



# Inter Pares

BULLETIN

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## The Search to Belong

“It used to be that the buses would leave once a month,” Margarita tells us as we sit in the sweltering heat of Ocosingo in the southern Mexican state of Chiapas. “Now they leave once a week.”

We are discussing the increasing number of people who are leaving their homes, heading north in search of safer and better lives, and the reasons for this migration.

For over a decade, a low-intensity armed conflict was waged in Chiapas between the Mexican army and the insurgent Zapatistas, with no peaceful resolution. There is a continued heavy military presence, and the local groups Inter Pares works with report ongoing human rights violations. Chiapas is also a region rich in natural resources, and there is a growing presence of transnational corporations hungry for its water, gas and minerals. Many people are being forced to leave their homes to make way for hydro-electric dams and mining. And for many others, there is no longer a local economy to support livelihoods. In Chiapas, as in many other places in the global south, the political and economic reasons for migration are integrally intertwined, and there is not much choice in the matter. “Soon all migration will be forced migration,” a colleague tells us shortly before we leave.

For migrants, the journey northward is fraught with perils. Many people jump to their deaths from moving trains to avoid police and army checkpoints. Women are subject to harassment and sexual abuse. And for the thousands of people who do survive the journey, their stories do not get much better. In Canada and the United States, they work long hours in construction, manufacturing and service industries, they pick fruit and vegetables, they take care of other people’s children, and they clean homes they will never be able to own, with few of the protections and none of the benefits afforded to citizens. As a Mexican friend puts it, “Migrants are the eternal throw-away workers.”

While so much of the world’s population on the move remains within the poorest countries of the south, many people in the countries of the north live in fear of the “masses” supposedly clamouring to get in. And this climate of fear has increased in the current global context of heightened security. People who move are sometimes seen as a threat, “migrant” equated with “terrorist.”



Afro-Colombians on the Atrato river in Colombia.

JULIO CESAR HERRERA

Migration policies set the boundaries between “us” and “them,” and tell us much about who we are as nations. We are defined by our treatment of non-citizens, and by the extent to which the protection of the rights of some comes at the expense of the rights of others. There can be no security for some if there is no security for all. We need to insist on a common standard of dignity and rights for everyone who is on the move, regardless of their place of origin and the reason for their dislocation, as well as for all those who live within our borders, regardless of status or category.

The people we meet in Chiapas, in Colombia, and along the borders of Burma who have been forced to leave their places of belonging cannot be merely reduced to categories – migrant, refugee, displaced person. They are people. They have dreams and aspirations, and contributions to make to their new homes, as well as the ones they left behind. Building and sustaining community is integral to the process of migration. When people move, they do not do so in isolation; they follow the paths taken by others before them, and maintain their connections to those they leave behind. Migration is about relationships across borders, it is about the search to belong and create anew what has been lost.

This *Bulletin* highlights actions in support of people’s struggles to rebuild their lives and communities across borders. ☘

## Behind Closed Doors

*“You are the first person who has treated me as a human being.” This is the type of comment that Glynis Williams, director of Action Réfugiés Montréal (ARM) often hears from people detained at the Immigration Prevention Centre in Laval, Québec.*

Glynis and the volunteers at ARM, who make weekly visits to the Centre, describe surveillance cameras, entry searches with metal detectors, chain link fences topped by razor wire, and detainees routinely handcuffed. These are the conditions that many people from around the world – uprooted from their communities, fleeing violence, persecution, and poverty, and seeking safety in Canada – are subjected to before a decision is made about whether they can apply to stay in Canada.

For over ten years, ARM has worked to protect the rights of detained refugees and ‘non-citizens.’ Concerned with the lack of external monitoring mechanisms that leave these detainees vulnerable to unjust treatment throughout the immigration process, ARM monitors the conditions of their detention, provides information on immigration and refugee law, secures legal aid, raises public awareness, and advocates for people’s rights. Increasingly important is assisting detainees to obtain identity documents and prepare for their refugee hearings. While the UN High Commission for Refugees states that detention of refugees and asylum-seekers is to be avoided, recent data revealed that over half of the people in the Laval centre were refugees.

The majority of people detained in Laval do not speak either official language, and many suffer from medical and/or psychological problems, often the result of the experiences that caused them to flee to Canada. People who are deemed ‘uncooperative’ are placed in isolation cells, or transferred to regular prisons and held with convicted criminals.

Detention of migrants is not a new phenomenon in Canada, but it has taken on a new character in recent years.

Since September 2001, many countries have introduced anti-terrorism legislation that undermines democratic freedoms and the rule of law, including the Anti-Terrorism Action (Bill C-36) in Canada. In this new global security climate, measures aimed at containing and controlling the movements of people across borders has intensified, and non-citizens are increasingly experiencing arbitrary detention, mistreatment, and weakened protection.

In December 2002, Canada and the United States signed the Safe Third Country Agreement, which asserts that refugees should claim protection in the first ‘safe’ country they reach. This has had a major impact on the number of refugee claims, as Canada can deny entry to claimants who arrive via the U.S., and vice versa. Since this agreement was implemented, the number of people seeking asylum in Canada has dropped by 40% and, while fewer people are able to reach or stay on Canadian soil, a greater number of those who do arrive are more likely to be detained.

The staff and volunteers of ARM are inspired by the people they meet during their visits to the Laval detention center, and are determined to protect their rights. In 2005, ARM made presentations to the Standing Committee on Citizenship and Immigration and to the UN Working Group on Arbitrary Detention to raise their concerns.

For ARM, basic human dignity and the fundamental right to liberty is at the core of their support to detainees behind the closed doors of the Laval detention centre, and at the heart of their policy advocacy. Inter Pares is privileged to support this critical work. ✂

## Defending Civil Liberties

The International Civil Liberties Monitoring Group (ICLMG) is a coalition of 37 Canadian organizations that monitors government policies and practices which undermine civil liberties, human rights, and refugee and immigrant protection. The ICLMG has challenged Canada’s security legislation, the harmonization of Canadian security and immigration policies with the United States, the practice of covert data-sharing, the suspension of due process, the erosion of privacy, and the lack of transparency and political accountability in the use of security measures. The ICLMG monitors and publicizes practices by state security agencies that contravene the Charter of Rights and Freedoms, other Canadian laws and international human rights standards, including the use of security certificates and secret trials to deport landed immigrants, refugees, and migrant workers. In addition, ICLMG intervenes in individual cases where there have been violations of civil liberties and human rights. Participating in these actions within the ICLMG, Inter Pares hopes to promote a society rooted not in fear but on respect for fundamental rights and the rule of law.

# Refugees in Their Own Lands



KAREN HUMAN RIGHTS GROUP

Refugees from Shan State, Burma

has forced over three million Colombians to flee to protect their lives. A few are able to cross the borders to neighbouring countries, but of these, only a small number are recognized as refugees. The vast majority never make it to another country and end up poor and unemployed in urban slums – dehumanized numbers in the growing statistics of internally displaced people.

On the other side of the world, the military dictatorship in Burma uses murder, torture and systematic rape to control the country's resources and its own population. The construction of pipelines and mining projects has been accompanied by forced relocation, forced labour and summary executions. Faced with the regime's campaign of terror, millions have fled to Thailand and neighbouring countries, while between one and two million have remained in Burma as internally displaced people, facing the same hardships as the refugees who crossed the border. Forced by violence to flee to remote regions within the country, they are refugees in their own land.

Around the world, more than 25 million people are displaced within their own countries. Under international humanitarian law, governments are bound by a set of principles that provide dignity and rights for all internally displaced people. In Colombia, government officials claim that rural people have merely moved to the cities to find work – a “natural” phenomenon of migration. The forcibly displaced are reclassified as economic migrants and the problem is made invisible. In Burma too, the government denies the existence of internally displaced people. By denying the category, they are denying the problem.

Inter Pares has worked with border-based organizations to support refugees from Burma since 1991. Separated from friends and family in Burma, refugees in Thailand still maintain their connection with those that stayed behind. For over fifteen years Inter Pares has supported teams of “backpack” health workers, assisting internally displaced people to resolve urgent health needs. Though uprooted, the internally displaced are rebuilding their community. In the slums of Bucaramanga in Colombia, Inter Pares assists associations of the internally displaced to demand access to the education and healthcare that the government grants them on paper but denies them in practice. Having lost so much, they are creating new lives, rebuilding community in a new place.

And Maria? She is still on her land. With the assistance of Inter Pares counterparts – the Luis Carlos Pérez Lawyers Collective and the Project Counselling Service – Maria and her community have developed strategies to defend their land, strengthen their community, and resist being displaced. ✂

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**M**aria is a member of the Motilón Barí people. Her community has lived for thousands of years on the same land – with the same trees, animals and clear blue rivers that flow from the highlands of Colombia to the lowlands of Venezuela. But Maria lives on land that many people want. The Colombian government thinks there is oil on her land and has sent the national oil company to look for it. Since her proximity to the border is strategic for drug smuggling, paramilitary druglords have sent people to occupy her land and to plant coca. Maria and her community live every day with the risk of being forced to leave – joining the growing number of internally displaced people in the country.

Throughout Colombia, the brutal violence of a war where armed groups fight to control territory and resources

# Protecting Migrant Workers and Their Families

*The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families... is a vital part of efforts to combat exploitation of migrant workers.*

*~ Kofi Annan, U.N. Secretary General, International Migrant's Day, 18 December 2003*

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was adopted by the United Nations General Assembly on December 18, 1990, and entered into force on July 1, 2003 when the requisite number of ratifications had been obtained. The process took so long because of the opposition of dominant industrialized countries, including Canada, that remain unwilling to submit their domestic policies to externally established standards and principles. Canada still has not ratified the Convention.

The goal of the Convention is to eradicate the exploitation of migrant workers throughout the world. It provides a set of binding international standards to address the treatment, welfare and human rights of documented and undocumented migrants, as well as the obligations and responsibilities on the part of sending and receiving States.

More than 175 million people, including migrant workers, refugees, asylum seekers, permanent immigrants and others, live and work in a country other than that of their birth or citizenship. The Convention calls for the protection of the human rights of all who qualify as migrant workers under its provisions, regardless of their legal status. These include "frontier workers," who reside in a neighbouring country to which they return daily or at least once a week; seasonal workers; seafarers employed on vessels registered in a country other than their own; workers on offshore installations that are under the jurisdiction of a nation other than their own; itinerant workers; and migrants employed on specific projects, as well as self-employed workers.

The Convention imposes obligations on States in the interest of promoting "sound, equitable, humane and lawful conditions" for the cross-border migration of workers and members of their families. These include the establishment of policies on migration; the provision of information on policies, laws and regulations to employers, workers and their organizations; and assistance to migrant workers and their families. The Convention also establishes rules for the recruitment of migrant workers, and for their return to their countries of origin.

With modest support from Inter Pares, a unique international organization called **December 18** has been working tirelessly for almost a decade to promote universal acceptance and adherence to this important convention. **December 18** is named after the International Day of Solidarity with Migrants, initiated in 1997 by Asian migrant organizations. It supports the work of migrant organizations around the world by using the Internet as a tool for advocacy, networking and the dissemination of information. Advocacy is focused on UN human rights protection mechanisms, as well as regional developments and initiatives in Europe, the

Americas, Asia and Africa. The primary focus remains the ratification of the Convention by all countries.

A major achievement of **December 18** has been to organize and convene the International NGO Platform on the Migrant Workers' Convention (IPMWC), a global coalition of 16 international non-governmental organizations that advocates on issues concerning implementation of the Convention, as well as bringing a migrants' rights perspective to the work of the six other UN human rights institutions, such the Commission on Human Rights and the Commission on Refugees. The NGO Platform also supports national coalitions from countries in the south with the preparation of their own submissions to the United Nations.

With support from Inter Pares, Novib and UNESCO, the IPMWC has recently published a guide for non-governmental organizations to assist national and regional organizations and coalitions to use the UN Migrant Workers' Convention as a tool for the promotion and protection of the rights of migrant workers and their families. This publication is available on-line in English, Spanish and French. Printed copies can be ordered from the IPMWC Secretariat. ☞

More information about **December 18** and the International NGO Platform on the Migrant Workers' Convention can be found at [www.december18.net](http://www.december18.net).

## The Boundaries of Belonging

Migration policy is one of the most pressing concerns of our times, requiring the concerted attention of all who are involved in struggles for justice and human rights. Inter Pares Occasional Paper # 7, *The Boundaries of Belonging: Reflections on Migration Policies into the 21st Century*, by staff member Alison Crosby, examines how we categorize people who have been forced to leave their places of belonging – as refugees, displaced persons, migrants – as well as the policies that enforce the boundaries of these categories. The paper examines the ways in which migration is used by the powerful as a means to control and contain the movement of people, and explores the tragic results of these trends.

To obtain a copy, in English, French or Spanish, please contact Inter Pares at (613) 563-4801 or [info@interpares.ca](mailto:info@interpares.ca). The paper is also available at [www.interpares.ca](http://www.interpares.ca).

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221 Laurier Avenue East, Ottawa, Ontario, Canada K1N 6P1  
Phone (1-613) 563-4801 Fax (1-613) 594-4704 [www.interpares.ca](http://www.interpares.ca)

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