

Report documents Canadian government's abuse of immigrant and refugee children

By Janet Browning and Roger Jordan
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An August 2016 report, “No Life For A Child: A Roadmap to End Immigration Detention of Children and Family Separation,” by human-rights researchers from the International Human Rights Program at the University of Toronto Faculty of Law criticizes successive Canadian governments for their brutal and illegal practice of locking up immigrant and refugee children.

The Canada Border Services Agency (CBSA) routinely detains all undocumented migrants and refugees “who are considered a flight risk or a danger to the public and those whose identities cannot be confirmed,” including children and adolescents.

Infants, children and teenagers are generally kept in federal immigration holding centers in Toronto and Laval, Quebec. Designed for adults, these facilities resemble medium-security prisons, with little privacy or freedom of movement, and little to no access to education and exercise, says “Not Life for a Child.”

According to the report, between 2010 and 2014, an average of 242 children were cruelly and arbitrarily detained annually in immigration detention centers, often after rejected refugee claims, in violation of Canada's international legal obligations.

However, the researchers caution the true number of detained children is actually much higher, since the Canadian government's statistics exclude children who were being held because their parents were in custody and were not themselves subject to a detention order. The detained children came from all over the globe, including some from Syria and other war-ravaged regions.

Those in detention have not been convicted of any crimes, nor have they even been charged with a crime. They exist in legal limbo, but are treated like convicted criminals.

Significantly, the study confirms that the detention of child refugees has proceeded apace under Justin Trudeau's Liberal government. Earlier this year, two 16-year-old boys were held in solitary confinement, in one case for three weeks, at the Toronto holding center.

The report's findings explode the Trudeau government's

attempt to posture as a friend of refugees. When he assumed power last year, Trudeau made a calculated appeal to the widespread public sympathy for the plight of refugees by announcing the acceptance of 25,000 Syrian refugees by the end of February. He posed for pictures at Toronto's Pearson Airport when he greeted the first plane-load in December.

The Liberals' election pledge amounted to a drop in the bucket given that millions have been displaced by the US-fomented war in Syria. Moreover, it was made up largely of refugees who were being privately sponsored by charities and other groups. In the months since, reports have emerged of many refugees struggling to get by and having to rely on food banks and donations to survive.

The Liberals' hypocritical “refugee-friendly” pose was meant to form a demonstrable contrast with the previous Harper Conservative government, the better to press ahead with a reactionary agenda of expanding militarism abroad and implementing austerity at home.

Trudeau's Liberals are no less responsible for creating the conditions for the refugee crisis than the Harper Conservatives. Under the previous Chretien-Martin Liberal governments, Canada joined the war in Afghanistan, which laid waste to the country and forced hundreds of thousands to flee, and whilst in opposition the Liberals enthusiastically supported Canada's leading role in the NATO war on Libya, which left the country in ruins and largely under the control of Islamist militia.

In the year since Trudeau came to office, Canada has expanded its role in the US-led war in Iraq and Syria, where millions have been forced to flee their homes, and it is planning military interventions on the impoverished African continent to prop up authoritarian regimes in the name of the “war on terror.”

The Liberals have also sent warships to the eastern Mediterranean to assist NATO in enforcing the European Union's brutal refugee “deterrence” program, which has claimed the lives of thousands who have drowned horrifically in the Aegean and Mediterranean Seas.

Children have been hit particularly hard by the refugee

crisis. Estimates suggest they represent around a quarter of all migrants and refugees worldwide. The United Nations High Commissioner for Refugees (UNHCR) estimates there are now more than 60 million refugees worldwide.

The Global Detention Project has called Canada, with its mandatory detention laws, an “outlier” on detention for immigrants and refugees among industrialized democracies. The conditions in which adults and children are kept are miserable, as shown earlier this year when a group of refugees went on hunger strike at their detention facilities. Trudeau’s Public Safety Minister, Ralph Goodale, refused to meet with them. (See: Canada: Refugees mount hunger strike to protest indefinite detention).

Immigration detention in Canada is harsh and arbitrary for the explicit purpose of “deterrence”—i.e. discouraging migrants from coming to Canada by making it known they will be subjected to harsh treatment.

There are strict rules, regimented daily routines, and significant restrictions on privacy and liberty. Children in detention are under constant and invasive surveillance. They have inadequate access to education, insufficient opportunity for recreation and play, and receive poor nutrition and healthcare.

"They are the equivalent of medium-security prisons. There's barbed wire, there are routines that people have to follow in terms of mealtimes. They're not nurseries. They're not designed as daycare centers. These are, in effect, prisons," said Samer Muscati, director of the International Human Rights Program at the University of Toronto. "It's the worst sort of place you can put a child in." He described meeting parents who said that their children's first words were "search" or "shift change."

At the press conference held to release the report, Rachel Kronick, a child psychiatrist at the Jewish General Hospital in Montreal and an assistant professor of psychiatry at McGill University, who contributed to the research, said, "Life in immigration detention is woefully unsuited for children." She said the report’s findings are clear and well documented. "Our research concluded that it is never in the best interests of children to be separated from their parents. Nor is it ever in the best interests of [a] child to be detained,...Migrant children's right to health must be protected. Children who are detained or separated from their families experience extreme psychological distress."

The report was based on interviews with detained refugees and asylum seekers, as well as mental health experts, social workers, legal professionals and children's rights activists. Organizations and individuals endorsing the cessation of the barbaric practice of detaining children include the Canadian Pediatric Society, the Canadian Association of Child and Adolescent Psychiatrists, the Office of the Ontario Child

Advocate, and the president of the Canadian Bar Association.

The report notes that Canada’s current practices relating to the detention of children are in violation of its international legal obligations.

These terrible conditions have been created by the passage of ever more draconian refugee legislation by successive governments. Under the Chretien-Martin Liberal government, a law was passed that strips anyone who arrives in Canada via a “safe third country” of the right to even apply for refugee status.

In 2012, the former Harper government tabled the draconian Refugee Exclusion Act (Bill C-31), which legalized mandatory incarceration for refugees designated as “irregular arrivals.” Under this law, which was presented as a way to reduce the flow of “bogus refugees” and people-smuggling,” migrants, including children, can be detained for a year pending a governmental review of their case.

This legislation, now being implemented by the Trudeau Liberals, effectively strips refugees of basic democratic rights, including freedom from arbitrary detention, the right to freedom and security, and habeas corpus.

Also in 2012, the Conservatives enacted the Protecting Canada's Immigration System Act which further limits the rights of refugee claimants to appeal a rejected claim, including eliminating any right of appeal for those from so-called “safe countries.” It also mandated biometric identification procedures for those applying for a Canadian visa.

The authors also recommend:

Trudeau’s refugee “welcome” and the real agenda of Canada’s new government
[15 December 2015]

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