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The Children in Exile: Struggle in Assisting Persecuted Children

Sabine Lübben

During the last decade, UNICEF reports in "The State of the World's Children 1996," war and political upheaval in the world have killed approximately two million children, disabled four to five million children, left twelve million children homeless and an estimated additional ten million children psychologically traumatized.¹ Few of the surviving children ever make it to a safe country like Canada and even then they are not beyond trauma.

It was the Dutch psychoanalyst Hans Keilson who introduced the idea of sequential traumatization to the field of mental health and provided us with a new way to conceptualize resettlement policies and their influences on the wellbeing of child survivors. In a follow-up study of Jewish war orphans in the Netherlands, he not only documented the impact of massive trauma due to political persecution but he also took an interest in the postwar lives of the surviving children and examined the consequences of decisions that were made for them and the influences of different recovery environ-

ments on their development. For this purpose, Keilson distinguished three traumatic sequences: first, the occupation of the Netherlands, the beginning of the terror waged on the Jewish population, and the onslaughts on the social and mental integrity of Jewish families; secondly, the period of direct persecution—deportation of parents

and children, separation of mother and child, going into hiding, detention in concentration camps; and thirdly, the postwar period during which the main issue was that of appointing guardians.

Keilson showed that "not only the period during which the actual disaster takes place (second traumatic

CONTENTS:

The Children in Exile: Struggle in Assisting Persecuted Children <i>Sabine Lübben</i>	1
The Mental Health of Refugee Children in Canada <i>Ilene Hyman, Morton Beiser, Nhi Vu</i>	4
Refugee Students in Toronto Schools <i>Maria Yau</i>	9
Refugee Children before Immigration and Refugee Board <i>Geraldine Sadoway</i>	17
Child Refugee Claimants: Procedural and Evidentiary Issues <i>Immigration and Refugee Board Guidelines, Ottawa, Canada</i>	23
The UN Committee on the Rights of the Child and Refugees: One NGO's Experience with the Reporting Process <i>Tom Clark</i>	28
Development and Identity of Guatemalan Refugee Children in Mexico: Conditions and Options for Support Interventions <i>Inda Sáenz-Romero and José Sánchez-Sosa</i>	34

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sequence) but also the subsequent period (third traumatic sequence) is essential to an adequate understanding and evaluation of events in the traumatized development of children." He demonstrated that a 'favourable' second traumatic sequence and a less favourable third traumatic sequence will lead to more severe psychopathologic reactions than an adverse second but favourable third sequence. "If," Keilson writes, "the post persecution environment is unable to break the chain of traumatizing factors it will further intensify the traumatic events for the child."² With this pioneer study, Keilson was the first researcher who documented that traumatization can go on even though the original persecution has already stopped.

It is surprising to see that while there has been more than fifty years of clinical research on persecuted children and an even longer tradition of investigating childhood trauma, there is still so much more to learn. Meeting a refu-

A Farewell Note From the Managing Editor:

With this issue of *Refuge* on child refugees, I am moving on to pursue other interests. It has been a wonderful experience and a real pleasure for me to manage a rich blend of books and reports, and a variety of special issues in *Refuge*, published by the Centre for Refugee Studies since 1992. I have had the privilege of working with a number of professors, graduate and undergraduate students, and staff associated with the Centre, and I thank everyone of them for their assistance and co-operation in bringing out these publications. More specifically, I wish to express my sincere thanks to Professor Howard Adelman, founding editor of this periodical, and the founding director of the Centre, for nurturing a strong sense of commitment to the dissemination of analytical information on refugee issues, and to the present editor, Professor Michael Lanphier who continues that tradition of excellence.

Arul S. Aruliah

gee child, one is often startled to realize how guarded and controlled such a child can be. As a result of the multitude of harms they have had to experience, they have learned that life is fragile, and worse, their trust in adults is severely diminished. Often they have witnessed victimized, persecuted adults whose function it was to protect them, rendered helpless, and in some instances, they have been lied to by their families about the reasons why they had to go into exile and about the amount of time they would spend there. They not only feel alienated from the new environment; they also feel alienated from the adults in their own families who, more often than not, have had to struggle with their own problems and precarious emotional balance. Frequently, these children try to be independent and self-sufficient in every way, they seem to be precociously mature for their age and usually work hard in school and in jobs. They have goals and hopes but one has the impression that their wishes reflect their expectations rather than childlike dreams about the future.

These struggles put refugee children squarely into the centre of trauma research. Is this observed maturity of refugee children an indicator of genuine resilience of young children towards extreme trauma or is it an indicator of reactive pathology? What does extreme trauma really mean in respect to refugee children? In adults, we assume that trauma has the effect of disrupting their lives, causing breakdown of psychosocial functioning or even generating a collapse of the structure of the self. Children, however, are still in the process of developing and building a self and trauma not only has the effect of disrupting their lives or destabilizing their psychological equilibrium but also that of inhibiting growth. Traumatized children do not merely decline in functioning. Because of war and forced subsequent migration, children lose valuable time and opportunities to develop their capacities and acquire new skills. In the host country, they have to make up for this lost time and there may still be

incalculable costs in the extraordinary efforts they make to catch up with their contemporaries. How does this influence an unfolding personality? And what can society do to strengthen the young ego?

The opportunities to re-traumatize and add to the burden of refugee children in the host society are numerous. The authors of this special issue of *Refuge* have gathered examples from refugee camps, court rooms and schools to show how the special needs of refugee

and insecure negatively influencing their adjustment in school, observes Maria Yau in her study on "Refugee Students in Toronto Schools." She documents that schools and teachers are not prepared to adequately assist refugee students in their adjustment and that the few available resources are not sufficiently coordinated. Basic strategies need to be discussed: Do teachers need to know which student is a refugee and which is an immigrant? Does a child need to be intro-

programs focusing on preventive intervention.

Guatemalan refugee families in Mexican refugee camps face even more precarious conflicts, report Inda Sàenz-Romero and Juan José Sánchez-Sosa from the National Autonomous University of Mexico. Almost 50 percent of the Guatemalan refugees in Mexico have already been born in the camps and are Mexicans by birth. Many of these families are seriously divided over the issue of whether to return to Guatemala or to assimilate to the host country. It is the adolescents especially who remember terror and massacres and who experience the repatriation initiatives as serious threats to their wellbeing. The authors present the wide range of psychosocial and educational programs that have been developed for refugee children and their parents and acquaint us with very powerful and original examples of how to support the personal development and cultural identity of refugees in general.

The authors of this issue argue that most of the painful experiences of refugee children in the resettlement countries are preventable. There is nothing inevitable in court proceedings, school programs or family disruptions and the authors have accumulated a myriad of suggestions as to how one can help improve the situation of refugee children so that disregarding these children's best interests and needs will no longer be an option. ■

Notes

1. "The State of the World's Children 1996," UNICEF, Internet Homepage.
2. *Sequentielle Traumatisierung bei Kindern*, Hans Keilson, Ferdinand Enke Verlag, Stuttgart, 1979.
3. Last year (1996) the Centre for Refugee Studies at York University made a first attempt and compiled a book containing addresses and a short program description of resettlement agencies that are serving refugee children in the Toronto area. □

Sabine Lübben was a visiting research associate at the Centre for Refugee Studies, and is presently at University of Frankfurt, Germany.

The authors of this special issue of Refuge have gathered examples from refugee camps, court rooms and schools to show how the special needs of refugee children are overlooked or underestimated in the public sphere and how families struggle to simply maintain some vestige of emotional equilibrium.

children are overlooked or underestimated in the public sphere and how families struggle to simply maintain some vestige of emotional equilibrium.

Geraldine Sadaway asks if there are really fundamental differences in the way adults and children are persecuted in their home countries, in her article on "Refugee Children before the IRB," or is it that there are rather implicit philosophical assumptions about the meaning of childhood and the personhood of children that are responsible for the classification of refugee claims into "direct" (parents) and "indirect" (children) persecution?

That the best interests of the child should prevail in all legal and administrative decisions—as evidenced by the recent *IRB Guidelines* on child refugees, and acknowledged by the Canadian Government by its ratification of the *Convention on the Rights of the Child*. Tom Clark explores this in his account of "The UN Committee on the Rights of the Child and Refugees: One NGO's Experience with the Reporting Process." Then, why are family reunifications not speeded up and children not heard or directly represented in deportation matters?

Long bureaucratic processes and legal procedures leave children worried

duced as a refugee child in class? If schools pay special attention to refugee students, do they label a child as "special" when what the child wants is to be "normal"? How can schools reach their parents and involve them in their children's schooling process? What kind of training is necessary so that teachers can become allies of traumatized children and receive the necessary guidance to enable them to make well-informed decisions on when and where to get help for a particular child?

Ilene Hyman, Morton Beiser, and Nhi Vu, a team from the South-East Asian Refugee Youth Project of the Clarke Institute of Psychiatry and the University of Toronto Department of Psychiatry, analyze the personal and social resources refugee youth use to cope with adversity. One of the most important resources, they demonstrate, lies within the refugee child's family. It is extremely important that the parents demonstrate an interest in their children's activities, that they are able to discuss competing intrafamilial and host country values and help their offspring to become proud of their ethnic backgrounds, young people told the researchers. Frequently, families need help in identifying and addressing conflicting issues, the authors write, and they underline the need for

The Mental Health of Refugee Children in Canada

Ilene Hyman, Morton Beiser, and Nhi Vu

Abstract

This paper reviews the literature on sources of stress, and the personal and social resources refugee youth use to cope with adversity. Preliminary findings from the Clarke Institute/University of Toronto Department of Psychiatry Southeast Asian (SEA) Refugee Youth Project, a study of the mental health and adaptation of SEA youth to Canada, are used to supplement findings from the literature. The review highlights research needs as well as possibilities for programs that could help promote the successful adaptation of refugee youth in Canada.

Précis

Cet article passe en revue la documentation décrivant les tensions vécues par les jeunes réfugiés, et les ressources individuelles et sociales dont ils disposent pour faire face à l'adversité. Nous complétons les données provenant de la documentation déjà disponible à l'aide d'informations préliminaires tirées d'une étude sur la santé mentale et l'adaptation de jeunes du Sud-Est asiatique à l'environnement canadien, menée conjointement par l'Institut Clarke et le Département de Psychiatrie de l'Université de Toronto (Southeast Asian Refugee Youth Project). L'article met en relief le besoin pour des recherches plus approfondies et explore les possibilités de mise sur pied de programmes qui pourraient aider à faire la promotion d'une intégration réussie des jeunes réfugiés au Canada.

Ilene Hyman, PhD., and Nhi Vu, BSc. are members of Culture, Community and Health Studies, of which Morton Beiser, MD, is Program Director, Clarke Institute of Psychiatry, Toronto.

About 1.5 million immigrants and refugees have come to Canada during the past decade. Seventy-five thousand were refugee children under the age of 12. Some research literature suggests that refugee children have a higher risk than their host country counterparts of developing mental health problems such as alcohol abuse (Morgan, Wingard, & Felice 1984), drug addiction (Amaral-Dias, Vicente, & Cabrita 1981), delinquency and depression (Burke 1982), post-traumatic stress disorder (Kinzie 1986; Sack 1985), and psychopathology (Kinzie, Sack, & Angell 1986). However, other studies contradict these impressions of failed adaptation. These reports document refugee children's high academic aspirations, often matched by exceptional achievement (Caplan, Choy, & Whitmore 1992; Rumbaut & Ima 1988).

Are the documentations of success wrong and the portrait of failure more accurate? Or are refugee children more successful than they are generally credited to be, and their mental health risks exaggerated? Is it possible that some are exceptionally accomplished, and others floundering? The last proposition is probably closest to the truth. Success or failure is not inherent in the migration or refugee situation. Research among adults demonstrates that it is the contingencies surrounding the refugee experience that determine the risk of becoming a mental health casualty, a school or vocational dropout, or a contributing member of the resettlement society (Canadian Task Force on Mental Health Issues Affecting Immigrants and Refugees 1988). These contingencies include personal strengths, the pre- and post-migration stresses and individual experiences, and the availability of family and community support.

Although a growing body of research among refugee adults supports

the proposition that the contingencies surrounding the refugee experience determine outcome, few studies have explored these complex relationships among refugee youth. This paper reviews current literature on sources of stress, and the personal and social resources refugee youth use to cope with adversity. Preliminary findings from the Southeast Asian (SEA) Refugee Youth Project, a joint project of the Clarke Institute of Psychiatry and the University of Toronto Department of Psychiatry, will be used to comment upon, and supplement findings from the literature. The SEA Refugee Youth Project is a study of the mental health adaptation of SEA youth to Canada. In the study's first phase, project staff collected information from 17 in-depth individual interviews, 6 focus groups and conducted a pilot test with 102 SEA youth attending Toronto schools. The review highlights research needs as well as possibilities for programs that could help promote successful adaptation.

Pre- and Post-migration Stressors Create Mental Health Risk

Premigration traumata affect children's mental health. The natural and human-perpetrated disasters to which many refugee children are exposed create a risk for adverse psychological outcomes including depression, anxiety, anger, and psychosomatic symptoms (Kuzmic 1992; Zivcic 1993). Researchers in Montreal found that the more intense the war trauma experienced by Latin American children, the more likely they were to develop depression and anxiety (Rousseau, Corin, & Renaud 1989).

Refugee children, many of whom witnessed violence in their homelands and experienced perilous journeys to safety, may be at high risk for post-traumatic stress disorder (PTSD), a condition marked by periodic re-ex-

periencing of the feelings brought on by the original traumata, intrusive thoughts about the past, nightmares, distractability, hyperalertness, and emotional distancing from others. PTSD is an episodic disorder, its exacerbations usually triggered by a stimulus such as a newspaper article that activates unpleasant memories. Kinzie and Sack (Sack 1985; Kinzie & Sack 1991) found that at least 50 percent of all Cambodian adolescent refugees attending high schools in Portland qualified for a diagnosis of PTSD. A decade after Pol Pot's departure from Cambodia, nearly one fifth of a community sample of Khmer adolescents who, as children, had experienced his regime of terror, still qualified for a diagnosis of PTSD (Sack, McSharry, & Clarke 1994).

Compared to other immigrants and to refugee adults, refugee children are more likely to have serious problems associated with malnutrition, disease, physical injuries, brain damage and sexual or physical abuse (Arroyo, Eth, & Pynoos 1984; Westermeyer 1991). These problems may affect cognitive, social and emotional development. Freire (Freire 1989), a psychiatrist with the Toronto Board of Education, has reported that agitation, fears, focalized anxiety, emotional withdrawal and sleep disturbances are the most common symptoms among refugee children referred to mental health professionals. The mental health of refugee children has also been linked to psychiatric disorder in their parents and other family members (McCloskey & Locke 1995; Mghir, Freed, & Raskin 1995; Rousseau, Corin, & Renaud 1989; Krell 1979). Parental experiences with persecution, war violence, terrorism, powerlessness and exhaustion may compromise their abilities to care for children (Hicks, Lalonde, & Pepler, 1993). Unaccompanied refugee children are probably at higher risk for psychiatric problems than those who come to a new country as part of an intact family (Bemak & Greenberg 1994; Bemak & Timm 1994; Allodi 1989; Williams & Westermeyer 1983; Westermeyer 1989).

Poverty, death of loved ones, separation from one or both parents and assaults to self-esteem constitute health risks for any child (Langner, Gersten, & Eisenberg 1977; Rutter, Tizard, & Yule 1976). In resettlement countries, refugee children are highly likely to experience not only poverty (Canadian Task Force on Mental Health Issues Affecting Immigrants and Refugees 1988), but interracial conflict, parental psychological distress, family instability, youth unemployment, and intergenerational conflict, each a mental health risk factor (Canadian Task Force on Mental Health Issues Affecting Immigrants and Refugees 1988; Coddington 1975; Links 1983). Disjunctures between parental and host country values and asymmetric acculturation may also affect mental health. For example, the traditional Southeast Asian pattern of restricting adolescent female freedom more than male (Kurian 1986), at the same time demanding that females accept more household responsibility, may result in clashes between familial and peer values that affect the wellbeing of Southeast Asian adolescent girls (Mogg 1991).

It has been estimated that 80 percent of adult refugees resettling in Canada speak neither English nor French on arrival (Canadian Task Force on Mental Health Issues Affecting Immigrants and Refugees 1988). Since children typically learn the resettlement country's language and customs more quickly than adults, parents often resort to using their children as translators and cultural interpreters. These families may be at risk for role reversal, with resultant destabilization of normal lines of communication and authority.

Most of the youngsters taking part in the SEA Refugee Youth Project left Southeast Asia as infants or very young children and, as a result, had little to say about premigration stressors. Many of the themes identified in the literature on post-migration stressors affecting refugee children re-emerged in the interviews with the SEA sample. The research team also

identified previously unreported stressors.

According to the literature, separation from parents jeopardizes mental health. The story told by an 18 year old Vietnamese woman sounds this theme with a particular poignancy.

I didn't see my father for a whole five-year period. I think those are the formative years, you come to know your parents and who they are, and what happened during those years is what determines what's going to happen later on. And I missed the whole 5 years. So when I came here, I felt like seeing a stranger right, although I loved him, he's my father, it's just that the communication wasn't there from the beginning.

Difficulty communicating with parents is a universal source of distress. This assumes many different forms, ranging from the lack of a common household language to clashes arising from differences in expectations and views about autonomy and freedom. Canadian values emphasizing freedom to express feelings openly creates problems for SEA youth in interactions with parents imbued with the expectation of emotional reticence.

Many times you see them [parents] keeping sad things to themselves, so you're sad with them, but you don't really know what it is you're sad for. With the Westerners, the parents can tell them everything, from small to big things they can talk about them all. With Vietnamese there are many things you can't talk about [19-year-old Vietnamese female].

Parental expectations for achievement constitute another source of stress. As one respondent said, "It's like pressure to be better than the rest and if you try it's not good enough." Lack of positive feedback from parents intensifies feelings of distress. According to one 18-year-old Vietnamese woman:

I always find that whenever you have something good, let's say you receive high marks in school, you tell them. They're not encouraging like the parents I know that are not Vietnamese. Instead of being encouraging, they say that "you could do better."

The sense that parents are not interested is a potent source of distress. In part, this is situational: many parents who work long hours have little time left to devote to their families. In part, this may result from an adaptive choice: SEA youth often feel reluctant to burden mothers and fathers with problems that seem unimportant compared with their parent's need to make a living in a strange country and to deal with a past filled with suffering that the children only dimly comprehend.

The clash between traditional expectations of filial piety and Canadian values emphasizing autonomy and emancipation is a major source of stress. A fifteen year old male said, "... as much as I want to go into subjects like History, I don't want to disobey him (his father) because pleasing him is everything to me." Youth want to be a source of pride, not disappointment. Several youth articulated a need to express gratitude to their parents, or to somehow repay them for the sacrifices they were making to provide a comfortable life for their children. As one 15-year-old Chinese male commented, "... because my dad and my mom have actually wasted their lives for me. And to me, if I don't give them a good life in return, I'll feel guilty for the rest of my life."

Although many youth respect their parents' values and their desire to maintain the traditional way of life, they are simultaneously attracted by Canadian values. Sometimes, they prefer what they find outside, to what they find within traditional family life. For example, they liked celebrating birthdays, a custom that was not typically practiced in SEA countries. To avoid disappointment, one young Vietnamese teen bought herself a birthday cake because she knew that her family would not. Many youth are also attracted to Canadian assumptions that it is legitimate to claim personal privacy, a concept that is at odds with the communal ideology that dominates traditional SEA family life. Most of the study participants prefer the open communication of emotions to the much more opaque methods em-

ployed in Southeast Asian forms of social discourse.

Adolescence, the forging of an identity that will act as a guide for action and thought for the rest of one's life, ushers in a stress for all youth, whether immigrant or native-born, but creating an identity poses a particular challenge for refugee youth. Competition between parental and peer values coupled with larger social forces such as racism complicate the struggle to develop a coherent, valued sense of self. As one 15-year-old male said:

The fact that I'm a racial minority makes a difference. It makes my struggle a lot harder than a racial majority. I know even if I'm well educated, the fact that I'm Oriental, if you want to get into the world, it'll be harder. No matter what kind of education you get, it's going to be harder because you're a racial minority.

Mental Health Protective Factors

Despite the undeniable stresses to which they are exposed, most refugee children and youth do not become mental health casualties, but more or less successfully-adapted members of their adopted society. Personal and social resources help explain their resilience. The literature identifies two personal strengths as particularly salient for successful adaptation: the ability to speak the host country language and a secure identity (Edwards & Beiser 1994; Hicks, Lalonde, & Pepler 1993).

Respondents participating in the SEA Youth project agree that proficiency in English makes it easier to feel accepted and part of a community, especially at school. Quantitative analyses of the SEA youth pilot study data support their assertion. According to these data, the better one's English proficiency, the higher one's feelings of self-worth, and the poorer one's command of English, the higher the level of anxiety. According to Freire (1991), fluency in a child's first language is also important. Mother tongue fluency contributes to the development of a positive self concept, and promotes effective communication and emo-

tional closeness in families. Language competence at an early age facilitates the development of competency in a second language.

An identity based, in part at least, on the culture of origin may also foster personal resilience. According to one study, immigrant children who used a native language as well as English proved to be better adjusted than children who used only English (Allodi 1989). In another study, unaccompanied Southeast Asian refugee adolescents in ethnically matched foster homes achieved higher grade point averages and developed less depression than children placed with Caucasian families (Porte & Torney-Purta 1987). Pilot data from the Refugee Youth Project demonstrated that Canadian identity and strong ethnic pride each contribute to feelings of self worth.

The youth interviews helped identify sources of personal strength in addition to language fluency and secure identity. These included self-reliance and the ability to adapt to, and function in, a bicultural environment. In the words of a 19-year-old Vietnamese woman:

In the beginning there was no one to help. Because there was no Vietnamese in school, only Westerners. In general there was no one to help me, I had to overcome things myself. I learned to be independent when I came here.

Family and community support also contribute to successful adaptation (Fox, Cowell, & Montgomery 1994). Refugee children separated from family members during the early years of resettlement experience increased mental health risks (Porte & Torney-Purta 1987). A study of Latin American refugee children in Toronto found that the presence of parents, positive coping by parents, and the availability of support from the Canadian and like ethnic community each made important contributions to positive mental health (Allodi 1989). SEA refugee youth data demonstrated a positive relationship between good social support from family and feel-

ings of self-worth. The data also suggested a negative association between the availability of family support and symptoms of depression.

In attempting to account for the exceptional academic achievement of some immigrant and refugee children, investigators have emphasized the respect for education embedded in some cultural traditions, parental ambition, and the insecurity of minority status. Although large family size has long been regarded as one of the most reliable predictors of poor achievement, Caplan, Choy, and Whitmore (1992) found a positive relation between the number of siblings in a family and Indochinese grade point averages. This reversal underlines the importance of cultural context. In majority culture families imbued with values stressing privacy and individual achievement, the presence of siblings may mean that a child has less chance of finding a private place to study, less access to parental attention and more people with whom to compete. In Southeast Asian families, it is common for everyone to sit around a kitchen table doing his or her work and each person is expected to achieve, not for personal glory, but to promote the family's reputation. In this environment siblings may contribute to, rather than impede individual success.

Children of parents with "ethnic resilience"—i.e., who, despite pressure to acculturate, maintain ethnic pride and cultural identity—perform better than children whose parents assimilate fully (Rumbaut & Ima 1988; Rumbaut 1991).

However, the immigration experience may also constrain the family's protective and health promoting influence. Both literature and findings from the SEA Refugee Youth Project interviews suggest that communication problems and intergenerational conflict may represent significant sources of stress. Age affects the impact of intrafamilial dynamics. Children who arrive in a resettlement country as pre-adolescents, or who are born in their parent's adopted country, are more likely than children who immi-

grate at an older age to adopt majority culture values. As a result, families containing adolescents who arrived as youngsters or who were born in the host country may experience more intergenerational problems than families with adolescents or young adult members who came to Canada when they were older (Mogg 1991; Sluzki 1979; Inkar 1977; Kim 1980).

The like-ethnic community, a determinant of the wellbeing of adult refugees in resettlement countries (Schrader 1986; Sion 1986; Beiser, Turner, & Ganesan 1989), also contributes to children's self-esteem and psychological resilience (Beiser, 1988; Tran 1987). The construct of ethnic identity provides a conceptual bridge to help explain such findings. Findings of the SEA Refugee Youth Project highlight the importance of having the support of friends of a similar ethnic background.

As one 19-year-old Vietnamese female explained: "We joke around in Vietnamese and it's easier for us to understand, empathize with each other. As well, there's no bonding when hanging out with Westerners."

Conclusion

Despite the stresses they encounter along the developmental path, most children and youth in refugee families cope with the challenges of Canadian society. However, it is important to sensitize teachers and health care workers to the traumata children have endured and to their potential aftereffects. Orientation programs designed to help families identify competing intrafamilial and host country values could help alleviate resultant familial tensions. At a larger societal level, the delicate balance between supporting and respecting traditional values and community structures, while at the same time promoting the acquisition of tools to facilitate integration must be maintained. The eradication of cultural stereotypes is an important step towards accomplishing this balance.

The pursuit of these goals undoubtedly calls for the development of new programs, and for continuing research

to evaluate the effectiveness of such programs as well as to pursue additional knowledge about the success-promoting factors. As a refugee-receiving country, Canada has received world acclaim. However, no country, Canada included, provides newcomers the welcome they deserve and need. Focusing on settlement, and in particular on programs and practices that protect refugee children's mental health and promote their competencies, will benefit newcomers and hosts alike. ■

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Refugee Students in Toronto Schools

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Abstract

This is an abridged version of a full report entitled *Refugee Students in Toronto Schools: An Exploratory Study*. The report, which was released by the Toronto Board of Education in 1995, (1) discusses the situation of refugee students in Toronto schools, (2) examines how school staff dealt with the change in student population and the challenges they faced, and (3) suggests ways to help teachers, schools and the school system meet the needs of the newly arrived refugee students. While this article captures most of the major findings of the study, a considerable amount of details contained in the full report—for example, some of the statistics, case studies, anecdotes collected from refugee students and parents, and specific programs and suggestions—are omitted in order to accommodate the length requirement of this publication. Readers who are interested in the detailed study can contact the Research and Assessment Department of the Toronto Board of Education.

Précis

Ceci est la version abrégée d'un rapport intitulé: *Les Étudiants réfugiés dans les écoles de Toronto: une Étude exploratoire*. Ce rapport, émis par le Conseil de l'Éducation de Toronto en 1995, (1) décrit la situation des étudiants réfugiés dans les écoles torontoises (2) examine la façon dont le personnel des institutions scolaires s'adapte aux changements de la population estudiantine et aux défis qu'ils représentent, et (3) formule des propositions visant à aider les enseignants, les écoles et l'administration scolaire à mieux rencontrer les besoins spécifiques des étudiants réfugiés nouvellement arrivés. Cet article synthétise les principaux éléments d'information figurant dans l'étude en

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question. Cependant vu les contraintes d'espace de la présente publication, un grand nombre de détails figurant dans le rapport complet sont omis ici - on pense notamment à un certain nombre d'informations statistiques, d'études de cas, d'anecdotes colligées auprès d'étudiants et de parents, ainsi qu'à la description de certains programmes et à certaines suggestions spécifiques. Le lecteur intéressé à prendre connaissance de l'étude dans son entier est prié de contacter le Bureau de la Recherche et de l'Évaluation du Conseil de l'Éducation de Toronto.

The late 1980s and early 1990s witnessed a rapid growth of the refugee population in Toronto. It was estimated that in late 1991 the Toronto School Board had roughly 5,500 refugee students coming from nine major source countries; three years later, due to the rising number of refugee producing countries, especially those from Eastern Europe, the refugee population in Toronto's schools grew to about 6,900 (an increase of 25%). By late 1994, refugee students made up 13 percent (approximately 3,900 students) of the Toronto secondary school population, and 7 percent (approximately 3,000 students) of its elementary school students.¹

Despite the significant inflow of refugee students, little has been known about them. In 1991, the Guidance and Counselling Department of the Toronto Board of Education asked the Board's Research Department to investigate the refugees' situation in the school system as a whole. An exploratory study was carried out with a three-fold objective:

1. to understand the situation of refugee students in Toronto's schools—their numbers and distributions, countries of origin, demographic

characteristics, family background, migration process, settlement and adjustments, and their challenges and needs at school;

2. to examine how teachers and other school staff deal with the situation, and the kinds of difficulties they have encountered in the process; and
3. to identify ways to help teachers, schools and the school system meet the academic, social and emotional needs of newly arrived refugee students.

In addition to existing literature and statistics, first-hand information was collected through:

- individual interviews with 135 refugee students and 60 refugee parents representing seven different language groups; the interviews were conducted individually by 19 trained interpreters in order to encourage candid discussions with the students and parents;
- a series of focus group interviews with 32 classroom teachers, 14 teachers who taught English as a Second Language, seven school principals as well as representatives from five different student support professional groups; and
- observations of local school team meetings in the seven sampled schools.

In addition, an advisory team was formed with a number of Board members including two researchers, a curriculum superintendent, the chief psychiatrist, a supervisory psychologist, a social worker, guidance counsellors, an English as a Second Language (ESL) co-ordinator, and an ESL consultant.

For the purpose of this study, refugees in this report consisted of three groups of newcomers: refugee claimants, refugee immigrants, and illegal immigrants. Although the definition is broad, it does distinguish these three

groups of newcomers from “regular” immigrants who came to this country through formal immigration channels—i.e. having to go through the federal government’s point-system screening process, which includes such criteria as physical health and financial status. As discussed below, this distinction is important. While both groups—immigrants and refugees—are new to the country, their premigration, migration, and post-migration experiences as well as their adjustment process are so different that they could hardly be identified as a homogeneous group.

A cursory look at their demographic profiles already shows that refugee students were distinct from those of the immigrant or the local student population. Data extracted from the 1991–92 Toronto Board Secondary Student Survey reveals the following differences.

- While the gender distribution was more or less even among the immigrant and Canadian-born students, the majority (58%) of secondary-school refugee students were male.
- Nearly half (47%) of the refugee students were over 19 years of age, as compared to 19 percent among other foreign-born students, and 5 percent among the Canadian-born.
- At least half of the refugee students reported living on their own—a proportion which was more than double that of regular immigrant students (50% versus 21%). And nearly a third (30%) of these refugee students who lived on their own were teenagers.
- For those who were with their families, half (50%) of the refugee parents were either unemployed or employed in the unskilled, manual labour sector. In fact, the largest proportion of refugee parents were non-remunerative (40%)—a proportion which was significantly higher than that of the immigrant students (16%) and of the Canadian-born (7%).

The individual interviews with nearly 200 refugee students and parents further demonstrated their

unique premigration, migration and post-migration experiences that had a great impact on their school adjustment process.

Premigration and Migration Experiences

Previous schooling for many refugee students was often disrupted by the premigration situations in their homeland, and by the long and transitory nature of their migration journeys. This was especially so for those who had been confined in refugee camps for an indefinite period of time. Aside from interrupted schooling, the trauma many refugee students went through in their home countries and during their exodus had affected their emotional wellbeing even after settling in a new country. While it is beyond the scope of this report to examine the psychological implications of these students’ previous refugee experiences, it is strongly believed that their history and background are crucial factors to bear in mind when one attempts to assess and address the academic, social and emotional needs of refugee students.

Post-migration Experiences

After their escapes and long migration journeys, refugees did feel safe and hopeful when they finally landed in their destined country. Nevertheless, this sense of relief or gratefulness by no means signified the end of their refugee experience. Rather, it marked the beginning of the third stage of their experience as refugees—i.e. their post-migration or initial resettlement stage. Apart from coping with a whole new language and culture—an experience that all new immigrants have to face and that is never easy even under normal resettlement circumstances—refugees were confronted with a host of additional barriers which rendered their adjustment process more complicated and difficult than that of regular immigrants. Following is a discussion of obstacles they confronted.

Post-traumatic stress and an ongoing sense of fear

Although the study did not intend to assess Post-Traumatic Stress Disorder, a variety of symptoms were reported. These included sleep problems, nightmares, difficulties concentrating in school, frequent crying, feeling depressed and frequent feelings of fear. Some refugee groups, especially those from Central America, were still fearful of their home government, although they were physically away from the country. The parents were considerably wary, suspicious, and reserved when approached by outsiders, including teachers or our Spanish-speaking interviewers. Often the sense of fear extended beyond their own personal security to apprehension for family members who were still in the home country where conditions remained unsafe or had deteriorated. As noted by a few secondary school teachers, it was hard for these students to get their minds off the bad news from far-apart families, and to remain focused on their school work with such lingering thoughts and images.

Precarious residency status and endurance of long bureaucratic processes

There were many refugee students in our schools who were still undergoing a long bureaucratic process and legal procedures, waiting for hearings or government decision about their status, despite the fact that some had been in the country for three or four years. This was particularly true of those from Somalia and China. These refugees described how worried, insecure and unsettled they were, especially after learning about deportation of other refugees from their own community.

Due to their precarious status, for some, especially “illegal” immigrants, school entry could be delayed for an extended period of time. It is true that public schools are supposed to accept all school-age children regardless of their legal status; but the school registration process could be held back because of the lack of proper immigration papers or official documents. More-

over, out of their own fear and/or lack of knowledge about the school system, some did not enrol themselves or their children in school without a clear status, or others were afraid to do so in fear of exposing their illegal stay. As a result, it was not uncommon to find school-age refugees staying away from school for a year or up to two years. Regular school attendance could also be a problem for refugee claimant students. A few secondary school teachers noted that some of their refugee students had to be away from school periodically, sometimes up to four or five days, to deal with their residency matters with either their lawyers or immigration officials.

Disintegration of family units

Only about a third of the refugee students in our secondary schools stayed with both parents, approximately 15 percent were with single parents, and over half were not with any parents at all. The latter either lived by themselves; or in the case of "unaccompanied minors"—stayed with relatives or friends. Without any direct contact with and emotional support from parents and other family members, many refugee students experienced intense loneliness, sadness or helplessness in the new country.

Single parents who were forced to separate from their spouse and family also reported feeling unsettled, sad and lonely without social supports. The new reality was even harder on unaccompanied children. Although many of these young students stayed with their "uncles" or "aunts," the latter were often too preoccupied with their own problems and lives to provide the kind of care and attention that is normally afforded by parents.

Financial difficulties

Unlike most regular immigrants, most refugees left their countries with few or no possessions, and were virtually penniless when they landed in the host country. Hence, students who came on their own had to either rely on student welfare, or work for long hours to support themselves. Students reported

how they had to leave school right after class to work until late in the evening and could only attend to their study at midnight. This might explain why these students often showed signs of fatigue in class, and had neither the time nor the inclination to participate in extracurricular or social activities.

The economic situation was particularly tight for growing or single-parent families. The parents, though working, were emotionally unsettled—worrying about rent and their children's education. Single mothers were either on welfare or earned their living through low-paying jobs and struggled to maintain their accommodations and budgets. Furthermore, many refugee parents experienced downward mobility with a sense of shame and frustration.

Finding affordable housing was also a problem for refugee families. Often the living conditions were substandard and crowded—renting small flats or one/two rooms, or sharing a place with other families which left the children with a lack of space, privacy, or a quiet place to do homework. It was also found that for some refugee students, their family budget was so tight that they could hardly afford any lunch, without the food programs offered by the school. A few elementary-school students further noted that their family's financial difficulty had precluded them from participating in extracurricular activities. Also, these students rarely had the chance to visit new places with their families, as their parents were often too busy with work, short of disposable incomes, and/or unfamiliar with the new country. This explains why these students were particularly thrilled with the field trips organized by their schools.

Frequent relocations

Many of the refugee students interviewed, regardless of origin, reported staying temporarily in reception centres, emergency shelters, hostels, settlement houses, or friends/relatives' places for some time upon their arrival, and then moving on to other temporary shelters or new accommodations.

Frequent shifts from school to school made it hard for these students to maintain the continuity in programming and bonding with teachers which are essential for optimal learning.

A few teachers indeed expressed their frustration about working with newly arrived refugee students from nearby hostels or settlement houses only to find a few weeks later that these students had to move, and the teachers had no further knowledge about the students' schooling. Moreover, being often new to a school especially in the middle of a year, these students were vulnerable or susceptible to becoming victims of discrimination, bullying or racial incidents

Cultural disorientation

Culture shock is common to anyone new to a foreign country. However, the degree of disorientation is likely to be more intense for refugees than for regular immigrants. The latter usually have the time and resources to prepare and adjust themselves both financially and psychologically for their destined country, though orientation and adjustment are still inevitable. Refugees, however, usually had to leave their country in a hurry and were often unsure of their final destination, and some had to adjust to several different cultures and languages within a few years.

Although all the above-mentioned obstacles were not school-related, they had important ramifications on these students' adjustment to their new school lives. For instance, because of their many preoccupations, these students were likely to have a hard time focusing on school work and establishing social relations. Their frustrations at home could even lead to inappropriate and violent behaviours at school. Therefore, before one could really appreciate the school needs of refugee students (which are more than the need for ESL development), it is important to have some knowledge of the past and present circumstances these students have gone through outside school.

Refugee Students' Experiences in Schools: Social and Academic Adjustment

When asked to give their impressions of how refugee students adjusted in class many teachers either did not or could not distinguish between refugee and immigrant students. The general impression they had of ESL students, whether immigrants or refugees, was that the students were shy, withdrawn, quiet and subdued. However, a few teachers noted that refugee students did stand out in terms of registering in school in the middle of a year; transferring to another school shortly after their enrolment; missing school for days to deal with immigration matters; bearing physical scars from their war-torn homelands; and often looking pale and fatigued. Some of them manifested inexplicable behaviours such as clinging on to objects; but many more seemed overwhelmed by the new school environment, unable to follow classroom routines, or unsure of how to behave or participate in class (e.g. failed to observe class rules or remain seated, and wandered around in the classroom). Teachers realized that these maladaptive classroom behaviours were more common among the ones with little prior schooling, especially for those who had been in refugee camps for years or who originated in poor rural areas where formal schooling was lacking. These students were not familiar with classroom discipline, nor were they used to staying seated indoors for two or three hours. They had a short attention span, and had a hard time following regular school routines or knowing what to do in class. Absenteeism and truancy were not uncommon.

Of course, not all refugee students manifested these traits in school. Many refugee students kept themselves at very low key. More often than not, because of their reticence or low profile, these students remained unnoticed in class, and were often mistakenly assumed to have no special needs other than the need for second language acquisition. But an elementary teacher

who had worked for years with students from Vietnam, Sri Lanka and El Salvador noted that if these students' psychosocial needs remained undetected or not properly addressed, their withdrawn or passive behaviours could develop into different modes of aggressiveness in and out of the classroom.

Peer associations

Most refugee students admitted that they tended to associate with peers from their own ethnic background, with whom they felt more comfortable. On the other hand, regular classroom teachers noticed that local students were not always willing to help, associate or interact with ESL students, especially those who seemed "peculiar" to them. It was thus not surprising that some refugee students talked about their feelings of being alienated, discriminated against or rejected by local students. The majority of elementary school students and a number of secondary school students interviewed reported having encountered racial incidents, ranging from verbal to physical types. The incidents often took place outside the classroom—on the students' way home, or during breaks or lunch in school yards—and were usually provoked by White or Black students as a group, and sometimes also by their own national groups who had been here longer. For many of these newcomers, their reactions were mostly passive avoidance. They were afraid to complain to teachers or other school staff for fear of retaliation; a few students mentioned that they were even reluctant to tell their parents, especially single mothers, whom they feared could not cope with the knowledge that their child was being victimized.

Relationship with teachers

Refugee students found ESL teachers more approachable, more caring and helpful, and more interested in their cultures, traditions and past than regular classroom teachers. They reported that it was harder to communicate with, follow ("they speak too fast and

never repeat"), or approach the regular classroom/subject teachers. Some found their regular classroom teachers distant, indifferent, reserved, and uninterested. Aside from their teachers, a few students and parents complained about office staff in some secondary schools as being unfriendly, unwelcoming and sometimes hostile to minority students or parents. While it is not unlikely that these students were oversensitive to their teachers' or staff's attitudes towards them, their perceptions point to the need for increased sensitivity and empathy among school staff towards these students' feelings and the unique circumstances they had been going through.

School-grade placement

In the Toronto school system newcomers are usually enrolled in a grade according to their reported age. Since following school routines itself was already a problem for many of the refugee students; coping with the academic level of other students of their age was even a greater challenge. A few parents or guardians indeed expressed their wish that the school would either allow their children to remain in a lower grade, or offer special programs to help their children establish the foundation for education. On the other hand, some secondary-school refugee students complained that they were being held back by having to repeat grade(s) or courses which they had already taken in their home country. These expressed concerns point to the need for the school system and individual schools to develop more holistic assessment and placement procedures for refugee students, whose educational backgrounds were often less predictable and more fragmented than those of other immigrant students.

Program level, post-secondary school plans and aspirations

While about three-quarters of the Canadian-born as well as immigrant students were enrolled in Advanced Level programs, less than two-thirds (63%) of the refugee students were in

these programs. Except for Iranians (82%), the proportion of various refugee groups enrolled in Advanced Level courses was lower than the general population (75%). Indeed, those from Central America, the majority of whom were from El Salvador, had less than half (46%) of their students enrolled in Advanced Level programs.

Among refugee students who intended to go on to university, almost 20 percent were enrolled in a stream (General or Basic program) that would not lead to their goals, as compared to only seven percent of other immigrant students and five percent of Canadian-born students. The mismatch between aspirations and program enrolment, and misinformation about the system was most salient among those from Central America (40%), Somalia (32%), and Ethiopia (21%), followed by those from China (20%), Sri Lanka (18%), and Vietnam (15%).

Figure 1: Students' aspirations and program placement by students' residency status

The incongruence between post-secondary school plans and program enrolment among such a high proportion of refugee students indicates their high degree of unfamiliarity with the school system. As noted by the guidance counsellors, extra time is needed to explain to these students "how they fit into the system, and what their next steps should or might be."

English as a Second Language (ESL) Program and Classroom Challenges

For most refugee students, ESL classes were crucial in serving their language needs at least in the early period following their arrival. But more importantly, such settings played an instrumental role in addressing the psychological needs of these students during their initial school adjustment stage. At this stage, many had the social and emotional need to be with their own group of students, where they could feel more comfortable with others who shared their backgrounds and/or difficulties. However, the in-

terviewed students reported that they did not want to be isolated or labelled as second-class. They were eager to integrate into regular programs where there were more students, a wider variety of subjects offered and more opportunities to learn different things. Still the dilemma was that many of these students did feel stressed and overwhelmed in the regular class which seemed to be mainly due to the following obstacles:

- First and foremost was their limited ability in English, which affected their school performance in terms of understanding teacher instruction, class participation, doing in-class assignments, and coping with regular subjects.
- The language barrier could also pose a psychological barrier discouraging students from participating openly and freely in class. Many refugee students said that they wanted to speak up as other students did, but they were often overcome by apprehension, shyness and embarrassment caused by their communication difficulties
- This psychological obstacle of course could either be reduced or exacerbated by the attitude of the teacher and other students. Some students said that they were frustrated and felt uneasy, put down, or depressed because they sensed that their teachers or other students did not have the patience to listen to them, or to understand their questions when they could not express themselves fluently.
- Another factor underlying these students' inhibition in class was

their previous school system and home culture. Many students from countries like Sri Lanka, China and Ethiopia had such high respect for or even fear of teachers that they were hesitant to approach them for questions. Coming from school systems that were teacher-centered, where teachers were the holders of knowledge and students were the recipients, these students were not used to expressing their opinions openly in class. Instead of becoming active learners, the students attended their class quietly, turned to their friends for assistance, or tried to guess or find out answers on their own. This accounted in part for their low profile and withdrawn image. Hence, the fact that these students kept to themselves should not be taken as a sign of complacency; rather it should be understood as an indication that proactive measures need to be taken by the school and teachers.

The four barriers mentioned above may also apply to newly arrived immigrant students. But for refugees, these barriers were further compounded by the wide educational gaps experienced by many school-age children or young adult refugees as a result of frequent interruptions or disruptions in schooling before and during their migration. These students lacked basic learning skills or concepts; they virtually had to start from scratch, and thus had more obstacles to overcome than other students. These problems were exacerbated by the age factor. Those arriving at a younger age would at least have the time to acquire the language and

Table 1: Part-time Work of Different Refugee Groups

Refugee Students Origin	% who worked	% who worked 16 hrs. or more per week	Average hrs. worked per week
China	37	46	16
Sri Lanka	24	53	18
Vietnam	23	43	15
Iran	27	38	14
Ethiopia	39	71	20
Somalia	24	62	19
Central Am.	22	65	20

basic learning skills during their formative years. But for those who came as adolescents, academic gaps were more difficult to overcome. Without special interventions to develop their learning skills, these students' educational gaps remained unfilled. Finally, refugee students' post-migration experiences (e.g. frequent relocations, enrolling in schools in the middle of a year) posed further hindrances to their school adjustment and concentration.

Homework

Probably due to the extra layers of barriers they encountered, refugee students needed much more time to deal with their daily school work than others. Our data reveals that, except for students from Central America, the proportion of students who spent 16 or more hours per week on homework was much higher among refugee students (34%) than among regular immigrant students (21%) or the Canadian-born (12%).

It should, however, be noted that while refugee students in general spent more hours on homework, many of them also had to juggle their study time with long hours of part-time work. (See Table 1.)

Academic performance

Refugee students as a group were more or less at par with other immigrant or Canadian-born students academically, though their at-risk rate was slightly higher (30% versus 25%).² However, a further disaggregation of the data indicates that certain refugee groups lagged far behind and became the most at-risk students in the system. Recently arrived secondary school students from China not only fared better than other refugee groups, but also outperformed the general population in average school marks. The performance pattern of those newcomers from Iran, Vietnam, and Sri Lanka was similar to that of the general population. On the other hand, a large proportion of newcomers from Ethiopia, Somalia and Central America were at a high risk of dropping out of secondary

school (between 40% and 50% chance versus 25% at the system level).

Tamil parents talked about how their children were keen on study, and liked their school subjects; some had been identified as gifted or awarded for their essay writing, and also most found mathematic easy and did very well in it. On the other hand, the majority of secondary-school Latino students interviewed indicated that they were not doing well at school or had learning difficulties. Some even mentioned that they felt like giving up many times. While further research is necessary to explain the performance differences among the different subgroups, as discussed earlier, part of the variance could be attributable to the students' previous schooling, their premigration situations, the length and nature of their migration process, and their post-migration experiences.

Parental and family support

There was a general view among school staff that refugee parents were not sufficiently involved in their children's education, and that they were hard to reach. It was not uncommon to find a very low participation rate among refugee parents in school meetings, school functions and activities, or sometimes even teacher-parent conferences or interviews. Refugee parents' inability to link with the school system should, however, not be interpreted as a general lack of interest in their children's education. Because of their language difficulties, their cultural perception of the school role, their preoccupations with the intense process of adaptation and adjustment to the new country (including long work hours), and their unwillingness to approach or contact public authorities due to precarious immigration status. These parents were often confused about the role expected of them by the school, and how they could assist their children's education. Hence, it would not be effective merely for the students or their families themselves to cope with and adjust to the school system without the active outreach and input from the school itself.

Staff, School and the Board Responses to Refugee Students

Many regular classroom/subject teachers admitted that they had difficulties in dealing with refugee students and that they did not have a clear idea of who their refugee students were, or how many they had in their class or school. In fact, some of the teachers found it inappropriate to identify individual students' background and history because they believed that it was the student's private or personal matter. Furthermore, they did not see any pedagogic reasons for "labelling" or identifying students' immigration status and background. For them, all students should be treated the same way. There were, however, other teachers who made deliberate attempts to understand the individual refugee student's background through one-on-one conversations, class discussions or journal writing. They found it important to know what refugee students had gone through because they reckoned that the experiences and needs of these students were unique and serious enough to require staff attention and interventions. These teachers supplemented regular oral instruction with written instructions, demonstrations, visual illustrations, or special tutoring. New ESL students were teamed or paired with other students who had been here longer and spoke the new students' language. Some teachers turned to bilingual staff to help them, and, more importantly, link them with students' families whom they found difficult to reach—for example, interpreting during parent interviews, calling parents to return school forms, and making home visits. A handful of teachers took a step further by asking refugee students to write about their home countries and traditions as part of the class work. A few subject teachers had even tried to integrate these students' cultural background and experiences into part of the classroom learning activities—e.g. through journals, class discussion, building a "community spirit" among Canadian and non-

Canadian students—in order to make students feel free to support or to confide in one another.

ESL teachers were more knowledgeable about the situation and needs of refugee students. While addressing their language needs was the primary service of ESL staff, many ESL teachers found themselves counselling these students, referring them to different sources for help, or even providing them with assistance out of school. They sat on the local school teams bringing forward these students' names for discussion and were also actively involved in co-ordinating special programs such as setting up drop-in centres, organizing field trips, and developing buddy systems for newly arrived immigrant and refugee students. Despite these efforts, ESL teachers did not regard themselves as not knowledgeable enough or qualified to counsel students. Furthermore they felt their programming for refugee students was restrained by the limited resources available, and by the little control they had over their own programs.

Aside from teachers, certain student support staff groups in the Toronto Board had also provided direct services to newly arrived students. Guidance counsellors offered students one-on-one counselling and special information sessions or orientation programs on such topics as the Ontario school system, secondary school courses and programs, post-secondary education requirements, and sometimes even the Canadian immigration process. While most of these activities were meant for a larger audience, immigrant and particularly refugee students seemed to be the group to have benefited most.

Social workers—especially those who were multicultural/multilingual—were the most frequently referred to group. Indeed, school staff expressed the need for more access to multilingual services, and would like to see an improvement in the deployment and availability of bilingual social work staff, especially for certain language groups such as Tamil, So-

mali, Ethiopian, and Vietnamese. In a few schools, bilingual social workers were sometimes invited to conduct information sessions either for refugee students or school staff (during professional development days or at staff meetings).

The intake/welcome workers of the Board's two Welcoming/Reception Centres—Greenwood and Bickford—offered reception, counselling/referral, assessment and placement services usually in the clients' own language. About two-thirds of their clients were refugees referred by welfare agencies and community service agencies. Their clients, mostly adults with families, requested placement in the schools for their children as well as for themselves, as they generally could not find jobs. According to the welcome workers, "students who come to the Reception Centres first and are then placed in schools seem to adjust better, knowing there is someone there who speaks their language, and return to the Centre for support."

Despite the different nature and degree of involvement of various teaching and school support staff, most agreed that they were not ready or equipped to meet refugee student needs due to the difficulties they had in terms of:

- identifying refugee students,
- the general lack of information and training about refugee students,
- limited resources, including limited access to bilingual staff, and
- reaching parents and involving them in their children's schooling process.

Overall School Responses

At the time of the research, the issue of refugee students was not yet articulated or defined at the school level and even when individual refugee students happened to be discussed at team meetings, their refugee status virtually never entered into the discussion. Nonetheless, some of the sampled schools did initiate, aside from the existing ESL or after-school heritage language programs, special services for ESL students. Although

none of these initiatives were specifically designed for refugee students, they seemed to work for them.

In some schools, refugee students were placed in a reception class for a short period of time before enrolling in regular and/or ESL programs. Other schools had students attend a reception program for half a day and their regular grade in the afternoon. The reception programs were designed to provide a small class/group setting (10–15 students), where new students could get initial orientation and introduction to their schools, basic English, or even life skills.

An integrated international language class was used at one school as part of the reception for the newly-arrived from the refugee hostels. The students were placed in the heritage programs full-time for a week or two for initial support in the first language before transferring to a reception class, and finally to a regular class.

Examples of other local school efforts include permitting students to read/write in their own language in class if necessary; having first language tutors in class; team teaching between regular teachers and ESL teachers; forming an "Ambassador Club" in which student peers became buddies to newcomers; and scheduling periodical "Reception Afternoons" for newly arrived families and members of the school staff.

System Responses

The Board's reports on ESL programs and services and on youth alienation have identified the needs of refugee students as one of the important areas that need to be addressed. The establishment of two Welcoming/Reception Centres in the late 1980s and early 1990s by the Board has been one of the most significant services offered by the system to new refugee and immigrant families. Another system effort was the partnership with the federal government and local community agencies in delivering language classes for the last few years to thousands of adult immigrant and refugee students in the city. Other smaller-scale efforts included

compiling an informal resource list of support staff for schools with refugee students, and offering occasional workshops for interested staff on refugee students.

Suggestions for Assisting Refugee Students

This study has garnered a myriad of practices and suggestions from different interest groups as to how the Board, individual schools and teachers can assist their newly arrived refugee students. The study suggests that a real effort to assist these students has to involve actions at both the school and the system levels and that perhaps a mechanism is necessary to ensure that the Board policies, programs and concerns for refugee students are effectively translated to the school and classroom level.

At the school level, a whole-school approach was proposed. Rather than relying on the efforts of individual school staff, schools need to deal with the situation as a school issue. In other words, all staff, including the international language instructors and school community advisors should be involved in a co-ordinated manner. This approach has eight components:

1. referring newly arrived refugee students and families to the Board's Reception/Welcoming Centres for obtaining proper welcoming reception, preliminary assessment, placement and initial assistance;
2. providing school-based reception to newly arrived students by giving them a warm welcome by the staff and students, and by offering special orientation programs to familiarize themselves with the new environment and the school routines;
3. conducting thorough assessment of refugee students' academic and social needs with appropriate resources and with the assistance of trained multilingual staff;
4. offering first language support by developing a first language buddy or mentoring system, and by giving instructional assistance in their

own language during the transition period;

5. promoting an inclusive learning environment and curriculum for all students in order to make new students feel welcome and to allow other students a better understanding of the newcomers' needs and circumstances;
6. co-ordinating and promoting health, education and social services for refugee students in schools;
7. offering programs to familiarize new refugee parents with the educational system, and to encourage parents' active involvement in school and their children's education; and
8. supporting school staff by informing them about the needs of different groups of newcomers, and by facilitating interdepartmental communication and rapport in order to ensure concerted effort in meeting the needs of refugee students.

To facilitate the school efforts, the Board can offer important support in the following areas:

- compiling and disseminating currently available information regarding refugee students—i.e. research findings such as the present study, statistics on refugee students, resources materials for school staff, and information kits for refugee students and families;
- offering in-service and/or pre-service for school and education office staff and other related personnel in order to sensitize the staff to the issue, and to offer them appropriate strategies to address the academic, social and emotional needs of refugee students;
- continuing and expanding the existing ESL programs;
- improving the deployment and availability of bilingual support staff;
- offering specific expanded opportunities programs for students who are not meeting the grade expectations; and
- assisting in evaluating school initiatives and acknowledging effective

practices for other schools to consider.

- supporting Anti-racist Education, Conflict Resolution and Anti-bullying projects.

Finally, it should be reminded that it is important to tap into resources and services of various community organizations and mental health agencies in order to address the social and emotional needs of their refugee students. Last but not the least, it is crucial to maintain dialogues with both the provincial and federal governments about the critical need for funding and support of programs for immigrant and refugee students. ■

Notes

1. These were estimates based on the Toronto School Board's on-line student registration records. It should, however, be noted that the registration records themselves did not collect information on students' legal status. These students were identified indirectly with the use of two criteria: students' countries of origin and their recency of arrival in Canada. Therefore, students coming from one of the major refugee producing countries within the past four years during the time of data collection were extracted from the on-line registration records. A sample of these identified students were contacted individually for verification.
2. The seven language groups included those from Sri Lanka, China, Vietnam, Iran, Afghanistan, Central America, Ethiopia, and Somalia.
3. It should be noted that this overall at-risk rate for refugee students may be an underestimate, as it only captures those refugee students who enrolled in school at the beginning of the school year as other students. Those who enrolled later in the year, as happened more often among refugees than other students, were not reflected in the figure. An internal study by the Research Department of the Board notes some preliminary indications that students who enrolled later in a school year were more likely to be at risk than those who started their school year in September. □

Refugee Children before the Immigration and Refugee Board

Geraldine Sadoway

Quote: "In the past decade, worldwide more than 1.5 million children have been killed in wars; more than 4 million have been physically disabled and some 5 million are now in refugee camps; 12 million have lost their homes; and untold numbers—but they reach into the millions—have been psychologically traumatized."¹

A l'échelle mondiale au cours de la dernière décennie, plus de 1.5 million d'enfants ont été tués dans des conflits armés; plus de 4 millions ont subi un handicap physique et environ 5 millions résident présentement dans des camps de réfugiés; 12 millions sont sans abri; et un nombre indéfini—mais qui se chiffre aussi en millions—ont subi des traumatismes psychologiques.

Children have been assassinated for political activities,² captured and enslaved by rival ethnic groups, subjected to torture, rape and the destruction of their families.³ Persecution of children is an enormous problem in the world today and children are more vulnerable to the devastating effects of persecution because they experience such trauma as children without the defences built up by the maturation process.

Most of the world's children who are in danger of persecution do not reach Canada, and most of those who do come, arrive with parents and are dealt with in the context of their parents' refugee claims. However, growing numbers of unaccompanied refugee children are now appearing before the Immigration and Refugee Board (IRB) to make refugee claims.⁴ The only legislative protections for such claimants in our refugee determination process is the requirement that

the Board appoint a "designated representative" for refugee claimants under eighteen.⁵ The Board has recently published guidelines to increase procedural protections for refugee children.⁶ However, the Board has not yet tackled the substantive issues of what constitutes a well-founded fear of persecution for child claimants and how the Convention grounds for fear of persecution may be applied to cases involving child claimants. I shall focus here on a substantive approach to refugee claims by minors and recommend guidelines to be followed in addressing the difficult evidentiary issues sometimes raised by such claims.

What Constitutes "Persecution" of Children

A "Convention refugee" must establish that s/he has a "well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion."⁷ As the *UNHCR Handbook on Procedures and Criteria for Determining Refugee Status* states, "[t]here is no universally accepted definition of "persecution," and various attempts to formulate such a definition have met with little success."⁸ Furthermore, the jurisprudence on the meaning of "persecution" has developed in the context of claims made by adults.

In determining the refugee claims of children, the Board should consider first the nature of harm that could constitute "persecution" of children. Just as there are types of persecution "unique to women,"⁹ there may also be types of persecution unique to childhood. Harmful actions that might be considered as mere harassment or discrimination in the case of an adult, may constitute persecution when applied to children. Children have different basic needs, are more vulnerable and have fewer defences against abuse. For example, depriving an adult

of an opportunity to attend school may not be seen as persecution. However, depriving a child of the right to attend school (for "Convention" reasons) could easily be seen as persecutory. Separation of the child from parents may be persecutory, whereas separation of adults from their parents is something that occurs normally and would not usually be thought of as a persecutory act. Participation in the work force and forced conscription are perhaps the most obvious examples of treatment that may be persecutory for children but would not usually be persecutory for adults. Abusive acts such as beating or torture, may have more severe consequences for children (and therefore be more persecutory) than similar treatment of an adult. Similarly, threats of abuse made to a child may be more harmful and frightening than in the case of an adult who might be better able to determine the likelihood of the threat being carried out.

In approaching the issue of what constitutes persecution of children, it might be helpful to substitute "children" for "women" in some passages of the Board's *Guidelines on Women Refugee Claimants*. For example:

The social, cultural, traditional and religious norms and the laws affecting ... [children] in the claimant'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 ... [children]. What constitutes permissible conduct by a state towards ... [children] may be determined, therefore, by reference to international instruments.

The most important of these "international instruments" to be consulted when assessing the situation of refugee children should be the *Convention on the Rights of the Child*.¹⁰

The Federal Court has indicated in some recent decisions that the perse-

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cution faced by a child, even if accompanied by an adult, is important to the claim as a whole, and that the *Convention on the Rights of the Child* is relevant to the determination of refugee status of children. In *Sahota v. M.E.I.*,¹¹ Mr. Justice McKeown returned the case of a 16-year-old Sikh boy for redetermination by the Board. He stated that the consideration of an internal flight alternative might be unreasonable *in view of the applicant's age*. He also stated that the new panel of the Board should consider the *Convention on the Rights of the Child*, in the redetermination hearing. In another case, Mr. Justice Muldoon determined that the particular vulnerability of the four children of the adult claimants was one of the factors the Board had ignored in deciding the case. He stated:

... in the last analysis, the Court regards the children as being of importance, and the Board seemed to neglect them and their probable vulnerability to any untoward act of racism or discrimination or harassment or persecution on the part of those who control the territory where they will be living in Sri Lanka if they return to Sri Lanka.¹²

In a case decided by Madame Justice Reed involving a mother and daughter from Sri Lanka, the Court stated:

The Board in reaching its decision that the applicant was not likely to be persecuted in Colombo focussed almost exclusively on the applicant's situation ... The Board focussed its attention on the position of the applicant, particularly her age, and did not assess the likelihood of the children being the subject of persecution. I think this is the error which dictates that the Board's decision must be set aside.¹³

Assessing the nature of harm that constitutes persecution for children is not an attempt to lower the threshold of the definition of Convention refugee to accommodate children. Rather, "persecution" must be recognized as a relative term. Thus the Board must assess the harm feared in the context of the special vulnerability of children and the potential consequences of the

harm feared to a particular child at that time in the child's life, in order to determine whether the harm feared constitutes persecution.

Nexus to the Convention Grounds

Political Opinion

A "Convention refugee," as defined by the *Immigration Act*, must establish a "well-founded fear of persecution by reason of race, religion, nationality, membership in a particular social group or political opinion."¹⁴ The Convention grounds for fear of persecution due to race, religion and nationality may as easily apply to children as to adults. However, the Board may be more hesitant to find that a child has a political opinion (or that s/he is perceived to have a political opinion) that could result in persecution.

In the case of a young Chilean woman whose claim was turned down by R.S.A.C.¹⁵ in 1980, the decision makers could not believe that as a twelve or

from which they have come in order to properly determine political opinion or perceived political opinion in these claims. Furthermore, objective evidence of treatment accorded to similarly situated children will often constitute the most important evidence as to whether the claim is well-founded since minor claimants may not be able to provide satisfactory evidence of their own particular situation.

Membership in a Particular Social Group

The ground for fear of persecution of many child claimants will be membership in the "particular social group" of their own family. In most cases of accompanied minors, this is the ground upon which the child's claim is founded. With few exceptions, if the parents are found to be refugees, the children are also determined to be refugees in their own right and if the parents are refused, the children are also refused. In the Board's reasons

...the Board must assess the harm feared in the context of the special vulnerability of children and the potential consequences of the harm feared to a particular child at that time in the child's life, in order to determine whether the harm feared constitutes persecution.

thirteen-year-old in Chile, this claimant would have been perceived as a threat to the Chilean regime. They concluded, therefore, that it was not plausible that she had been persecuted as she described.¹⁶ This was a "cross-cultural communication" problem. The decision makers were inappropriately applying their perceptions about a child's possible political involvement, based on their knowledge of Canadian children, to the Chilean context. In fact, in many parts of the world, children are political activists or may be perceived as such by their oppressors. The case of Iqbal Masih, a Pakistani child who was a crusader against child-labour in the carpet factories, is a recent well-publicized example of this.¹⁷

In determining refugee claims of minors, the Board should obtain documentary evidence specific to children in the cultural and political context

(usually not written in the case of positive determinations), the Board may comment that the children's claims were based on their parents' claim and that, accordingly, they are also found to be Convention refugees.

In some cases the Board may mention the "principle of family unity."¹⁸ Unfortunately, the "principle of family unity," which was a recommendation in the Final Act of the Conference that adopted the 1951 Convention, was not incorporated in the definition of "Convention refugee," and the Federal Court has found that this important principle is not a mandatory consideration in making a determination of refugee status.¹⁹

Although in the past the Board has usually included accompanied children in either the positive (or negative) decision on their parents' claims, recently some Board members have

denied claims of dependant minor children, even when one or both parents have been found to be Convention refugees. The rationale for this seems to be that the determination of refugee status should be as narrow as possible and that appropriate immigration provisions exist for allowing the dependants of Convention refugees to be granted permanent resident status as members of the family of the Convention refugee parents. In these cases, the Board has found that the children (sometimes the children and the spouse) only fear "indirect persecution." Although the children will be "indirectly" harmed by the persecution of their parent(s)—this is not found to be adequate to establish the child as a Convention refugee in his/her own right. There is a concern that including persons who fear indirect persecution "unjustifiably broadens" the Convention refugee definition.²⁰

The Trial Division of the Federal Court is somewhat divided on this issue and the Federal Court of Appeal has yet to pronounce itself definitively on either the issues of "indirect persecution" or the "principle of family unity."²¹ In my view, the better position being taken by the Federal Court is that enunciated by Mr. Justice Jerome in the case of *Bhatti v. The Secretary of State of Canada*. The Associate Chief Justice reviewed the Canadian case law on "indirect persecution" and the references to "indirect persecution" made by Atle Grahl-Madsen in *The Status of Refugees in International Law*,²² and stated as follows:

The concept of indirect persecution is premised on the assumption that family members are likely to suffer great harm when their close relatives are persecuted. This harm may manifest itself in many ways ranging from the loss of the victim's economic and social support to the psychological trauma associated with witnessing the suffering of loved ones.²³

The new restrictive approach being taken to the "principle of family unity" and the denial of refugee claims based on "indirect persecution" threatens the protection needs of refugee children.

As an immigration law practitioner, I recognize the problems that dependant children might encounter if they do not have a determination of refugee status in their own right. For example, the child might be inadmissible as an immigrant on medical or other grounds, or the Convention refugee parent might be found to be inadmissible for some reason, thus placing the minor dependants in a situation of inability to acquire permanent resident status due to the parent's inadmissibility.

More important, such reasoning disregards the fact that parental care is a basic human right of a child. According to Article 7 of the *Convention on the Rights of the Child*,

The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.²⁴

Thus, to find that the removal of a parent (through death or imprisonment), or the severe harm to a parent (by torture, rape, etc.), is not persecutory of the child, fails to recognize the child's right to parental care as an essential human right, affecting the very survival of the child, and being crucial to the child's normal development.

It would be interesting to query whether the same Board members who consider the torture of a parent to constitute "indirect persecution" of the child, would find that torture or kidnapping of an adult claimant's child (or the threat thereof) is not persecutory of the adult, but is merely "indirect persecution" and therefore not a sufficient basis for a well-founded fear of persecution. I have dealt with many cases of adult refugee claimants whose claims were based on the threats of harm to their spouses and/or children. This is a well-known method used by repressive states to exert pressure on opponents. It appears that there is a double standard operating here, which I would relate to a subconscious perception that children are possessions of their parents rather than persons in their own right. Thus it is

perceived as persecutory of the parent if his/her child (possession) is taken away or harmed but only indirect persecution of the child if the parent is taken away or harmed.

Rather than attempting to classify "persecution" as indirect or direct, it makes more sense to recognize, as some of the jurisprudence has already done, that persecution of a person's close family members may also constitute persecution of the person him or herself. Thus persecution of the child's parent/s or siblings may also constitute persecution of the child and *vice versa*.²⁵

Furthermore, it is not diluting or broadening the application of the refugee Convention to find that children's kinship ties to persecuted parents or other relatives bring them within the "particular social group" of the family and that their well-founded fear of loss of those kinship ties constitutes a well-founded fear of persecution. Membership in the particular social group of one's family as the nexus to the Convention definition, is already solidly grounded in the Canadian jurisprudence. In *Canada v. Ward*, the Supreme Court proposed three possible categories of "particular social group" in the context of the Convention definition and the first of these is "... groups defined by an innate or unchangeable characteristic ..."

Membership in a family is clearly an "innate or unchangeable characteristic." In coming to its conclusions as to the meaning of "particular social group," the Supreme Court quoted with approval this passage from the U.S. decision in *Matter of Acosta*:

Applying the doctrine of *ejusdem generis*, we interpret the phrase "persecution on account of membership in a particular social group" to mean persecution that is directed toward an individual who is a member of a group of persons all of whom share a common, immutable characteristic. The shared characteristic might be an innate one such as sex, color, or kinship ties ...²⁶

The elaboration of the term "particular social group" in *Ward* to include

kinship ties, follows long-established recognition of membership in one's family as the basis for a well-founded fear of persecution by reason of "particular social group" in the jurisprudence of the IRB and its predecessor, the Immigration Appeal Board.²⁷

To ensure the protection needs of refugee children, whether accompanied or unaccompanied, the Board should provide guidelines strongly recommending adherence by decision makers to the "principle of family unity," as set out in the *UNHCR Handbook*, and indicating that so-called "indirect persecution," particularly when it deals with the persecution of parents or primary care-givers, can be the basis of a refugee claim for children on the Convention ground of "membership in a particular social group."

Age-specific Persecution

In addition to the particular social group of the family, children may be in danger of persecution because they are children. The examples of "street kids,"²⁸ child prostitutes, child brides, female genital mutilation, child slavery, and forced conscription of children come to mind. Just as in the situation of gender-defined persecution, the fact that there might be large numbers of the minor population in a particular country who are in this situation is irrelevant. The fact that the children's own parents may be involved in causing the persecutory treatment is also irrelevant because, if this is the case, the state is under a greater responsibility to intervene.

One might again refer to the Board's *Guidelines on Women Refugee Claimants*, and apply these guidelines to the situation of children:

What is relevant is evidence that the particular social group suffers or fears to suffer discrimination or harsh and inhuman treatment that is distinguished from the situation of the general population or from other... [children]. A subgroup of ... [children] may be identified by reference to their exposure or vulnerability for physical, cultural or other reasons to violence, including domestic violence, in an environment

*that denies them protection. These ... [children] face violence amounting to persecution because of their particular vulnerability as ... [children] in their societies and because they are so unprotected.*²⁹

In order to deal with claims by refugee children based on their membership in the particular social group of unprotected children, the Board must obtain evidence on the status of children in the particular country involved, such as the child welfare legislation of that country, the measures that have been adopted to protect vulnerable children, and, whether such measures are truly effective.

Evidentiary Issues

In dealing with the claims of unaccompanied refugee children, the most difficult issue has often been obtaining sufficient evidence to establish a well-founded fear of persecution. On the

oped than that of an adult. Just as we would cringe at the thought of pitting a 250 lb. adult male against a 70 lb. boy in a physical fight, we should recognize that children are not equipped to spar with the intellectual and verbal skills of adults in the hearing room. This is true even for children who are able to converse intelligently and who appear mature in many respects. The result of this incapacity to testify may be that the child is unable to provide the necessary evidence in support of his or her own claim.

Most of the Federal Court decisions on refugee claims by unaccompanied minors concern refusals by the Board based on lack of credibility of the minor claimant.³⁰ Such decisions are particularly difficult to overturn at the Federal Court because it is presumed that the Board is in the best possible position to judge the credibility of the claimant before them. To avoid erro-

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one hand, the right of children to participate in a decision affecting their rights must be affirmed. However, the children may not themselves be capable of providing the necessary evidence. This may be obvious, as when the child is two years old, or it may require a careful professional assessment, if the child is over seven years old.

Furthermore, the techniques for determining credibility in the case of adults must be significantly altered in order to treat a child or adolescent claimant fairly. Cross-examination techniques used to determine credibility of adult claimants are simply not fair to children or adolescents who have different and varying perceptions of time, chronology, and the relative importance of facts and details, and whose ability to understand questions and articulate responses even in their own language is much less devel-

neous decisions on credibility of minor claimants, the Board needs the assistance of clear guidelines as to fair procedures in dealing with the testimony of minors. In many cases, as indicated above, there should be no attempt to examine the child directly and greater reliance should be placed on objective evidence provided by alternate sources. Furthermore, there should be no attempt to cross-examine a child claimant who has given oral testimony as this would almost inevitably result in unfairness.

Objective Evidence and the "Benefit of the Doubt"

Once a determination has been made (by the child's representative and the child's counsel) that the child is incapable of testifying or that the child's best interests would not be served by having the child testify, other sources of information concerning the child's

situation should be prepared for the Board such as the testimony of witnesses, expert evidence, documentary evidence concerning similarly situated children and general country conditions relevant to the claim. Once this objective evidence has been gathered, then the Board should proceed to a determination of the claim guided by the recommendation of the *UNHCR Handbook*: "... having a greater regard for certain objective factors, considering the circumstances of the parents and other family members, and allowing for the liberal application of the benefit of the doubt."³¹

The *UNHCR Handbook* has been recognized by the courts in Canada as a persuasive authority. The Supreme Court, in the decisions of *Ward* and *Chan* has reiterated the importance of reference to the *UNHCR Handbook* for the proper interpretation of the Convention refugee definition. J. La Forest stated for the Court in *Ward*, as follows:

While not formally binding on signatory states, the *Handbook* has been endorsed by the states which are the members of the Executive Committee of the UNHCR, including Canada, and has been relied upon by the courts of signatory states.³²

If doubt remains, for example, if the Board is not satisfied with evidence from other family members about the situation of the child and there is little or no documentary evidence about similarly situated children, the hearing should be adjourned to seek further evidence. The most disturbing decisions by Board members have been the ones in which the Board determined that there was no reliable evidence upon which they could find that the child's fear of persecution was well-founded and then determined the child not to be a Convention refugee.

This result is particularly unacceptable if the child comes from a country with a high acceptance rate for refugee claims. For example, in a case decided by the Board in May of 1993, a nine year old Tamil boy was determined not to be a Convention refugee because, although his testimony regarding his detention in Colombo was credible, it

was obvious that he had been coached about some of his evidence and the Board therefore gave his evidence little weight. Then "faced with a total lack of evidence surrounding key events" of the claim, the Board found the claimant had not discharged his burden of showing a well-founded fear of persecution and determined that he was not a Convention refugee.³³ Yet in many successful refugee claims from Sri Lanka, the only factor necessary to establish the claims was to show that the claimant was a "young Tamil male," and therefore a member of a "particular social group" whose members have a well-founded fear of persecution according to overwhelming objective documentary evidence of persecution of such persons. One must therefore question why this nine-year-old Tamil child was not given the benefit of the doubt as the *UNHCR Handbook* recommends. At the very least, in light of the obvious vulnerability of the claimant, and in light of the inadequacy of the designated representative who was found not to be credible, the hearing should have been declared a nullity and sent for redetermination to another panel with a new representative.

Conclusion

The *Convention on the Rights of the Child* states in its preamble as follows:

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance ...

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 ...

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth.

Furthermore, Article 22 of the *Convention* deals particularly with the obliga-

tions of States Parties with regard to children who are seeking refugee status, whether accompanied or unaccompanied, and states that they shall take appropriate measures to ensure that such children, "... receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments ..."

Refugee children cannot rely on discretionary humanitarian remedies, that vary from state to state, to provide them with the necessary legal protection against refoulement and the attendant settlement rights in their country of refuge. The 1951 refugee Convention is the specific humanitarian instrument designed to protect all refugees from refoulement, including refugee children. Other immigration provisions, such as the "humanitarian and compassionate" application under section 114(2) of Canada's *Immigration Act*, are highly discretionary remedies, subject to politically motivated change and inconsistent implementation by the immigration bureaucracy. Thus the right of children to be granted Convention refugee status, and to access the legal protection provided by the refugee Convention, must be clearly and emphatically reaffirmed.

In the IRB's new procedural guidelines on Unaccompanied Refugee Children, it is encouraging to note that both the *Convention on the Rights of the Child* and the *UNHCR Handbook on Procedures and Criteria for Determining Refugee Status*, are quoted with approval. One might hope that with the implementation of procedural guidelines, with special training for Board members who are selected to deal with child claimants, and with the development of positive jurisprudence on the substantive issues of refugee law as it applies to children, the refugee claims of children will be recognized as meriting the particular concern and special care consistent with the sentiments expressed in the *Convention on the Rights of the Child*. If further guidelines

are implemented to address the substantive issues of claims by refugee children, Canada may once again provide leadership in an uncharted area of refugee law as we have with the *Guidelines for Women Refugee Claimants*. ■

Notes

1. *Toronto Star*, April 10, 1994 "Children of conflict."
2. *Globe and Mail*, April 20, 1995.
3. *Human Rights Watch*, Sept. 1995.
4. According to the Chair of the IRB, there were an estimated 700 new cases of unaccompanied refugee children before the IRB in 1994. Most such children are sent by parents or relatives from areas of significant danger to the care of relatives or friends in a safe country. This is not an entirely new phenomenon: for example 7,731 British children were evacuated to Canada, without their parents between 1939 and 1941. They were sent to relatives, friends and volunteer "foster parents" who cared for them for the duration of the war: *The Guest Children*, Geoffrey Bilson, Fifth House, Saskatoon, 1988, pages 258, 270.
5. *Immigration Act*, R.S.C. 1985, c.I-2, section 69(4).
6. "Guideline 3: Child Refugee Claimants. Procedural and Evidentiary Issues," Sept. 30, 1996 Guidelines issued by the Chairperson pursuant to section 65(3) of the *Immigration Act*.
7. *Immigration Act*, R.S.C. 1985, c.I-2, section 2(1).
8. *UNHCR Handbook on Procedures and Criteria for Determining Refugee Status*. Geneva, 1988, paragraph 51.
9. *Guidelines on Women Refugee Claimants Fearing Gender-Related Persecution*, IRB, March 9, 1993.
10. *Ibid.* page 7.
11. *The Convention on the Rights of the Child* (CRC), was adopted by the General Assembly of the U.N. on 20 November 1989, signed by Canada on May 28, 1990, and brought into force in Canada on January 12, 1992. [In the IRB's "Guideline 3: Child Refugee Claimants. Procedures and Evidentiary Issues." Sept. 30, 1996, it is noted at the outset that the CRC requires "appropriate measures" to be taken by States Parties for unaccompanied and accompanied children who are refugee claimants. However, the "Guidelines ..." do not point out the importance of using the CRC as a guide for understanding the basic human rights of children.]
12. *Sahota v. M.E.I.* IMM-3313-93, June 3, 1994, F.C.T.D.
13. *Nadesalingam et al v. M.C.I.* IMM-5711-93, Dec 13, 1994, F.C.T.D.
14. *Iruthayathas et al v. M.C.I.* IMM-4742-93, Aug 16, 1994, F.C.T.D.
15. *Immigration Act*, R.S.C. 1985, c.I-2, section 2(1).
16. The R.S.A.C. was the Refugee Status Advisory Committee, which reviewed a transcript of an examination under oath of the claimant and made a recommendation to the Minister as to whether the claimant was, or was not, a Convention refugee.
17. It should be noted that this case was dealt with before the oral hearing became a part of the determination process, so the R.S.A.C. had no opportunity to assess the credibility of the oral testimony of the claimant. The case went for redetermination by the Immigration Appeal Board and the claimant was found to be a Convention refugee at the redetermination hearing. (*Torres-Leal v. M.E.I.* I.A.B. 80-9046, Feb 4, 1981). This issue of the perceived unimportance of political activity by young people continues to be relevant. In *Shakir et al v. M.C.I.* IMM-2671-95, April 3, 1996, the Federal Court found that the Board's conclusion that the Sudanese authorities would not have taken the claimant's marginal political activity at the age of 15 to be serious, was within the expertise of the Board and the Board's conclusion was reasonable since there was no specific documentary evidence of persecution of high school students in the Sudan, despite the general evidence of the "incredible human rights abuses" in that country.
18. See Note 2, *supra*. [Canadian children are also capable of becoming political activists, as the case of thirteen-year-old Craig Kielburger of Thornhill, Ontario clearly illustrates. *Globe and Mail*, January 12, 1996 "Youngster's child-labour plea upstages PM."].
19. *UNHCR Handbook supra*, paragraphs 181 to 188.
20. *Castellanos v. The Solicitor General of Canada*, IMM-6067-93, Dec 15, 1994, F.C.T.D.
21. C.R.D.D. Decision T95-03883, June 6, 1996, in which an Iranian woman was found to have a well-founded fear of persecution in Iran for dress code violations, [she had received lashes and been sexually assaulted for this already], but her two sons were not granted refugee status because they were only in danger of "indirect persecution," and furthermore, the *Immigration Act* provides for "other ways of ensuring that families are kept together."
22. *Pour-Shariati v. M.E.I.*, [1995] 1 F.C. 767 (F.C.T.D.); *Saez de Busto v. M.C.I.*, IMM-3704-94, Feb. 16, 1995, (F.C.T.D.); *Vyramuthu v. Solicitor General of Canada*, IMM-6277-93, January 26, 1995, (F.C.T.D.); *Rafizade v. M.C.I.*, IMM-2570-94, March 7, 1995 (F.C.T.D.); *Abbas Pour et al v. M.C.I.*, IMM-3650-95, June 6, 1996, (F.C.T.D.); *Bhatti v. Secretary of State of Canada*, A-89-93, Sept. 14, 1994, (F.C.T.D.); *Martinez v. M.C.I.*, IMM-462-96, June 6, 1996, (F.C.T.D.)
23. Grahl-Madsen, Atle. 1966. *The Status of Refugees in International Law*. Leyden: A. W. Sijthoff.
24. *Bhatti v. Secretary of State of Canada*, A-89-93, Sept. 14, 1994, (F.C.T.D.)
25. *Convention on the Rights of the Child*, (*supra*, Note 11) Article 7(1).
26. *Casteneda v. M.E.I.* No. A-805-92, Oct. 19, 1993; *Arguello-Garcia v. M.E.I.* 92-A-7335, Jun 23, 1993.
27. *Canada v. Ward*, [1993] 2 S.C.R. 689 (S.C.C.).
28. *Requena-Cruz v. M.E.I.*, I.A.B. April 8, 1986; *Taheri v. M.E.I.*, A-111-90, April 26, 1993; *Germain v. M.E.I.*, A-1265-92, Oct 25, 1994; *Canada (M.E.I.) v. Bakhshi*, A-343-92, June 13, 1994, F.C.A.). and *Al-Busaidy, Talal Ali Said v. M.E.I.* A-46-91, January 17, 1992.
29. UNICEF. 1996. "Street Children" United Nations Centre for Human Rights, U.N. New York, USA.
30. *Guidelines on Women Refugee Claimants, supra*, page 6.
31. *Manimaran v. M.C.I.* IMM-4133-94, Oct. 30, 1995; *Ali v. M.C.I.* T-3026-92, July 26, 1995; *Sivanathan v. M.E.I.* IMM-3035-93, Mar. 20, 1994; *Gonzalez et al v. M.E.I.*, 92-T-1229, Nov. 18, 1993; *Kurukulasuriya v. M.E.I.*, IMM-2100-93, July 6, 1994. See also *Sornalingam v. M.C.I.* IMM-3962-94, Feb. 8, 1996, in which Mr. Justice MacKay rejected the Board's credibility findings with regard to the testimony of a nine-year-old Tamil boy, pointing out at one point that the child "simply could not know the reasons for [the security forces'] actions ..." and that this was therefore not a proper ground for rejecting his testimony as not credible.
32. *UNHCR Handbook, supra*, paragraphs 213-219.
33. *Ward v. Canada*, (1993) 153 N.R. 321, at page 345, (S.C.C.); *Chan v. Canada*, (1995) 187 N.R. 321, at page 335, (S.C.C.).
34. C.R.D.D. Decision: T92-09383, May 4, 1993. □

Child Refugee Claimants: Procedural and Evidentiary Issues

IRB Guidelines, Immigration and Refugee Board, Ottawa

Children, persons under 18 years of age,¹ can make a claim to be a Convention refugee and have that claim determined by the Convention Refugee Determination Division (CRDD) of the Immigration and Refugee Board (IRB). The *Immigration Act* does not set out specific procedures or criteria for dealing with the claims of children different from those applicable to adult refugee claimants, except for the designation of a person to represent the child in CRDD proceedings.² The procedures currently being followed by the CRDD for an adult claimant may not always be suitable for a child claimant.

The international community has recognized that refugee children have different requirements from adult refugees when they are seeking refugee status. The United Nations *Convention on the Rights of the Child* (CRC)³ has recognized the obligation of a government to take measures to ensure that a child seeking refugee status receives appropriate protection.⁴ In addition, the United Nations High Commissioner for Refugees (UNHCR) has issued guidelines on the protection and care of refugee children.⁵

There are three broad categories of children who make refugee claims at the IRB. In all three categories, there are procedural and evidentiary issues which affect the child claimant:

1. The *first category* consists of children who arrive in Canada at the same time as their parents or some time thereafter. In most cases, the parents also seek refugee status. In these situations, the child should be considered an "accompanied" child. If the child arrives at the same

time as the parents, then his or her claim is usually heard jointly⁶ with the parents but a separate refugee determination is made.

2. The *second category* consists of children who arrive in Canada with, or are being looked after in Canada by, persons who purport to be members of the child's family. If the CRDD is satisfied that these persons are related to the child, then the child should be considered an "accompanied" child. If the CRDD is not satisfied as to the family relationship, then the child should be considered an "unaccompanied" child.
3. The *third category* consists of children who are alone in Canada without their parents or anyone who purports to be a family member. For example, an older child may be living on his or her own or a child may be in the care of a friend of the child's family. These children should be considered "unaccompanied."

These *Guidelines* will address the specific procedural issue of the designation of a representative and the more general procedural issue of the steps to be followed in processing claims by unaccompanied children. The *Guidelines* will also address the evidentiary issues of eliciting evidence in a child's claim and assessing that evidence.

A. Procedural Issues

I. General Principle

In determining the procedure to be followed when considering the refugee claim of a child, the CRDD should give primary consideration to the "best interests of the child."

The "best interests of the child" principle has been recognized by the international community as a fundamental human right of a child.⁷ In the

context of these Guidelines, this right applies to the process to be followed by the CRDD. *The question to be asked when determining the appropriate process for the claim of a child is "what procedure is in the best interests of this child?"* With respect to the merits of the child's claim, all of the elements of the Convention refugee definition must be satisfied.⁸

The phrase "best interests of the child" is a broad term and the interpretation to be given to it will depend on the circumstances of each case. There are many factors which may affect the best interests of the child, such as the age, gender,⁹ cultural background and past experiences of the child, and this multitude of factors makes a precise definition of the "best interests" principle difficult.¹⁰

II. Designated Representative

The *Immigration Act* requires¹¹ the designation of a representative for all child claimants. In cases where the child is accompanied by his or her parents, one of the parents is usually appointed as the designated representative of the child. This designation applies to *all* the "proceedings" of the refugee claim and not only to the hearing of the claim. The role of the designated representative is not the same as that of legal counsel.¹² In addition to the designated representative, the child has a right to be represented by legal or other counsel.¹³

There are certain *mandatory criteria* to apply when designating a representative:

- the person must be over 18 years of age;
- the person must have an appreciation of the nature of the proceedings;
- the person must not be in a conflict of interest situation with the child claimant such that the person must

Guidelines Issued by the Chairperson Pursuant to Section 65(3) of The Immigration Act: Guideline 3. In effect from September 30, 1996.

not act at the expense of the child's best interests;

- the person must be willing and able to fulfill the duties of a representative and to act in the "best interests of the child."

In addition, the linguistic and cultural background, age, gender and other personal characteristics of the designated representative are factors to consider.

The duties of the designated representative are as follows:

- to retain counsel;
- to instruct counsel or to assist the child in instructing counsel;
- to make other decisions with respect to the proceedings or to help the child make those decisions;
- to inform the child about the various stages and proceedings of the claim;
- to assist in obtaining evidence in support of the claim;
- to provide evidence and be a witness in the claim;
- to act in the best interests of the child.

Before designating a person as a representative for the child, the CRDD panel should inform the proposed designated representative of his or her duties and should make an assessment of the person's ability to fulfill those duties.

There may be situations where the person who was designated to be the representative ceases to be an appropriate representative of the child. For example, the person may prove unwilling or unable to make themselves available for pre-hearing conferences. In these situations, the CRDD should remove the person as designated representative¹⁴ and designate another appropriate representative.

III. Processing Claims of Unaccompanied Children

The fact that children claiming refugee status can be unaccompanied raises many unique concerns with respect to the processing of their claims. The UNHCR has recognized that this group of refugees, due to their age and the fact that they are unaccompanied,

warrant special attention in the process of determining their claims to refugee status.¹⁵

The "best interests of the child" should be given primary consideration at all stages of the processing of these claims. This principle is reflected in the following procedures:

1. *Claims of unaccompanied children should be identified as soon as possible by Registry staff after referral to the CRDD.* The name of the child and any other relevant information should be referred to the provincial authorities responsible for child protection issues, if this has not already been done by Citizenship and Immigration Canada (CIC).¹⁶ After referral, all notices of hearings and pre-hearing conferences should be forwarded to the provincial authority.
2. *The CRDD panel and Refugee Claim Officer (RCO) should be immediately assigned to the claim and, to the extent*

The international community has recognized that refugee children have different requirements from adult refugees when they are seeking refugee status.

possible, the same individuals should retain responsibility for the claim until completion. It may also be necessary in some cases to assign an interpreter to the claim as early as possible so that the child can develop a relationship of trust with the interpreter.¹⁷ Before the panel, RCO and interpreter are assigned, consideration should be given to their experience in dealing with the claims of children.¹⁸

3. *The claim should be given scheduling and processing priority¹⁹ because it is generally in the best interests of the child to have the claim processed as expeditiously as possible.* There may be circumstances, however, where in the best interests of the child the claim should be delayed. For example, if the child is having a great deal of difficulty adjusting to Canada, he or she may need more time before coming to the CRDD for a hearing.
4. *A designated representative for the child should be appointed as soon as*

possible following the assignment of the panel to the claim. This designation would usually occur at the pre-hearing conference referred to below, but it may be done earlier. CRDD panels should refer to Section II above for guidelines on designating an appropriate representative. In determining whether a proposed representative is willing and able to act in the "best interests of the child," the panel should consider any relevant information received from the provincial authorities responsible for child protection as well as any relevant information from other reliable sources.

5. *A pre-hearing conference should be scheduled within 30 days of the receipt of the Personal Information Form (PIF).* The purposes of the conference would include assigning the designated representative (if this has not already been done), identi-

fying the issues in the claim, identifying the evidence to be presented and determining what evidence the child is able to provide and the best way to elicit that evidence. Information from individuals, such as the designated representative, medical practitioners, social workers, community workers and teachers can be considered when determining what evidence the child is able to provide and the best way to obtain the evidence.

6. In determining what evidence the child is able to provide and the best way to elicit this evidence, the panel should consider, in addition to any other relevant factors, the following: the age and mental development of the child both at the time of the hearing and at the time of the events about which they might have information; the capacity of the child to recall past events and the time that has elapsed since the events; and the capacity of the child

to communicate his or her experiences.

B. Evidentiary Issues

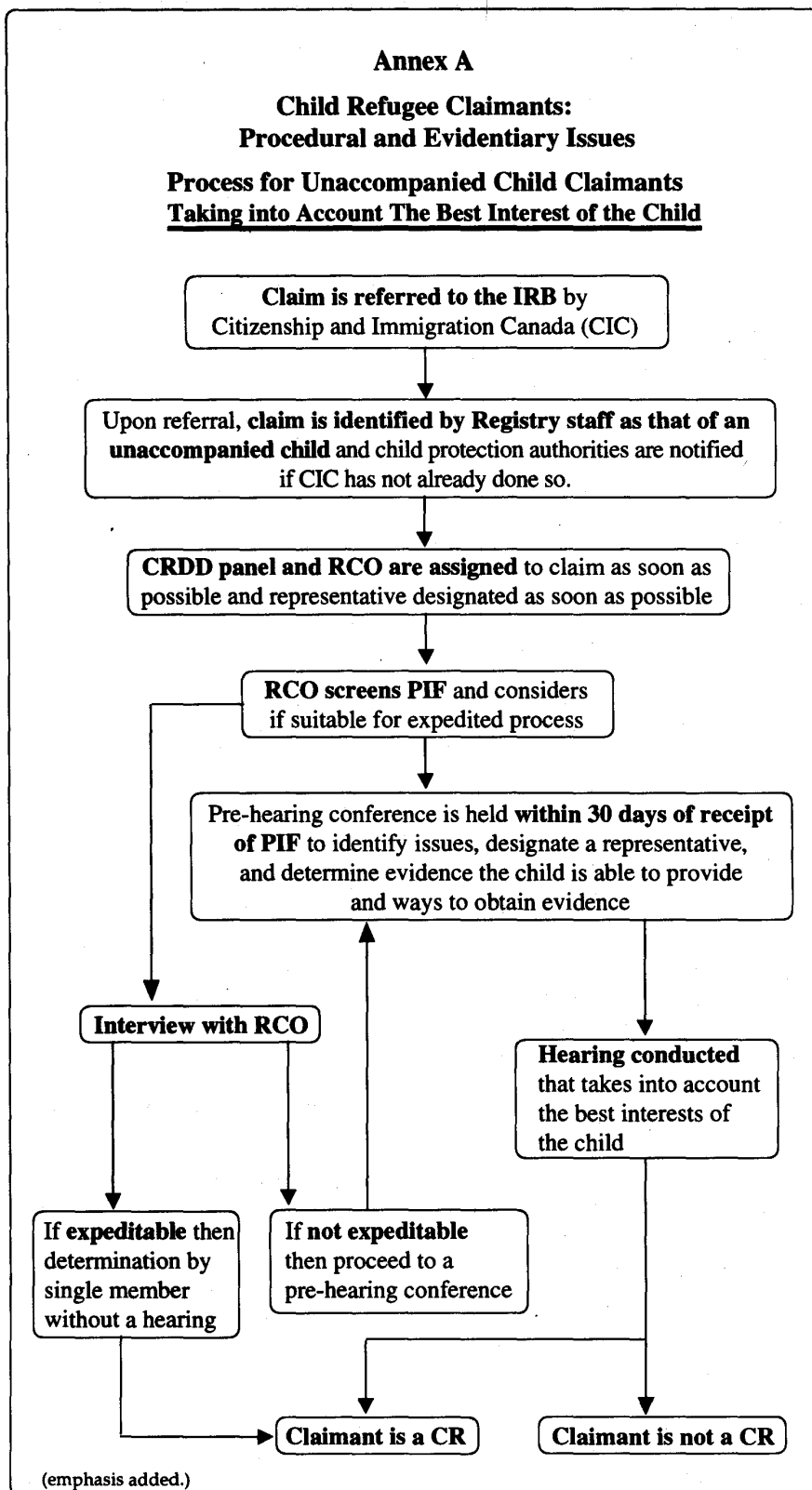
I. Eliciting the Evidence

Whether accompanied or unaccompanied, a child claimant may be called upon to provide evidence through oral testimony about his or her claim.²⁰ Like an adult claimant, a child claimant also has a right to be heard in regard to his or her refugee claim.²¹ An assessment should be made as to what evidence the child is able to provide and the best way to elicit that evidence from the child.

In general, children are not able to present evidence with the same degree of precision as adults with respect to context, timing, importance and details. They may be unable, for example, to provide evidence about the circumstances surrounding their past experiences or their fear of future persecution. In addition, children may manifest their fears differently from adults.

If the panel determines that a child is able to give oral evidence and that the panel needs to hear from the child, the following should be considered:

1. *The process which is to be followed should be explained to the child throughout the hearing to the extent possible, taking into account the age of the child.* In particular, the various participants and their roles at the hearing should be explained as well as the purpose of questioning the child and the sequence of questioning (that is, the fact that counsel normally questions first, followed by the RCO and then the panel).
2. *Before hearing testimony from a child, the panel should determine if the child understands the nature of an oath or affirmation to tell the truth and if the child is able to communicate evidence.*²² If the child satisfies both of these criteria then he or she can take an oath or solemn affirmation. A child who does not satisfy these criteria can still provide unsworn testimony. The weight to be given to the unsworn testimony depends on the child's understanding of the ob-



ligation to be truthful and his or her ability to communicate evidence.

3. *The environment in which the child testifies should be informal.* It may be appropriate to use an interview-style room rather than a hearing room. It may also be appropriate to have an adult whom the child trusts present when the child is providing information about his or her claim. This person may or may not be the designated representative.²³
4. *Questioning of a child should be done in a sensitive manner and should take into account the type of evidence the child may be able to provide.* Children may not know the specific circumstances that led to their flight from the country of origin and, even if they know the circumstances, they may not know the details of those circumstances.²⁴ The questions put to a child should be formulated in such a manner that the child will understand the question and be able to answer. Consideration should also be given to choosing the person who is best able to question the child.
5. *Even in an informal environment, some children may find it difficult to testify orally in front of decision-makers.* Where appropriate, the evidence of the child may also be obtained by using videotape evidence or an expert as a liaison between the CRDD and the child. For example, the panel may be able to indicate to a medical expert the questions which the panel would like the child to answer.
6. *The hearing should, if possible, conclude in one sitting. If this is not possible then the earliest possible resumption date should be scheduled.* Notwithstanding the desirability of concluding the hearing in one sitting, a child's possible need for breaks and adjournments should always be taken into consideration.
7. *During the course of the hearing, extensive use may be made of conferences with the hearing participants to resolve issues as they arise.* For example, the panel may hear some testimony on a particular issue from the child and

then hold a conference with the hearing participants to determine what further testimony, if any, is required.

In all cases, whether the child provides oral evidence or not, the following alternative or additional evidence may be considered:

- evidence from other family members in Canada or another country;
- evidence from other members of the child's community;
- evidence from medical personnel, teachers, social workers, community workers and others who have dealt with the child;
- documentary evidence of persons similarly situated to the child, or his or her group, and general country conditions.

II. Assessing the Evidence

The CRDD is not bound by the technical rules of evidence and may base its determination on any evidence it considers credible or trustworthy in the circumstances of the case. When assessing the evidence presented in support of the refugee claim of a child, the panel should take note of the following:

1. If the child has given oral testimony, then the weight to be given to the testimony must be assessed. In determining the weight to be given, the panel should consider the opportunity the child had for observation, the capacity of the child to observe accurately and to express what he or she has observed, and the ability of the child to remember the facts as observed. These factors may be influenced by the age, gender²⁵ and cultural background of the child as well as other factors such as fear, memory difficulties, post-traumatic stress disorder and the child's perception of the process at the CRDD.²⁶
2. A child claimant may not be able to express a subjective fear of persecution in the same manner as an adult claimant. Therefore, it may be necessary to put more weight on the objective rather than the subjective elements of the claim.²⁷ The Federal

Court of Canada (Appeal Division) has said the following on this issue:

... I am loath to believe that a refugee status claim could be dismissed solely on the ground that as the claimant is a young child ... he or she was incapable of experiencing fear the reasons for which clearly exist in objective terms.

3. When assessing the evidence presented in the claim of a child refugee claimant, the panel may encounter gaps in the evidence. For example: a child may indicate that men in uniforms came to the house but not know what type of uniforms they were wearing or a child may not know the political views of his or her family. The child may, due to age, gender, cultural background or other circumstances, be unable to present evidence concerning every fact in support of the claim. In these situations, the panel should consider whether it is able to infer the details of the claim from the evidence presented. ■

Endnotes

1. For the purpose of these *Guidelines*, "child" refers to any person under the age of 18 who is the subject of proceedings before the CRDD. Section 69(4) provides special protection to refugee claimants under the age of 18 in the form of a designated representative in proceedings before the CRDD. Section 69(4) of the *Immigration Act*, as enacted by R.S.C. 1985 (4th Supp.), c. 28, s.18, provides in part as follows:

Where a person who is the subject of proceedings before the Refugee Division is under eighteen years of age ... the Division shall designate another person to represent that person in the proceedings.

The age of 18 is consistent with the provisions of the *Convention on the Rights of the Child* (hereafter the CRC) which provides in Article 1 that "for the purposes of the present Convention, a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier."
2. *Ibid.*
3. The CRC was adopted by the United Nations General Assembly on 20 November 1989. It was signed by Canada on 28

May 1990 and ratified on 13 December 1991, and came into force on 12 January 1992.

4. See Article 22 of the CRC:

State Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection ...

5. *Refugee Children—Guidelines on Protection and Care*, UNHCR, Geneva 1994.

6. Rule 10(2) of the *Convention Refugee Determination Division Rules*, SOR/93-45. These Rules also provide for claims to be heard separately if a joined hearing is likely to cause an injustice.

7. See Article 3(1) of the CRC:

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

See also UNHCR Executive Committee Conclusion XXXVIII "Refugee Children," 1987:

The Executive Committee ... [s]tressed that all action taken on behalf of refugee children must be guided by the principle of the best interests of the child ...

8. In determining the child's fear of persecution, the international human rights instruments, such as the *Universal Declaration of Human Rights*, the *International Covenant on Civil and Political Rights*, the *International Covenant on Economic, Social and Cultural Rights* and the *Convention on the Rights of the Child*, should be considered in determining whether the harm which the child fears amounts to persecution.

9. For female child refugee claimants, reference can also be made to the Chairperson's *Guidelines on Women Refugee Claimants Fearing Gender-Related Persecution*, Immigration and Refugee Board, Ottawa, Canada, March 9, 1993.

10. Madame Justice McLachlin of the Supreme Court of Canada, in *Gordon v. Goertz* (S.C.C., no. 24622), Lamer, LaForest, L'Heureux-Dubé, Sopinka, Gonthier, Cory, McLachlin, Iacobucci, Major, May 2, 1996, had occasion to discuss the interpretation to be given to the phrase "best interests of the child" and

the difficulty with giving the phrase a concrete definition:

The best interests of the child test has been characterized as "indeterminate" and "more useful as legal aspiration than as legal analysis" ... The multitude of factors that may impinge on the child's best interest make a measure of indeterminacy inevitable. A more precise test would risk sacrificing the child's best interest to expediency and certainty.

11. See endnote 1.

12. Although legal counsel for the claimant may also be appointed as the designated representative, the roles of the two are distinct.

13. Section 69(1) of the *Immigration Act*, as enacted by R.S.C. 1985 (4th Supp.), c. 28, s.18, provides as follows:

In any proceedings before the Refugee Division ... the person who is the subject of the proceedings may, at that person's own expense, be represented by a barrister or solicitor or other counsel.

14. When removing the person as a designated representative, the CRDD should clearly indicate, either in writing or orally on the record, that it is removing the person and briefly indicate the reasons for the removal.

15. UNHCR Executive Committee Conclusion XXXVIII "Refugee Children," 1987:

The Executive Committee ... underlined the special situation of unaccompanied children and children separated from their parents, who are in the care of other families, including their needs as regards determination of their status ...

16. An unaccompanied child claimant is by virtue of that status a child who may be at risk and the authority responsible for children at risk should be notified. Because CRDD proceedings are held *in camera* and disclosing information about the refugee claim of the child would involve releasing private information, the provisions of the *Privacy Act* (S. C. 1980-81-82-83, c.111, Sch. II "1") must be complied with.

17. An appropriate interpreter is vital to the processing of a refugee claim. It is important that the child trust the interpreter and that the interpreter be right for the child. The cultural and linguistic background, age, gender and other personal characteristics of an interpreter may be factors for consideration in selecting an appropriate interpreter for the child. See *Working with Unaccompanied Minors in the Community: a family-based approach*, UNHCR, 1994.

18. In the context of interviewing children in emergency situations, the International Social Service in *Unaccompanied Children in Emergencies*, J. Williamson, A. Moser, 1987, indicated that persons interviewing unaccompanied children need experience in working with children and an understanding of how refugee situations affect children.

19. The UNHCR document *Refugee Children—Guidelines on Protection and Care*, endnote 5 above, provides that "the refugee status determination must be made quickly ... Keeping children in limbo regarding their status, hence their security and their future, can be harmful to them." (Page 100.)

20. A child refugee claimant has a right to be present at his or her refugee proceedings. Section 69(2) of the *Immigration Act*, as enacted by R.S.C. 1985 (4th Supp.), c. 28, s.18, provides that:

69(2) Subject to subsections (3) and (3.1), proceedings before the Refugee Division shall be held in the presence of the person who is the subject of the proceedings, wherever practicable ...

21. Section 69.1(5)(a)(i) of the *Immigration Act*, as enacted by R.S.C. 1985 (4th Supp.), c. 28, s.18, provides that:

69.1(5) At the hearing into a person's claim to be a Convention refugee, the Refugee Division
(a) shall give
(i) the person a reasonable opportunity to present evidence, question witnesses and make representations ...

Further, Article 12 of the CRC provides that:

1. State Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the view of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceeding affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

22. In the case of a nine-year-old citizen of Russia (CRDD V93-02093, Brisson, Neuenfeldt, May 4, 1994), the CRDD panel agreed that given the young age of the claimant, she would not be asked to swear an oath or make a solemn affirma-

tion. When asked, the child indicated that she understood the necessity of telling the truth during her hearing and added that it was "not nice" to tell a lie. The CRDD found her evidence to be truthful.

23. The UNHCR document *Refugee Children—Guidelines on Protection and Care*, endnote 5 above, states that arrangements should be made "to have a trusted adult accompany the child during the interviewing process, either a family member of the child, a friend or an appointed independent person." (Page 102.)
24. As stated by the CRDD in T92-09383, Wolpert, Hunt, May 4, 1993, "[a] child might well not 'know' certain things: he is not privy to an adult's world."
25. See endnote 9.
26. With respect to the assessment of evidence of a child claimant, the CRDD panel in V92-00501, Burdett, Brisco, April, 1993, said as follows:

I agree that a claimant who is a child may have some difficulty recounting the events which have led him or her to flee their country. Often the child claimant's parents will not have shared distressing events with the claimant, with the intention of protecting the child. As a result, the child claimant, in testifying at his or her refugee hearing, may appear to be vague and uninformed about important events which have led up to acts of persecution. Before a trier of fact concludes that a child claimant is not credible, the child's sources of knowledge, his or her maturity, and intelligence must be assessed. The severity of the persecution alleged must be considered and whether past events have traumatized the child and hindered his or her ability to recount details.

27. The UNHCR document *Refugee Children—Guidelines on Protection and Care*, endnote 5 above, provides that where a child is not mature enough to establish a well-founded fear of persecution in the same way as an adult "it is necessary to examine in more detail objective factors, such as the characteristics of the group the child left with[,] the situation prevailing in the country of origin and the circumstances of family members, inside or outside the country of origin." (Page 100-1.) The same point is made in the UNHCR *Handbook on Procedures and Criteria for Determining Refugee Status* (Geneva, January 1979) which states in paragraph 217 that "it may be necessary to have a greater regard to certain objective factors."
28. *Yusuf v. M.E.I.* [1992] 1 F.C. 629, per Hugessen, J.A. □

The UN Committee on the Rights of the Child and Refugees: One NGO's Experience with the Reporting Process

Tom Clark

Abstract

During 1994 and 1995, the Inter-Church Committee for Refugees (ICCR) developed a brief to the UN Committee on the Rights of the Child. The brief was to assist the Committee in its examination of Canada's first report required under the Convention on the Rights of the Child. This article describes the brief, the process ICCR entered into, and the resulting "Report Card" from the UN Committee. Some follow-up work is described briefly.

Précis

Au cours des années 1994 et 1995, Le Comité Multiconfessionnel pour les Réfugiés (Inter-Church Committee for Refugees, abrégé en ICCR) a saisi le Comité des Nations-Unies pour les Droits de l'Enfant d'un rapport visant à lui prêter assistance dans son évaluation du premier compte-rendu déposé par le Canada en vertu de la Convention sur les droits de l'Enfant. Cet article présente le contenu de ce rapport d'ICCR, décrit la procédure dans laquelle ICCR fut impliqué, et fait état du contenu du "bulletin de santé" émis par le Comité des Nations Unies. Un certain nombre de démarches entreprises pour assurer le suivi de cet échange d'informations sont aussi brièvement décrites.

Introduction

The Convention on the Rights of the Child (CRC) was born in 1990 into a world of mounting evidence of hardship and abuse suffered by children. According to a 1990

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UN Fact Sheet, some 100 million children, abandoned by their families, subsisted by back breaking work, or turned to petty crime, prostitution or begging. Over 50 million children worked under unsafe or unhealthy conditions. About 120 million children between 6 and 11 year old did not get schooling. Some 3.5 million children died each year of preventable or curable diseases. Around 155 million children in developing countries lived in absolute poverty. Millions, including many in rich countries like Canada, were maltreated or neglected, were sexually exploited or became victims of drug abuse. Children of asylum seekers and refugees, and children who are themselves refugees or who are fleeing war, fall into this general context.

While the Canadian Coalition on Children's Rights (CCCR) reported the general conditions of children, ICCR was concerned about refugee claimants and refugees and about children as refugee claimants. There were enormous delays with family reunion for families of refugees who were in Canada and the impact which this had on children and the family as a whole were known to be serious. Often, one parent had to flee and the children were left behind to wait in a dangerous situation without at least one of the parents. There were instances of teenage children claiming refugee status who were put in prison for periods of several months under dubious accusations by immigration officials. In Canada, children were not considered or consulted about refugee claims or the consequences for them of denial of refugee status to a parent. There were Federal Court decisions such as the decision concerning Langner which

ruled that children of foreign parents had no interest in the deportation of their parents. All these situations seemed to be contradictions of the promises of the Convention of the Rights of the Child.

In what follows, we first look at the world of the Convention on the Rights of the Child, then at the ICCR Brief to the UN Committee on the Rights of the Child and the hearings. We examine the Report which the UN Committee produced. And finally, we look at the follow-up work and assessment of the experience.

I. Theory: A Convention and Committee on the Rights of the Child

The Convention on the Rights of the Child is special in several ways. It is the latest UN human rights treaty to enter into force. The CRC's rapid entry into force on September 2, 1990 came a mere seven months after the text was adopted by the UN General Assembly in November, 1989. This very short gap reflects enormous global interest and support for the Convention. While the first UN human rights treaties, the Covenant on Civil and Political Rights (CPR) and the Covenant on Economic, Social and Cultural Rights (CESCR) treat civil rights and social rights separately, the CRC encompasses both sets of rights for the child. It identifies the child as a human being, who is entitled to these rights independently of his or her family, and requests that states should translate them into law and practice.

Like the earlier UN human rights treaties, the CRC is a living treaty. Within it, States agree to report on their "progress in realizing the rights," "factors and difficulties," and agree to be examined by a Committee on the Rights of the Child—a Committee made up of independent experts elected by the States Parties for this purpose. The CRC allows specialized agencies of the UN, the UN Children's Fund and other UN organs to be "represented at the consideration of the implementation of such provisions ... as fall within ... their mandate." And the

Committee may invite "other competent bodies as it may consider appropriate to provide expert advice on the implementation." This provision includes non-governmental bodies. A Geneva based agency based with Defence of the Child International called "NGO Group for the Convention on the Rights of the Child" (NGO-Group) coordinates this non-governmental participation. This brings us to how it works.

The CRC Committee Examination Process

Every five years a government must submit a report. Non-governmental agencies like ICCR and the Canadian Coalition on Children's Rights (CCCR) may submit additional or complementary information and may participate in the process in at least three ways. First, briefs and documentation can be supplied for the CRC Committee to use. Second, the CRC Committee holds what are in effect preliminary fact finding hearings with expert agencies including non-governmental agencies about six months before it's scheduled hearing to discuss implementation with the government. Third, expert agencies can participate in the examination of the representatives of the government. ICCR and the CCCR participated in all three ways and each sent briefs or reports, expert representatives to the pre-hearings and expert representatives to the examination of the government.

Focus of the CRC Committee Examination

The Committee has established eight areas for examining government implementation of the Convention. As we review these categories here, it will be useful to link the international concern to some of the relevant refugee-related situations in Canada which ICCR raised. The examination categories are:

1. *General measures:* The twin obligations of almost all the UN human rights treaties are to ensure the rights and to provide a remedy if a right is violated. Ensure is a strong word requiring that

Canada must make certain that every individual in the territory can enjoy the rights by legislation and other measures. More than this, the obligation to ensure rights must be without discrimination on any ground. Several UN human rights treaty Committees and the CRC Committee expect a State like Canada to review its national law to make sure that law is in line with the provisions of the Convention. As we shall see, in the UN perspective, Canada's Federal-Provincial division of powers is not an acceptable reason for permitting wide variations in access to the rights promised in the Convention. Any federal government is accountable under international law for fulfilling treaty obligations across the entire federal territory.

2. *Definition of the child:* The Convention defines a child as 18 years and under.

3. *General Principles:* When courts, welfare institutions or any other Canadian administrative authority deal with children, the child's best interests must be given top priority (Article 3), and, the child's opinions must be carefully considered (Article 12). Children should not be separated from their parents unless appropriate authorities determine that separation is necessary for the child's well-being (Article 9). All children must be allowed to enjoy all the rights without discrimination and without regard for who their parent's are or their parent's status (Article 2). The work of the Immigration and Refugee Board and Immigration Officials must conform with these provisions.

4. *Civil Rights and political freedoms:* Several rights are relevant to refugee situations. In addition to the usual civil rights such as liberty (no detention) which relate to immigration detention of minors, the CRC provides for reunification of families by permitting travel into or out of their territories (Articles 9 and 10). Canada must ensure a child has a nationality (citizenship). Also, Canada must have explicit measures to protect a child from all forms of physical or mental violence, injury, abuse, neglect or negligent treatment,

maltreatment or exploitation including sexual abuse.

5. *The family environment and alternative care:* Both parents have primary responsibility for a child's upbringing, but Canada must provide them with appropriate assistance and develop child-care institutions (Article 18). Canada must provide parentless children with suitable alternate care (Article 20).

6. *Basic health and welfare:* The Convention calls for measures to diminish infant mortality, ensure medical assistance to all children and to promote children's health (Article 28). This has implications for health care for children of parents who are in some form of delayed deportation.

7. *Education, culture and leisure:* The child has a right to education at all levels. This, too, requires measures to ensure the child's right when the parents are in immigration proceedings (Article 29).

8. *Special protection measures:* The CRC Committee has singled out certain groups of children for special consideration. They include: refugee children (Article 22), disabled children (Article 23), children from armed conflict (Article 38) and minority or indigenous children (Article 30). For example, the child seeking refugee status (with or without parents) must enjoy CRC rights and Canada must try to trace missing parents (Article 22).

Result and Potential Significance of the Examination

Immediately after the examination, the Committee issues a brief Report. This Report follows a format established in 1992 for all the UN treaty bodies. The format includes: Introduction; Positive Factors (areas where the Committee is pleased with a state's progress); Principal subjects of concern (problem areas where improvement is needed); Suggestions and Recommendations from the Committee. From the non-governmental perspective, the UN process can allow a UN body to endorse a problem area identified by non-governmental groups and to suggest solutions. The UN body can also

provide non-governmental groups with new perspectives on problems by its own suggestions. The Report is published within the UN human rights system. As we shall see, the extent to which the Committee suggestions and recommendations matter will depend on further work by a non-governmental group.

UN treaty bodies like the CRC Committee are given power in the treaty to issue "General Comments" which in effect clarify particular aspects of the treaty as a consequence of general problems arising in State implementation. These General Comments form a jurisprudence which is a kind of case law. The extent to which the Report and General Comment affect law and practice in countries like Canada depends considerably on the use made of them by NGOs.

Given the difficulty and long time frame of international pressure any use of the UN treaty system must aim at particular issues which are at an impasse in local law and practice. An NGO must test the issue against the UN Convention. If the UN endorses the problem and suggests a solution, the NGO must then seek to promote the suggestion. That is the theory of ICCR's efforts with the UN treaty bodies and the CRC Committee. After a decade of largely fruitless domestic advocacy around serious rights-related problems with Canadian law and practice, which included a court action on behalf of refugees from 1989-1992, ICCR felt that tactics beyond Canada, itself, were called for.

II. ICCR Experience with the CRC Examination Process

The Brief—Scope and Content

The ICCR brief was organized around the eight-category format described above and amounted to 14 pages plus a summary of recommendations and attachments. An introduction explained what ICCR was and reviewed its history and consequent competence to speak to refugee issues in Canada. The introduction also gave the focus of the brief: refugee claimants, refugees

and their families and other non-citizens in Canada.

The brief gave the annual numbers of asylum seekers and the number of deportations in the context of annual immigration and annual travellers visiting Canada. The primary legislation—the *Immigration Act and Regulations*, and the consequent immigration statuses which could affect children.

Under General Measures for Implementation, ICCR noted that neither the *Constitution Act* nor the *Immigration Act* included specific rights for children and that these rights were generally undeveloped in the current state of Canadian law. The brief cited court cases to prove this and made reference to individual cases submitted to the Inter-American Commission on Human Rights. The brief also pointed to problems with "leave" in judicial review of immigration decisions (court permission needed before one can be heard). The brief wanted a greater role for the Federal and Provincial human rights commissions in promoting the rights of children. This section led to four general recommendations which included asking the CRC Committee to ask for more information from Canada about a simple effective court remedy for protecting children's fundamental constitutional rights and asking Canada for its plans to incorporate CRC provisions into Canadian law.

Under the heading General Principles, the brief raised ICCR concerns about non-discrimination as it applies to children of parents with non-citizen status as compared with other children in access to health care and in situations of deportation. The lack of access to the Canadian Human Rights Commission as a right was also raised. The failure of officials and the courts to recognize the principle of "best interests of the child" in deportation decisions was noted. The brief also noted that the risk to life, survival and development of children should be considered in decisions to deport their parents from Canada as well as in decisions to resettle refugees from overseas to Canada

for protection by Canadian visa officials. In general, mechanisms needed to be put in place to make sure the views of the child were taken into account. This gave rise to the next seven more specific recommendations. They included inviting the CRC Committee to ask Canada to change the *Canadian Human Rights Act* and the *Immigration Act* to extend the protections of the CRC to all children without discrimination, particularly with respect to status.

In addition, the brief raised concerns about lack of reference in Canadian law to the protection against torture or cruel treatment as a consequence of expulsion for the child of non-citizen parents.

Under Family Environment and Alternative Care, ICCR raised concerns that Canadian law did not adequately acknowledge the impact of deportation on family life, or delays in family reunion or in selection for resettlement of refugee families from overseas. ICCR also questioned the adequacy of present measures to allow a child to visit a refugee parent in Canada as provided under the CRC. ICCR recommended asking Canada to simplify and accelerate family reunion procedures when a relationship critical to the development of a child in Canada is at issue and to amend the *Immigration Act* to include CRC provisions relating to family visits and family reunion (Articles 9 and 10).

ICCR raised expulsion concerns again under Basic Health and Welfare as an aspect of survival and development of the child in Canada associated with parents being expelled. There are also difficulties in accessing medical attention for children of parents in deportation proceedings.

The final and eighth category for CRC Reports is Special Protection Measures. In some ways, all of ICCR's brief had considered measures for refugee children. However, ICCR pointed out that the present lack of appeal on the merits from negative refugee status decisions put refugee children at risk. ICCR suggested encouraging Canada to implement the

proposals in the report "The Quality of Mercy" commissioned by then Minister of Immigration, Sergio Marchi from Susan Davis and Lorne Waldman. Their proposals call for independent decision makers to review impending deportations using clear objective criteria which draw on international human rights law.

In its conclusion, ICCR noted that many of the issues which it raised were general and not particular to Canada. ICCR therefore made a final recommendation asking the CRC Committee to issue a General Comment which further clarifies the application of CRC Articles into immigration situations involving non-citizens and their children.

Throughout the process, ICCR consulted with the NGO-Group, Geneva. When the Report was submitted to the NGO-Group for distribution, ICCR wrote to the CRC Committee that it would be willing to attend a hearing in Geneva if that would be helpful to the Committee. ICCR and the CCCR were invited to send representatives to a hearing before Committee members in Geneva. Since many concerns related to provisions in law and court decisions, it was felt crucial to make available an expert in these areas. CCCR sent Les Horne of Defence of the Child International and Jeffery Wilson, lawyer and author of a recent book on children's rights in Canada. ICCR sent Barbara Jackman, a well known immigration lawyer with Federal and Supreme Court experience.

The Hearing and Examination

The hearing allowed the Canadian NGO representatives a half day round table with Committee members in a room at the Palais des Nations in Geneva. The NGO experts took charts to quickly introduce committee members to the functioning of Canadian law. Committee members asked questions in a semi-formal environment of frank information exchange. All this was to allow the Committee to come to grips with problems of implementation in Canada and to frame formal questions to be sent to Canada. In this case, the

UN Committee invited Barbara Jackman to submit a fuller analysis of Canadian law and legal procedures affecting non-citizen children. This was sent to the Committee to further assist its preparation for the examination of Canada.

The examination of a government's report under a human rights treaty is in principle an open meeting held either at the Palais des Nations in Geneva or the UN complex in New York. The record is also made public as a "Summary Record" of the appropriate Committee and is published as a UN document which includes the letters of the treaty, the letters "SR" for summary record, the Committee session number and the date. For example CRC/C/SR. 57 July 25, 1993 will give you the minutes of the examination of Sweden by the CRC Committee. A typical examination can take about three sessions of about three hours each spanning one and a half days. The government has been given initial questions on the report prior to the session. The examination begins with a general introduction to the report from the government and addresses some of the issues identified by the committee.

Canada takes the process quite seriously sending a delegation of three or more from Ottawa. An official from Foreign Affairs usually leads the delegation and often someone from the Federal Department of Justice (legal division) will be there to answer legal questions. After the government introduction and responses to initial issues, Committee members will ask further questions or probe the government by suggesting possible actions. The CRC Committee then works through its range of issues. The matter of refugee children is part of the CRC and the issue of equal legal rights for non-citizens often arises before UN treaty committees as it did during the particular session ICCR attended. The NGO-Group, Geneva, helped the Canadian NGO-representatives from ICCR and the CCCR around the meeting. They were able to sit in the sessions and provide notes to Committee

members to clarify government answers and to provoke further questioning. According to the ICCR representative, Canada delayed answering the CRC Committee questions related to immigration apparently in the hope that the time for the process would run out. However, this seemed to have the effect of strengthening the CRC Committee's interest. In the end, Canada had to address the immigration issues.

The Result—the UN Report with Suggestions and Recommendations

The CRC Committee issued its report on the Rights of the Child in Canada in Geneva on June 9, 1995, about ten days after its examination of Canada. Of course, the Committee found some positive things to say about Canada's progress. Yet despite the explanations and answers of Canadian officials, the Committee used some of its strongest language to date when discussing immigration and children under the heading Principle Subjects of Concern. For example, consider paragraph 13 of the Report:

The Committee recognizes the efforts made by Canada for many years in accepting a large number of refugees and immigrants. Nevertheless, the Committee regrets that the principles of non-discrimination, of best interests of the child, and of the respect for the views of the child have not always been given adequate weight by administrative bodies dealing with the situation of refugees or immigrant children. It is particularly worried by the resort by immigration officials to measures of deprivation of liberty of children for security or other related purposes and by the insufficient measures aimed at family reunification with a view to ensure that it is dealt with in a positive, humane and expeditious manner. The Committee specifically regrets the delays in dealing with reunification of the family in cases where one or more members of the family have been considered eligible for refugee status in Canada as well as cases where refugee or immigrant children born in Canada may be

separated from their parents facing a deportation order.

Such statements of concern by an international body vindicate and provide moral support for the work of non-governmental groups like ICCR.

The recommendations as a whole can be summarized as follows:

1. Canada should consider withdrawing its CRC treaty reservations;
2. Canada should hold a nation-wide public education campaign on the CRC. Canada should integrate the CRC into the training of judges, lawyers, immigration officers (as ICCR suggested) and peace-keepers and teachers;
3. Canada should strengthen coordination of legal and administrative mechanisms to reduce risk of regional disparity and ensure the CRC is implemented in all parts of the territory. The Committee recommends strengthening federal monitoring mechanisms such as the Committee of Officials on Human Rights. Cooperation between authorities and NGOs should be strengthened;
4. Canada is encouraged to ensure full implementation of CRC Article 4 (to implement all available measures, legislative and other) taking into account the best interest of the child, maximum available resources to economic social and cultural rights, and steps to tackle child poverty;
5. Since the CRC can only be used in court to interpret Canadian law, Canada should take further steps to implement the CRC at the federal level especially to ensure that the CRC general principles like non-discrimination, acting in the best interests of the child, and hearing the views of the child in proceedings, are reflected in Canadian law (consistent with ICCR's suggestions);
6. Canada should in particular implement CRC Article 22 (refugee children) and the CRC general principles in all matters relating to the protection of refugees and immigrants children, including de-

portation proceedings. Any feasible measures should be taken to facilitate and speed up family reunification where one family member has been considered eligible for refugee status. Canada should seek to avoid expulsions causing the separation of families. Treatment of unaccompanied children and children refused refugee status and awaiting deportation should be in the light of CRC provisions. Children should be detained for security or other purposes only as a last resort as in CRC Article 37.b. (reflecting ICCR's information and suggestions);

7. Canada should review legislation permitting corporal punishment of children by parents and in schools or institutions with a view to banning physical punishment in light of CRC Article 3, 19. Canada should introduce new legislation, follow up and education to prevent family violence and physical punishment in the family;
8. Canada should provide positive measures to ensure vulnerable groups like aboriginal children get access to education and housing. Canada should research infant mortality and suicide among children in aboriginal communities;
9. Canada should make its report, the Summary Record and the CRC Committee Report widely available to the public at large.

The extent to which these recommendations reflect ICCR's own suggestions is striking and gratifying.

Follow up Work

ICCR's efforts to interest major Canadian news media in the report met with little response. However, thanks to the authority of UNICEF, which has a Canadian base, there was some limited coverage of the Report.

ICCR and the Canadian Council of Churches have written letters to the several federal ministers responsible and to several relevant parliamentary committees. After an initial round of denials, the Minister of Citizenship and Immigration and the Minister of

Justice have told ICCR that the proposals are under consideration. ICCR's correspondence with the Canadian Human Rights Commission bore fruit—the Commission's annual report for 1995 includes a short summary of the CRC examination and its results. ICCR has also produced a booklet on the issue of putting treaty provisions into Canadian law. A popular edition is underway for use during 1997, which will be a Year in Solidarity with Uprooted People.

The CCCR has been active too. Since June 1995, the Coalition has linked to ICCR and has developed the beginnings of a formal major project through which NGOs and governments can monitor implementation of the CRC across Canada, as recommended by the CRC Committee. Although this ambitious project will emphasize measurement of progress alone, there can be no doubt that it will facilitate further efforts to implement the CRC which stands to benefit not just refugees and immigrants, but all children and all families in Canada.

Conclusion

The use of an international treaty committee to advance the cause of refugees and immigrants can be a tool for change. ICCR's efforts to test its concerns with a UN Committee of international experts were rewarding. The concerns which ICCR had raised on behalf of refugees and immigrants were taken seriously by the CRC Committee. ICCR's suggestions were reflected in the CRC Committee's own recommendations to Canada. Yet as suggested above, the UN work now falls back into the hands of NGOs for follow up work.

It is hard thoughtful work and it is slow. It is not a substitute for advocacy work within a country like Canada. But it can bring a sense of international solidarity, a new impetus, a new commitment and new hope for success in the long term to advocacy work for rights in Canada. After several discouraging years for NGOs working with refugees and immigrants, even a little hope is worth having. ■

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Development and Identity of Guatemalan Refugee Children in Mexico: Conditions and Options for Support Interventions

Inda Sáenz-Romero and Juan José Sánchez-Sosa

Abstract

The study describes current conditions of Guatemalan refugee children living in shelter camps in the Mexican south-eastern states of Chiapas, Campeche and Quintana-Roo. Aspects of children's refugee life in Mexico City are also described. Analysis includes historic and contextual aspects of Guatemalan refuge in Mexico since the eighties: counter-insurgent wars, fleeing, arrival in Mexico, psychosocial and traumatic experiences, problems and expectations emerging from the prospect of returning to Guatemala and consequences of the Chiapas armed conflict. More specifically, the study analyses such issues as health and nutrition, and especially education. Analyses compare the camps' school systems and additional support actions based on training programs for "community promoters." Trainees are both adults and children, and program activities include the promotion of cultural identity, therapeutic work on traumatic experiences, coping with the challenge of returning to Guatemala en masse, and treating or preventing other psychological complaints.

Précis

Cette étude décrit les conditions de vie actuelles d'enfants réfugiés guatémaltèques vivant dans des camps de refuge aménagés dans les états du sud-est mexicain du Chiapas, de Campeche et de Quintana-Roo. Certains aspects de la vie des enfants réfugiés à Mexico sont aussi décrits. La présente analyse inclut une présentation des aspects historiques et une mise en perspective de la vie des réfugiés guatémaltèques au Mexique depuis les années 1980: les guerres anti-

insurrectionnelles, la fuite, l'arrivée au Mexique, l'expérience du traumatisme psychosocial, les problèmes et les attentes résultant de la perspective d'un retour au Guatemala, les conséquences du conflit armé du Chiapas. Plus spécifiquement, la présente étude analyse les questions suivantes: santé, nutrition, et surtout éducation. L'analyse établit une comparaison entre les systèmes scolaires des différents camps et entre les différentes interventions de soutien basées sur des programmes éducatifs ciblant les "promoteurs communautaires". Les bénéficiaires de ces programmes particuliers sont des adultes et des enfants, et les activités de ces programmes comprennent la promotion de l'identité culturelle, le travail thérapeutique sur des expériences traumatiques, la démarche consistant à faire face au défi d'un retour massif au Guatemala, le traitement et la prévention d'autres désordres psychologiques.

During the period between 1975 and 1985 the counter-insurgent military operations in Guatemala virtually levelled hundreds of villages. Thousands of children became orphans and massive population displacements occurred both within and outside the Guatemalan borders. Numerous accounts, testimonies, sociopolitical studies and doctoral dissertations documented the atmosphere produced by political violence and severe human rights violations and the consequences for the Guatemalan population (Falla 1983; Simon 1987; Zur 1993).

During the worst part of this violent period between 1981 and 1982, estimates suggest that nearly 1.3 million people from El Quiche, Chimaltenango and Alta Verapaz, i.e. 80 per cent of the population from the Guatemalan high plateau, were forced to leave their homes temporarily or

even permanently (Guatemala Health Rights Support Project 1992). The first wave of refugees crossed the border into Mexico in 1981 only to be immediately deported by the Mexican government. The international protests which followed, led the UNHCR to establish offices in the area after reaching an agreement with the government.

Mexico has a long-lasting tradition of sheltering political exiles. Under the protection of President Cárdenas, thousands of Spanish republicans found asylum in Mexico. In the seventies, after the establishment of dictatorships in South America and their "dirty war" against any opposition, thousands of exiles from Argentina, Chile and Uruguay, arrived in Mexico individually or in small groups.

The characteristics and conditions of Central American refugees are very different from those of previous exile immigrations. Guatemalans arrived in large numbers, most were Indian agricultural workers already living in poverty and had little or no schooling and many of them, especially women, did not speak Spanish.

A large proportion of this population lived in the mountains or in the jungle, awaiting the withdrawal of the army from their communities. Only after this did not happen for a prolonged period of time, did they decide to cross the border into Mexico. This produced an incoming refugee population with particularly poor states of health, nutrition and high levels of psychological trauma.

By the end of 1992, UNHCR recorded 46,000 Guatemalan refugees in 127 camp shelters along the Chiapas border, four camps in Campeche, and three in Quintana Roo. Additional accounts estimate that as many as 150,000 dispersed unidentified Guatemalan exiles were living along the southern border, in other towns and in

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Mexico City (Aguayo et al. 1989; Salvadó 1988).

Since then, repatriation initiatives have diminished the refugee population in Mexico. Currently, the number of identified exiles in Mexico's south-east region is nearly 39,000 of which some 50 percent are children already born in Mexico (Table 1).

The unidentified dispersed exile population is difficult to study due to their illegal status. Some studies are carried out when small groups of this population seek services from the UNHCR or other nongovernmental organizations (NGO's). Such studies usually reveal these individuals' grueling living conditions and high levels of stress (Botinelli, Maldonado, Troya, Herrera & Rodríguez 1990; O'Dogherty 1991; Sáenz 1992/93; López 1994). In order to conceal their origin and avoid deportation, parents teach their children to adopt customs and accents or even to make up stories in order to appear to be from Oaxaca or Chiapas. Often they change their names depending on who they talk to, and many children do not attend school due to the lack of a birth certificate.

During the last fifteen years, however, many of these dispersed refugees have managed to legalize their status and have participated in educational and cultural programs for women, children and the elderly, organized by several NGOs (Harrington 1994; López 1994; Miller & Billings 1994). The Mexican government, the Mexican Commission for Refugee Assistance (COMAR), the UNHCR and several NGO's have collaborated in developing and implementing programs for refugee populations. They have been assigned leased land for both housing and agriculture; they have been provided with food quotas, infrastructure support, health and education services, especially in the shelter camps called "safe settlements" in Campeche and Quintana Roo (Didier 1985).

These programs, however, are of little help to cope with the sense of vulnerability and defencelessness of these populations (Manz 1987; Salvadó 1988,

Aguayo et al. 1989; Farías & Billings 1993; Farías 1994; Sáenz 1994). Many refugees suffered one or more traumatic events either as personal victims or as witnesses of severe human rights violations (Melville & Lykes 1992; Botinelli, et al. 1990; Del Huerto 1986). Post-Traumatic Stress Disorder (PTSD), psychosomatic complaints, depression and anxiety, are common

depending on their parents' account, is perceived as either hell or paradise.

The Zapatista uprising in January of 1994 resulted in the deterioration the already precarious situation in the Chiapas refugee camps. Land which was lent to the refugees for settlement and cultivation by the Catholic church was invaded by other groups and the refugees mobility inside the state was

Table 1: Number of Guatemalan Refugees Living in Mexico

Settling site	Number of camps	Number of persons
Chiapas	113	18,118
Campeche	4	9,846
Quintana Roo	3	3,962*
Dispersed		6,711
Total identified Guatemalan refugees in Mexico		38,637

* 0-17 year old children.

Source: UNHCR, April, 1996.

among these individuals. Some symptoms keep affecting the victims long after the traumatic episodes and massive losses occurred (Sáenz 1994). A high prevalence of these disorders has also been found in refugee populations and torture victims elsewhere in the world (Deutsch, Hoffnung, Speyer, Varela & Viñar 1991; Summerfield 1991).

The perspective of returning en masse to their land of origin in the next two years poses new organizational challenges. It produces conflicts inside families and communities which are separated or divided over the issue of whether to return to Guatemala or to assimilate to the host country. The most significant problems in this respect occur within the adolescent group. Many youngsters choose to marry Mexicans to avoid returning to their homeland; others simply abandon the camps and seek a job elsewhere. Adolescents reminisce about episodes of terror which occurred during their flight and often reject the option of returning home. Children must adapt to an unknown country which,

further restricted. The potential for subsistence decreased making them more dependent on international assistance (European Commission 1995).

Psychosocial Status and Life Conditions of Refugee Children

The health status of refugee children and their potential for development is mediated by their parents' health and psychosocial conditions (Farías & Arana 1991; MacCallin 1991). A study analyzed data collected by refugee women of the Mama Maquin organization in Chiapas. The survey involved a sample of 867 refugee women of different ethnic backgrounds: Kanjobal, Mam, Chuj, Jacalteco and Castellano and revealed that 33 percent of the women spoke Mayan only; only 34 percent could read and write; and 66 percent had no schooling at all. 33 percent of the husbands abused alcohol and it was estimated that 12-23 percent of them were physically abusive towards their wives and 7-18 percent practiced polygamy. The average woman had four children and 60 percent of the children were already born

in exile. Seventy-eight percent of the children were malnourished and the child mortality rate was 1.36 percent. Only 36 percent of the women had access to health services and only 13.5 percent had access to community activities (Fariás & Billings 1993).

After more than a decade of exile, Guatemalan refugees still live in extreme poverty and life is particularly hard for women and their children. The high rates of both fertility and child mortality are related to poor health services, poor schooling and the monolingualism of mothers, which further restrains access to existing resources and services. Although women have better access to educational programs in Mexico than they had in their Guatemalan communities, basic literacy programs and those teaching Spanish still have limited coverage. Educated women who can read and speak Spanish seem more able to access health resources and help restore health or prevent diseases in their children.

Another study, conducted at "La Gloria" the largest camp in Chiapas, compared a group of severely malnourished children with a control group from the same camp. Emotional distress was significantly higher in mothers of children with second and third degree malnutrition. Symptoms associated with PTSD were reported by 71 percent of mothers of malnourished children as compared to 38 percent of mothers in the control group (Fariás & Arana 1991; Fariás & Billings 1993).

The same study revealed that mothers' interpretation of symptoms or health problems of children was markedly determined by the belief system of their indigenous culture. The community did not have a concept of malnutrition and its definition as a health problem was only later introduced by physicians, nurses, volunteers, etc., as part of their services to prevent nutrition-related health problems. In addition, help-seeking patterns were different for the two groups. Mothers of children in the control group utilized medical services more frequently

than mothers of the malnourished children. However, even mothers of children in the control group used traditional means such as spiritual cleansing, praying and herbal medicine, especially in severe cases.

The School System in Chiapas, Campeche and Quintana Roo Camps

During the first years of refuge along the Guatemalan border, emergency conditions and the need to satisfy basic requirements pushed educational and

courses on television and provides information on teaching skills (COMADEP 1996). Despite scarce resources, children's education and promoters training have turned out to be well-established and stable projects in refugee camps. Table 2 shows the promoter and user population in the three states.

Due to the large size of single settlement populations in Quintana Roo and Campeche, it is relatively easy to sustain continued efforts and conduct follow-up studies on outcomes. Chiapas, in contrast, with a refugee population dispersed in 113 camps along mountainous areas makes such efforts extremely difficult.

The fact that most are boys, suggests that many girls drop out of school as schooling progresses. There is a culturally accepted discrimination against female education. Girls have to care for younger siblings, are given household responsibilities, become pregnant at a young age and have few personal expectancies or prospects beyond marriage and reproduction (UNHCR, May 1996).

Promoter training courses are not given credit within the Mexican educational system. Under the perspective of returning home, this makes the official recognition process of these experiences by the Guatemalan system a priority, especially on the basis of 12 years of refuge experience. During 1991, COMADEP started courses on basic teaching skills for educational promoters designed as a two-year program. The project included support by teachers of public schools from the city of Toluca, Mexico State. In 1994, the same organization started an intensive professionalization program by which 132 promoters, including 32 who by now have returned to Guatemala, were to obtain an official certification as rural school teachers from the Guatemalan Ministry of Education. The program has been supported by OXFAM-Belgium and the European Commission.

Some pioneering aspects of these programs include combining such methods as personal tutoring, distance education, group sessions and

Table 2: Community Promoters and Children in Three Mexican Southeastern States

State	Promoters	Children
Chiapas	51	1000
Campeche	17	500
Quintana Roo	27	894

Source: COMADEP, May 1996.

mental health priorities aside (Santiago 1992). As conditions in the camps improved, most communities appointed educational promoters in order to teach children reading and writing skills. These educational promoters work on a volunteer basis and are often young and have not completed high school themselves. In 1985, the promoter with the highest degree of schooling was a fourth grader. Promoters started their work from scratch, surrounded by small groups of children under the shade of trees. They later received teaching materials and some training provided by UNHCR, COMAR, the Chiapas Catholic Church, the Basque government and such NGO's as the Meso-American Consultanship for Assistance and Development (COMADEP).

Nowadays, all elementary level children obtain free textbooks from the Mexican Ministry of Education. Guatemalan promoters receive periodical training by Mexican school teachers. The Mexican Institute for Adult Education (INEA) offers high school

advisory seminars. The basic program includes teaching of mathematics, language, history, human rights, gender relations, cultural identity, community development, environmental conservation, mental health and peace education.

Teams of Guatemalan teachers have developed study materials and in each of the three southwestern Mexican states there are small libraries and resident advisors. All promoters participating in this program have high school diplomas and forty new promoters are soon to enter the project. Since the 32 promoters who returned to Guatemala are pursuing further education, the program has become a bi-national effort.

School Status of Guatemalan Refugee Children in Mexico City

Recent reports by UNHCR reveal that 134 refugee children in Mexico's Federal District attend school, thirty at the preschool level, 65 at the elementary level and 39 are in high schools or technical education programs. The main obstacles to being admitted to or regularly attending school are: the lack of a birth certificate, overcrowded schools, long distances between home and school, and extreme poverty. In addition the dropout rate of girls is higher than that of boys with early pregnancy being an important factor.

Alternative Psychosocial Programs

There is an organizational network among the refugees in all camps which allows them to negotiate with governmental and international agencies. The refugee community in Mexico's southeast includes groups of organized women and young people including health promoters, educational and human rights promoters, religious counsellors, and "Permanent Committees" in charge of negotiating terms for returning to Guatemala.

Individuals working in any of these capacities are designated by their own communities. Promoters periodically attend group meetings to share information, make decisions, and organize courses and workshops. Since these

groups are able to reach the whole refugee population, they are the best potential way to develop programs and implement actions.

The Federal District Committee for Assistance to Guatemalan Refugees (CDF) implemented a program named "Children and Parents" aimed at supporting development and cultural identity. Another program called "Mental Health" seeks to provide attention to, and prevention of psychological dysfunction. Both programs are based on a training model for promoters in the community (Alcón 1993; López 1994; Sáenz 1991, 1994b).

They were first started and pilot tested in Mexico City and later adopted the camps in the southeastern region. Common elements of both programs include:

1. the population's psychosocial background serves as the basic context for intervention;
2. cultural features and ethnolinguistic differences are program scope modulators;
3. teaching methods are designed to fulfill two objectives: a) training promoters assess and intervene in community problems, and b) training promoters to multiply the programs effects;
4. written materials are developed to support training.

Materials involved were i.e.: a translated version of the "South African Manual" and creating books like "From Child to Child," "From Refuge to Return," "My Homeland Book," as well as the leaflets: "Children's Feelings," and "The Parents Leaflet." Additional materials included work books for workshop replication.

The Children's Program in Mexico City

Compared with refugee adults who know why they left their country, most refugee children have been deprived of this information in order to spare them suffering, to prevent reminiscing about relatives or to avoid being discovered as illegal immigrants (López 1994). A major challenge consists in helping children to recognize their

identity and to recover the thread of history that belongs to them.

In 1987, a Guatemalan teacher started the Children's Program in Mexico City and organized monthly meetings that were attended by some 30 to 40 children on a regular basis. The goal of supporting personal development and cultural identity was pursued through such recreational activities as play, drawing, gignol puppets, and show and tell conversations on Guatemalan history, geography, customs and traditions. In 1989, a psychologist joined the project as a consultant and new activities aimed at psycho-affective elaboration were added to the program.

Supporting cultural identity involves learning through active participation about Guatemalan history and ethnic diversity, geography, customs, traditions, celebrations, patriotic symbols, history of the refuge and information on returning "home."

Activities concerning the elaboration of affects include encouraging and aiding children to reconstruct their family history, to symbolically rescue their extended family, to provide new meaning to exile life, to express their fantasies about returning to Guatemala and to acknowledge their new bicultural identity. Sessions also address problems common to all children such as interaction with parents, sibling rivalry and interpersonal relations in school.

The activities concerning the elaboration of affects always involved encouraging the children's verbal expression of feelings, opinions, experiences, fantasies, complaints, etc., in a play atmosphere of complete trust and confidence. The main procedures used to conduct these sessions included expressive arts such as drawing, painting, play, dramatization of everyday situations and experiences, and puppetry.

The cumulative experience from the program allowed this group to develop the book *My Homeland Book*, designed as support material for elementary and high school classes. The book features games, stories and

activities for children to actively become familiar with Guatemalan culture, history, geography and traditions. *My Homeland Book* has been widely distributed, i.e. in 1994, workshops on the use of *My Homeland Book* included 156 educational promoters who later conducted courses including over 5,200 children.

Expressive Arts

Expressive art programs have shown to be appropriate ways to identify, analyze, communicate and effectively elaborate emotionally loaded experiences, concepts and feelings. Play and dramatization provide the individual with an opportunity to test the social perception of his/her reactions to life events, and try out different behaviours without having any negative consequences. As teaching tools, play and dramatization allow the child (or adult promoter) to listen and observe non-obtrusively at the time he/she learns and practices interactive skills (Marans, Mayes, Cicchetti & Dahl 1991; Weschler 1987).

For example, children were asked to agree on how to represent a family and then asked to actually play the scene. If, during a particular play, a mother appeared angry and her children fought constantly, the psychologist would briefly interrupt the play and ask the children why the mother could possibly be so angry. Spontaneous responses from the children were usually along the line of the son's misbehaving. After subsequent questioning, children would provide such responses as: "she cannot make ends meet with so little money," "she is mad at her husband," "she is not living in Guatemala," "she cannot visit my grandparents," or "she ruined dinner."

At the end of a dramatization session, a period is set aside to deal with such issues as what struck the audience as relevant, how they felt about it, and how they would help those who expressed having problems. Children, for instance, were usually surprised by the fact that a mother could be angry for so many reasons not related to her

children. Another verbal reaction, from one sibling to another went: "we better stop fighting because mother is in a bad mood and she might end up hitting us." This exchange denotes a change in perception and the assignment of new meaning. Children frequently learn to comprehend several alternative explanations to people's emotions and reactions and learn not to feel guilty.

Dramatization has turned out to be a particularly useful tool for persons with little or no schooling. Also, since theatre and oral history has long been a natural asset of pre-Hispanic American cultures, it was readily accepted as a way to communicate concepts and attitudes.

As a side effect the program seems to have led to a greater tolerance of parents in the sense of talking about

and to increase their confidence in themselves and in their parents.

Drawing is another well established means to express and communicate ideas, feelings and emotions (Davis 1989; Shelby & Tredinnick 1995). In the refugee context, drawing may serve to facilitate reminiscence and document traumatic experiences such as those included in the program's leaflets and handbooks.

This material may evoke memories, images and experiences in other individuals and may also help to elicit cognitive restructuring and emotional elaboration (Hernández-Guzmán & Sánchez 1988). In Mexico training support materials that contained many children's drawings and a minimum of text were designed, developed and distributed together with a manual containing suggestions on how to use

Expressive art programs have shown to be appropriate ways to identify, analyze, communicate and effectively elaborate emotionally loaded experiences, concepts and feelings.

issues previously considered as "taboo." When parents were added to the sessions children had a chance to ask them questions as well as to be questioned themselves on a number of delicate issues. This, in turn, resolved some myths such as "they came here because his father could not find a job in Guatemala," or "they came on vacations and they liked it here so much they decided to stay," or "their father came here to study," or even "their father died in a car crash and their mother decided to move the family to Mexico." Children started talking about the war; having to escape suddenly and frequently; the family's order not to get out on the streets or to tell anyone their real names; long nights spent in fear and confusion and the permanent anxiety they and their parents experienced. Through sharing true stories children acknowledged their parents' sadness and their motivation to protect their children from painful experiences. Children started filling up cracks in their past with true stories instead of lies. This allowed them to feel better

them in group work. Leaflets like "From Child to Child," and "From Refuge to Returning" are easy-to-use tools for promoter work in different languages and infuse reflection and new meaning with personal experience. Because of their contents and sequence, these materials also help refugees acknowledge and assess their own resources, what they have learned and constructed during the refuge.

The Parents' Program

The experiences from the Children's Program led to the conviction that it was necessary to work with the parents as well. As a first consideration a space was provided to come together as a group so parents could discuss their children's education. This was to support the children's development, to facilitate better family interaction, and to strengthen the parent's cultural identity through participating with their children in cultural activities. Two mental health promoters conducted this program under the supervision of a psychologist.

The program started with group discussions on such issues as: aggressiveness in children, punishing children, normal stages in child development, how to play with children, the refuge and its implications for children, how to handle loss, the identity of the refugee child, single parent families, widowhood, and returning to Guatemala.

Sessions usually started with the promoters proposing an issue or agenda and activities such as drawing a scene and commenting the drawing or telling an anecdote. The promoters then attempted to carefully lead the discussion toward sharing experiences and exchanging opinions concerning child rearing and child development to promote reflecting on these issues.

Other activities involved recreational and cultural activities, especially by taking advantage of holidays and anniversaries such as the "Day of the Dead." This holiday, for example, was used as an opportunity to have children and parents build toys and relive regional traditions. These experiences led to the development of a booklet describing the proceedings of the sessions and contained parents' reflections on the sessions. The booklet also includes information on child development and nutrition and has become part of the materials used in the parents workshops along the southeastern region of Mexico.

Mental Health Project for Child Promoters

In 1992 a Guatemalan mental health promoter and some NGO-volunteers started an additional program for refugee children in fifteen Chiapas and three Quintana Roo camps. Objectives, methods and support materials were essentially the same as those described above, however, a novel feature of this program involved the training of 89 child promoters. These children participated in monthly workshops conducted by adult educational promoters and later, with the support of a local promoter in the camp, children promoters taught other children the

workshop's contents. So far, the method of child-to-child instruction has allowed for the multiplication of the program's objectives to 500 children in Chiapas and 200 children in Quintana Roo.

Group discussions focused on the emotional processing of the refugee experience and dealt with the following issues:

Leaving Guatemala: Each child is helped to re-establish his or her own history, reconstructing his/her experience in Mexico as well as what they know or remember from Guatemala. Children are encouraged to express their feelings, to acknowledge the value of doing so and to learn im-

Psychological problems and dreaming: Since much of what we feel gets expressed through physical discomfort and symptoms, children learn to discover this link and to use verbal expression as one way to reduce anxiety and help solve problems. When children talk about their dreams and nightmares they frequently find some relation between these and their lives, desires, concerns and discomforts. Since alcohol abuse is a severe problem in the camps, emphasis is placed on children talking about the way it affects them and their families, and reflecting on what they might reasonably do to help avoid its effects in terms of individual and family interaction.

Psychosocial programs that are used to support cultural identity and enhance the development of refugee children through promoters who also act as multipliers, are adequate and effective means to reach most refugee children.

proved ways to handle them. Group discussions on ethnic and national issues involve the historic analysis of such events as the history of pre-Hispanic Mayas, the invasion of America by Spain, the colonial period, 500 years of Indian resistance, ethnic groups of Guatemala, biculturalism, children's rights, geography of Guatemala and Mayan religion.

Talking, listening and learning to solve problems: After learning the value of listening and talking in order to feel better, children analyze problems in terms of their components and work toward solutions to help themselves and other children. Emphasis is placed on identifying and assessing the value of the knowledge acquired in the refuge and its potential for supporting the construction of a new Guatemala.

Feelings about returning and the family: Here children learn to identify and accept their feelings, fears and expectations posed by the prospect of returning to Guatemala. They analyze the consequences of the decision to return, the implications for each member of the family and the importance of having all members of the family participate in the decision to return.

As an approach to outcome evaluation, promoters frequently report observable changes in children throughout the workshops. At the beginning children looked shy and withdrawn. Drawings included almost exclusively helicopters and massacres. As the workshops progressed, children became more confident and outgoing, participated more actively in camp life, knew more about themselves individually and as a community, regained self-esteem and helped others to regain theirs. Other effects included increased knowledge about Guatemala and their own ethnic, cultural and geographical background.

Conclusions

Psychosocial programs that are used to support cultural identity and enhance the development of refugee children through promoters who also act as multipliers, are adequate and effective means to reach most refugee children. Programs going beyond mere therapeutic assistance and attention to symptomatic "cases" are required in order to reach community goals related to prevention and health promotion. This is especially true and

important under conditions of poverty and lack of resources.

Developing culturally adequate teaching support materials is a major necessity. They secure almost instant dissemination reaching illiterate populations, especially girls and women, who often have very little access to education. The promotion of literacy and second language learning helps to improve women and children's access to further resources and services.

Increasing the educational level of women and children, strengthening their mental health, self esteem and emotional aplomb directly contributes to improved health, nutrition, psychological wellbeing and development, and functions as a preventive intervention.

Since children of unidentified refugees have much less access to opportunities and resources than those living in camps or cities, they are especially vulnerable. Thus NGO programs that help modify these conditions are especially important.

Returning home in itself is a fear-generating perspective especially for adolescents. The development of specific programs to cope with this problem is highly needed.

Finally, since war and human rights violations cause enormous suffering and misery for refugees and especially for their children, any sensible action aimed at achieving peace and supporting human rights is bound to promote their development as human beings and dignified citizens. ■

Notes

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PATHS TO EQUITY

**Cultural, Linguistic, and Racial
Diversity in Canadian Early
Childhood Education**

by Judith K. Bernhard, Marie
Louise Lefebvre, Gyda Chud and
Rika Lange Toronto: York Lanes
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size 8.5x11; \$18.95

Paths to Equity is based on an extensive nationwide study of 77 childcare centres in Montreal, Toronto, and Vancouver on the cultural, linguistic, and racial diversity in Canadian Early Childhood Education (ECE). The report presents the results this study on how the ECE system is responding to the increasing diversity of contemporary Canadian society.

A fully one third of teachers interviewed in this study responded, at the time of graduation from ECE programs, did not feel that they were well prepared to work effectively with children and parents from diverse backgrounds. In this ground-breaking study, the authors have addressed teachers' views on the education program; parents' difficulties in collaborating within the current education system; teachers' difficulties in understanding many "ethnic" parents; desire of many parents for better communication with staff, preferably in their own languages, and for more information about their individual children, and chances for effective input; and the evidence of some continuing problems with racism, irrespective of the good intentions of centre staff.

Paths to Equity will be of interest to ECE faculty, policy makers, centre supervisors and staff and others interested in the inclusion of diversity content in professional education programs.

From Being Uprooted to Surviving: Resettlement of Vietnamese-Chinese "Boat People" in Montreal, 1980-1990

By Lawrence Lam

Toronto: York Lanes Press
ISBN 1-55014-296-8
200 pages, indexed; \$18.95

The saga of the "boat people" is a dramatic story, a story of one of the largest refugee movements in recent years. Canada played a significant role in the resettlement of these refugees in bringing them to Canada where they could start anew. *From Being Uprooted to Surviving* by Professor Lam, is based on ethnographic data of a sample of Vietnamese-Chinese accepted for resettlement in Montreal in 1979 and 1980, who were reinterviewed in 1984 to 1985 and again in 1990 to 1991, this book provides a longitudinal account of their experience of resettlement in Canada. This experience has been marked by successive stages of their struggle to overcome structural barriers and to negotiate a meaningful niche in Canada.

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Refuge, Vol. 15, No. 5 (1996)

Asylum: A Moral Dilemma

By W. Gunther Plaut
Toronto: York Lanes Press
ISBN 1-55014-239-9

192 pages, indexed; \$19.90.

Every year the refugee landscape changes, but only in that more problems are added, fewer are solved, and all become constantly more urgent. Fuelled by the explosion of the world's population, the quest for asylum is one of the most pressing problems of our age. Refugee-receiving nations-located frequently, but by no means exclusively, in the Western world have to respond to masses of humanity searching for new livable homes. Human compassion for these refugees can be found everywhere, but so can xenophobia and the desire to preserve one's nation, economic well being, and cultural integrity. The clash between these impulses represents one of the great dilemmas of our time and is the subject of Plaut's study. In exploring it, he provides a far-ranging inquiry into the human condition.

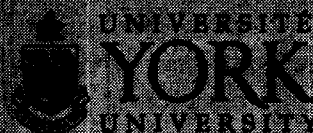
The book presents political, ethnic, philosophical, religious, and sociological arguments, and deals with some of the most troublesome and heartbreaking conflicts in the news.

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Asylum-A Moral Dilemma is simultaneously published in the United States by Praeger Publishers, and in Canada by York Lanes Press.

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