- Providing services to refugees in limbo that include counselling, assisting in sponsorships, family reunification and other immigration-related issues.

7. Language Instruction and Training

- LINC/ESL classes specially designed to address the needs and realities of the survivor of torture (concentration, memory, depression, triggers)
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8. International Projects:

CCVT is associated with a coalition of Centres which support victims of violence, repression and torture, in exile or in their own countries

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On the Beach at Night

On the beach, at night,
Stands a child, with her father,
Watching the east, the autumn sky.

Up through the darkness,
While ravening clouds, the burial clouds, in black masses spreading,
Lower, sullen and fast, athwart and down the sky,
Amid a transparent clear belt of ether yet left in the east,
Ascends, large and calm, the lord-star Jupiter;
And nigh at hand, only a very little above,
Swim the delicate brothers, the Pleiades.
From the beach, the child, holding the hand of her father,
Those burial-clouds that lower, victorious, soon to devour all,
Watching, silently weeps.

Weep not, child,
Weep not, my darling,
With these kisses let me remove your tears;
The ravening clouds shall not long be victorious,
They shall not long possess the sky--shall devour the stars only in apparition:
Jupiter shall emerge--be patient--watch again another night--
The Pleiades shall emerge,
They are immortal--all those stars, both silvery and golden, shall shine out again,
The great stars and the little ones shall shine out again--they endure;
The vast immortal suns, and the long-enduring pensive moons, shall again shine.

Then, dearest child, mournest thou only for Jupiter?
Considererest thou alone the burial of the stars?

Something there is,
(With my lips soothing thee, adding, I whisper,
I give thee the first suggestion, the problem and indirection,)
Something there is more immortal even than the stars,
(Many the burials, many the days and nights, passing away,)
Something that shall endure longer even than lustrous Jupiter,
Longer than sun, or any revolving satellite,
Or the radiant brothers, the Pleiades.

