

Refugee Women and Canadian Policy Gaining Ground?

by Victoria Foote

L'auteure réfléchit sur le sexisme qui transpire des politiques et des législations

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canadiennes concernant les réfugié(e)s et sur l'impact de ce sexisme sur les femmes réfugiées au niveau national et international. Elle propose des suggestions pour améliorer ces

politiques au niveau canadien et international.

Citizenship and Immigration Canada (CIC) has consistently emphasized its preference for selecting refugees abroad for resettlement as the most desirable means of admitting refugees to Canada. In this manner, the Canadian government is assured that those refugees who resettle here possess the "potential for easier settlement" (CIC 1994, 48). Refugees abroad are chosen for resettlement by immigration officials based, in part, on an assessment of formal education, work histories, knowledge of English or French, and marketable skills.

Not surprisingly, women refugees do not fare well under this system. Although women and children make up the majority of those living in refugee camps around the world, women tend *not* to meet the admissibility criteria established by Canadian Immigration. In many societies, women lack the employment and educational opportunities men enjoy. Consequently, their language skills may be poor. As candidates for resettlement, women refugees may be regarded as inferior compared to their male counterparts. The system-

atic bias towards male refugees is apparent in the data: between 1985 and 1989, Canada allowed for the resettlement of 156 to 169 adult men for every 100 adult women admitted (Keely 1992). While many women are resettled as part of a family unit, it is single women, particularly those with children, who are especially disadvantaged under the Canadian resettlement system. At the same time, immigration and visa officers do not always take into account the resources refugee women acquire having survived persecution, flight, and life inside the camps.

Refugee women claimants

Refugee women claimants who arrive in Canada are subject to a refugee determination system that is uncoupled from the economic factors that influence Canada's overseas refugee policy. A claimant's request for refugee status is determined in accordance with the 1951 Convention Relating to the Status of Refugees definition which states that a refugee is any individual who "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his [her] nationality and is unable or, owing to such fear, is unwilling to avail himself [herself] of the protection of that country" (Article 1[A] [2]). As such, claimants are subject only to eligibility criteria. In other words, decision-makers determine if the claimant meets the requirements of the Convention definition thus entitling him or her to refugee status. Unlike their counterparts overseas, claimants in Canada need not meet admissibility criteria.

In 1993, the Immigration and Refugee Board (IRB) issued the *Guidelines on Women Refugee Claimants Fearing Gender-Related Persecution*.

The central concern behind the formulation of the *Guidelines* is how gender-specific forms of persecution can be accommodated by the Convention refugee definition. A second purpose of the *Guidelines* is to help create an environment in which a woman's case can be presented and where her testimony can be expected to receive serious consideration by Board members.

The Women-at-Risk Program


Unfortunately, relatively few women manage to arrive on Canadian shores. Of the 30,000 refugee claimants who arrived in Canada in 1993, less than one-third were female. Unlike most men, women refugees usually care for children and the elderly. Generally, women have less access to capital than do men. These two factors, along with the likelihood that it may be culturally inappropriate to travel without a male escort, reduce a woman's mobility, making it extremely difficult for her to travel to faraway visa offices or embassies.

The Canadian Women-at-Risk (AWR) program was created for women refugees who find themselves living under particularly dire circumstances and who would probably be considered ineligible for resettlement under existing processing criteria. Most of the refugee women accepted for resettlement under the AWR program require a combination of government-assisted sponsorship and private sponsorship. Private sponsors offer services such as job search counselling, child care, transportation, and psychological support. The government, in turn, provides health care services, general settlement services, and maintenance costs for food and shelter.

Despite its declared mandate, AWR selection criteria still require that candidates "show potential for eventual successful establishment in Canada"

(CIC 1990). As Boyd (1993) points out, the criteria used to determine successful settlement in Canada are of a socio-economic nature: exposure to western lifestyles, education, job skills, and knowledge of English or French. Evidence of such potential is discerned early in the application process. For example, only those able to repay transportation loans, given that the applicant may travel to the

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country of resettlement, will receive such loans. Immigration officers regard women with large families as a financial risk and therefore ineligible for the transportation loan even though they may have otherwise met the criteria set out in the AWR program.

The small number of women refugees who have been admitted to Canada under the AWR program is also disappointing. From 1988 to the end of 1993, 247 women refugees have been admitted, or an average of 41 cases annually. (Refugee women usually arrive with family members; so the number of people resettled in Canada under the program during the same time totals 655.) Despite the presence of the AWR program, refugee women and their dependents still remain behind in the refugee camps while a comparatively greater proportion of refugee men continue to be resettled in Canada.

Canadian International Development Agency

Policies designed for refugee women operate independently of the role the Canadian International Development Agency (CIDA) plays in providing assistance to refugees around the world. CIDA manages the bulk of the Canadian government's development assistance programs and projects. Assistance provided by CIDA on behalf of refugees overseas is administered through its International

Humanitarian Assistance program. CIDA's policy regarding refugee assistance is described as "integrative." While some funding is targeted specifically for refugee women, CIDA's overall approach to refugee assistance is aimed at refugees in general, on the understanding that by virtue of constituting the majority of the refugee population, women and their dependents are assumed to benefit most from any CIDA-sponsored initiatives.

Case studies show, however, that this is not always so. It is not uncommon for the power structure of a refugee camp to be male-dominated and for women refugees, in spite of their majority status within most camps, to be excluded from the management and distribution of even the most basic items such as food, clothing, or blankets. As a result, women, and by extension those who depend upon them, are vulnerable to abuses in the system, in particular the distribution of supplies. Their food rations may fall short of the recommended allotment as (male) distributors favour themselves, family members, and friends. Worse, women may be forced to perform sexual favours in exchange for basic necessities.

CIDA dispenses, but does not oversee, the funding it allocates to refugee programs. Instead, CIDA relies upon agency funding, such as the United Nations High Commissioner for Refugees (UNHCR), the Red Cross, and NGOs, to design and implement gender-sensitive distribution structures inside the camps. To its credit, CIDA has repeatedly urged these agencies to implement programs that solicit and incorporate input from refugee women. Yet CIDA funding is not contingent upon such an arrangement. In the meantime, aid organizations continue to

respect structures and traditions which deny women their human rights rather than working directly with the female community organizers/activists to support a gender-responsive agenda. (Davar 8)

The backlash against refugees in Canada

For all the movement toward gender-sensitive refugee policies, there is still a domestic ground swell of anti-immigrant and anti-refugee sentiment. Only one seat shy of constituting the Official Opposition in Parliament, the Reform Party often expresses its views concerning the number of refugees permitted into Canada as being too high. Former Reform Party Immigration critic Art Hanger has also asserted a supposed link between immigrants and refugees, and violent crime.

The Reform Party has additionally suggested that the IRB be abolished and that the government cease paying for legal aid, medicare, or social services for claimants appealing their cases. Women claiming gender-related persecution have been singled out: Canada, proclaimed Hanger, should be under no obligation to grant refugee status to female victims of domestic violence "or other forms of gender persecution in their country of origin" ("Reform Assails Refugee Policy"). In other words, while the persecution of men in their country of origin may be thought intolerable, similar treatment of women should not be equally of national concern.

At the same time, the Liberal government has imposed increasingly onerous fees on refugees arriving in Canada. In particular, the \$975 right-of-landing fee places an unconscionable financial burden on refugees, especially women who have less access to financial resources than men. Such policies are supported by the views espoused by the Reform Party and are detrimental to newcomers to Canada and Canadians. The Ad Hoc Working Group on the Status of Refugee Women in Canada makes the following recommendations:

Recommendations for the Canadian government

1. We recommend that refugee women who are being considered for

resettlement for protection reasons not be subjected to Canadian "admissibility" (skills) criteria that may otherwise disqualify them.

2. We recommend the Canadian overseas selection process be revised to better reflect gender proportionality within the jurisdiction for which a visa officer has responsibility.

3. We recommend that Canadian refugee policy include a regional plan

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ensuring that women from various areas, including those under siege, have access to immigration authorities.

4. We recommend that Canadian international aid

policy require, as a condition of continued funding, that women refugees are involved from the outset in the design and implementation of training, socio-economic development, health, and safety needs of those in refugee camps.

5. We recommend that CIDA representatives collaborate with refugee women so that the training, socio-economic development, health, and safety needs of those in refugee camps are being met in an equitable way.

6. We recommend that in addition to using the *Canadian Guidelines on Women Refugee Claimants Fearing Gender-Related Persecution* in the resettlement selection process, overseas officials also provide written reasons for not referring to the guidelines.

7. We recommend that all Canadian immigration officers who are conducting port of entry interviews receive gender-sensitivity training and be familiar with the *Canadian Guidelines on Women Refugee Claimants Fearing Gender-Related Persecution*.

8. We recommend that women who are in Canada because they have been sponsored by a relative or spouse be given information and education regarding their citizenship eligibility and rights.

9. We recommend that the post-determination refugee claimant in Canada class (PDRCC) decisions be monitored by the existing advisory committee, to ensure that gender-related concerns and reference to the gender guidelines are an integral part of this last stage of the refugee determination process.

10. We recommend that since the PDRCC program is based on an assessment of risk rather than whether a person is a Convention refugee, that wider concepts of protection of women and gender-specific risks, such as those identified in international instruments, be part of every evaluation of a case where gender-risk is a factor.

11. We recommend that the Canadian government increase funding to settlement agencies so that they can provide culturally-appropriate mental and physical health services, language, employment placement, and skills training to various refugee ethnic groups.

12. We recommend that the Department of Citizenship and Immigration Canada implement a public awareness campaign to counter a domestic backlash against women refugee claimants fearing gender-related persecution.

13. We recommend that the right-of-landing fee, as it applies to all refugees to Canada, be removed. Women in general have less access to financial resources and would therefore be disproportionately affected by such a high fee. According to the 1951 Geneva Convention Relating to the Status of Refugees, Article 34,

The contracting States shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.

14. We recommend that the Department of Citizenship and Immigration Canada undertake a thor-

ough and meaningful review of Canadian Women-at-Risk Program addressing both the 1994 UNHCR review of this program, as well as the 1993 and 1994 Canadian Council for Refugees' recommendations.

Recommendations for the international community

15. We recommend that any country that is a party to the 1951 Convention and the related 1967 protocol shall take the necessary steps to incorporate the word "gender" into the definition of Convention refugee incorporated into its national law.

16. We recommend that the success of mental and physical health services, language, employment placement, and skills training programs for refugee women be monitored.

17. We recommend that international documentation centres be established and supported for the purpose of gathering and disseminating evidence of the level of state protection available in all countries recognizing, in particular, the protection needs of women. These centres may be developed through the cooperative efforts of national and international bodies.

18. We recommend that the gender guidelines, such as those adopted in Canada (1993) and the United

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States (1995), serve as an example for other refugee receiving countries to follow, a move that would be strongly endorsed by the UNHCR.

19. We recommend that the UNHCR maintain the profile and scope with which the position of special coordinator on refugee women was originally endowed.

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Participant in Huairou, NGO Forum 1995.

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