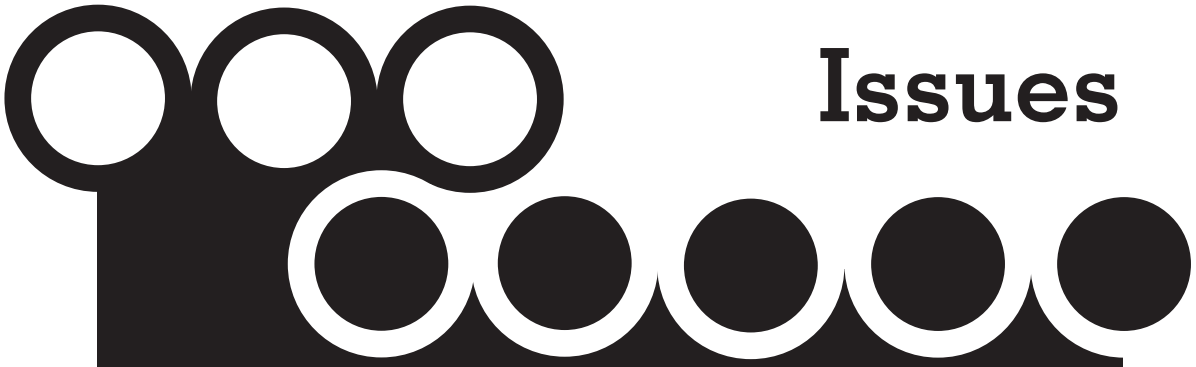
The People's Commission Facilitator's Manual on Immigration and Security Issues



A collaborative project initiated by
The People's Commission
on Immigration and Security Measures.

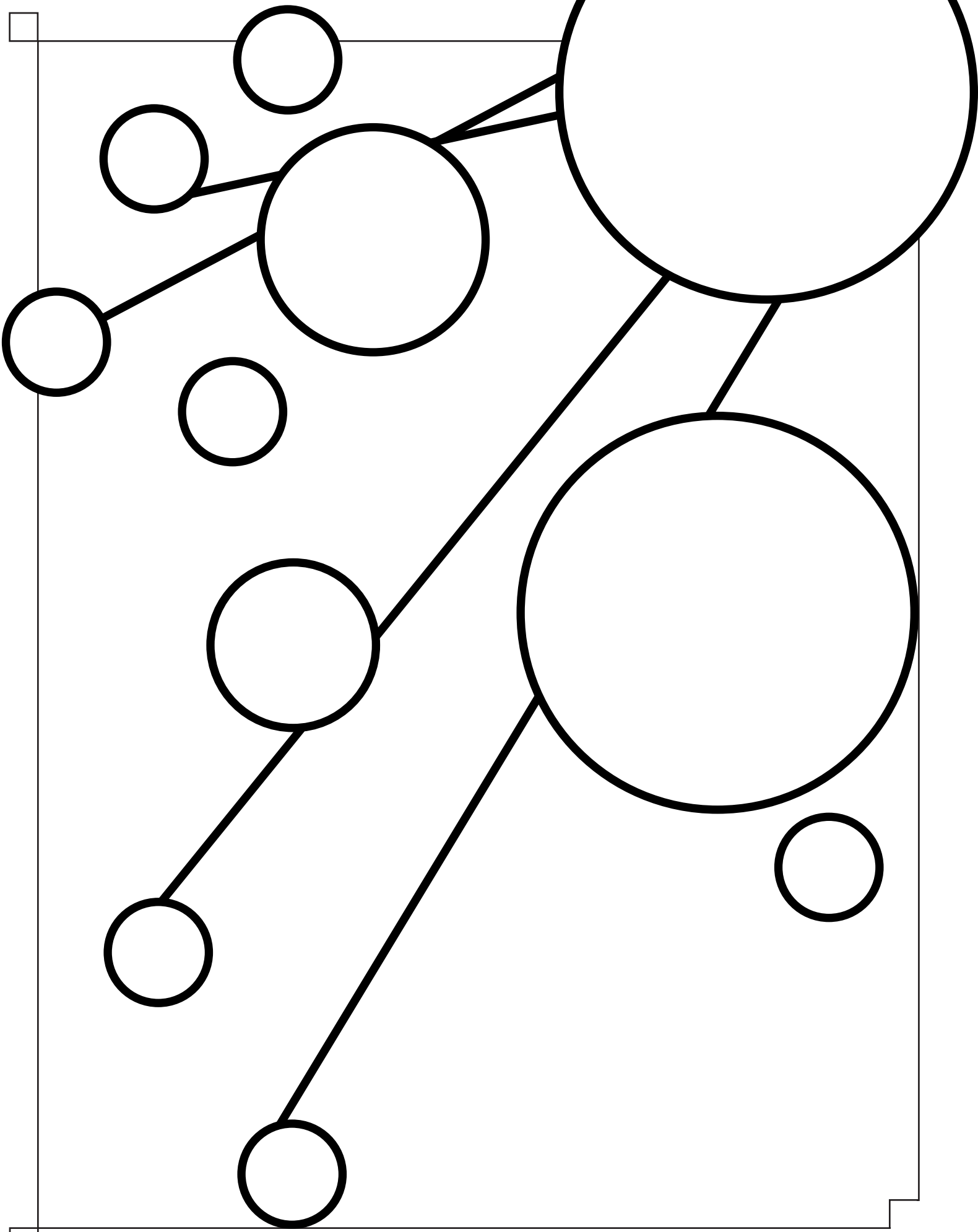
The contents of this manual are largely drawn from the text of the People's Commission Final Report, available at
http://www.peoplescommission.org/files/commpop_fullreport.pdf

The Final Report was researched and authored by:
Daredjane Assathiany
Matthew Behrens
Dr. Janet Cleveland
Pierre-Louis Fortin
Indu Vashnit
Dr. Jill Hanley
Julia Nicol
Leila Pourtavaf
Harsha Walia
Tamara Vukov

Additional material and exercises were compiled and created by:
Dan Gillean
Jackie Kennelly
Amy Miller
Eric Shragge

Manual layout and design by:
J.P. King
http://jpking.ca
j.peter.king@gmail.com

Table of Contents



You are now holding in your hands the People's Commission Facilitator's Handbook. Put together by a working group made up of members and supporters of the People's Commission, it aims to take the information collected in the report produced by the Commission in 2007, and present it in a more interactive and engaging format, designed for the use of community organizers, teachers, and individuals interested in planning workshops around issues of Canadian history, immigration, colonialism, and national security.

What Was the People's Commission?

The People's Commission on Immigration Security Measures was a three-day series of public hearings held in Montreal's Little Burgundy community in April of 2006. The first popular commission of inquiry on immigration issues to take place in Quebec, and initiated by concerned residents of Canada rather than the Canadian government, its purpose was to investigate the implications of security-related measures currently imposed on immigrants of certain backgroundsin the name of national security. The researchers and commissioners facilitating the hearings were selected either because they are active members of directly affected communities or because they work closely with such communities. The public hearings also heard from an array of lawyers, immigration experts, academics and community organizers, as well as from directly affected community members. Each testimony was followed by questions from the commissioners as well as the gathered public, then by an open period of discussion and testimony so that those assembled might also share their experiences. As well, written testimonies and private hearings were made available so that those who wished to protect their identities could participate. After the hearings, and based on its findings, the Commission produced a comprehensive, 100+ page report examining issues such as Canadian colonial identity, the equality of treatment of non-citizens, security certificates and similar procedures, racial profiling, detention and deportation (including deportation to torture). In addition, the report also made recommendations for appropriate legal and popular action against those responsible for abuses and for changes to the current legal and procedural framework.

Since launching the Report in 2007, various working groups have been formed to use the information gathered to produce more easily accessible popular education tools, including the facilitator's manual you are now holding.

HOW TO USE THIS MANUAL

The issues raised in the People's Commission Report have, in this manual, been organized into a series of modules. These modules, derived from the chapters found within the Report, aim to introduce key concepts, definitions, and ideas, in an engaging manner. The modules are divided as follows:

MODULE 1: Historical Perspectives
MODULE 2: Racial Profiling
MODULE 3: Due Process

This is followed by a section entitled the "Facilitation Guide", which outlines a series of activities, games, tools, and possible outlines for the construction of workshops based on the material found in the modules.

While the information in the Report is presented in straight prose, our approach here has been to use a dynamic layout, with less information on each page, as well as a series of devices to deliver information in a more engaging way. The purpose of this design is two-fold. First, we hope to make such a dense topic more accessible to a variety of audiences. In light of this, each module may be read as a tutorial, for those new to the material, or facilitators wanting to brush up on the particulars of an issue. However, each page is also designed to stand on its own, separate from the modules, and can be photocopied by a facilitator and used as a handout in the workshops.

We have organized the manual this way so that any number of workshop plans might be derived from the materials provided here. In the Facilitator's Guide section, you will find facilitation tips and techniques, strategies on dealing with difficult dynamics in groups, workshop structure suggestions, and a list of potential activities. Some of the activities in the facilitator's section will refer back to specific pages of the manual, and suggest ways in which the information might be used interactively.

There are many more wonderful resources out there, both for the factual information and the facilitation suggestions we have presented here. At the back of the manual, you will also find a list of suggested resources. This list is by no means exhaustive, and we encourage people to seek out what alternative sources they can find.

Finally, this manual is copy-left: Please feel free to copy and distribute it widely, in whole or in part, so long as it is done with respect and in a spirit of mutual aid and solidarity.

The People's Commission Pop-Ed Project

A few words about popular education...

From: http://poped.org/theory.html
Popular Education is a group facilitation technique to raise consciousness and become aware of how an individual's personal experiences are connected to larger societal problems. The theory was expressed by Paulo Freire in "Pedagogy of the Oppressed". Freire worked to empower peasants in Brazil through literacy. Since that time it has been used for a great many purposes in both the North and South.

The book AH-HAH!: A New Approach to Popular Education, describes the approach:

Freire distinguishes his approach to education from the traditional "banking" approach where participants are treated as empty vessels that must be filled with information. The underlying implication of the traditional approach is that students are "uneducated" and in need of knowledge that can come only from teachers or experts. This need creates a dependency and reinforces a sense of powerlessness. People learn to distrust themselves, their knowledge and intuitions and this can lead to confusion. They often feel there is something wrong but they are not sure what. Freire's method encourages participants to see themselves as a fount of information and knowledge about the real world. When they are encouraged to work with knowledge they have from their own experience they can develop strategies together to change their immediate situations.

Educating for Change follows this process for doing popular education:

- Start by drawing out participants' experience
- Look for shared patterns of experience and knowledge
- Add new information and ideas
- Practice skills and plan for Action
- Take action

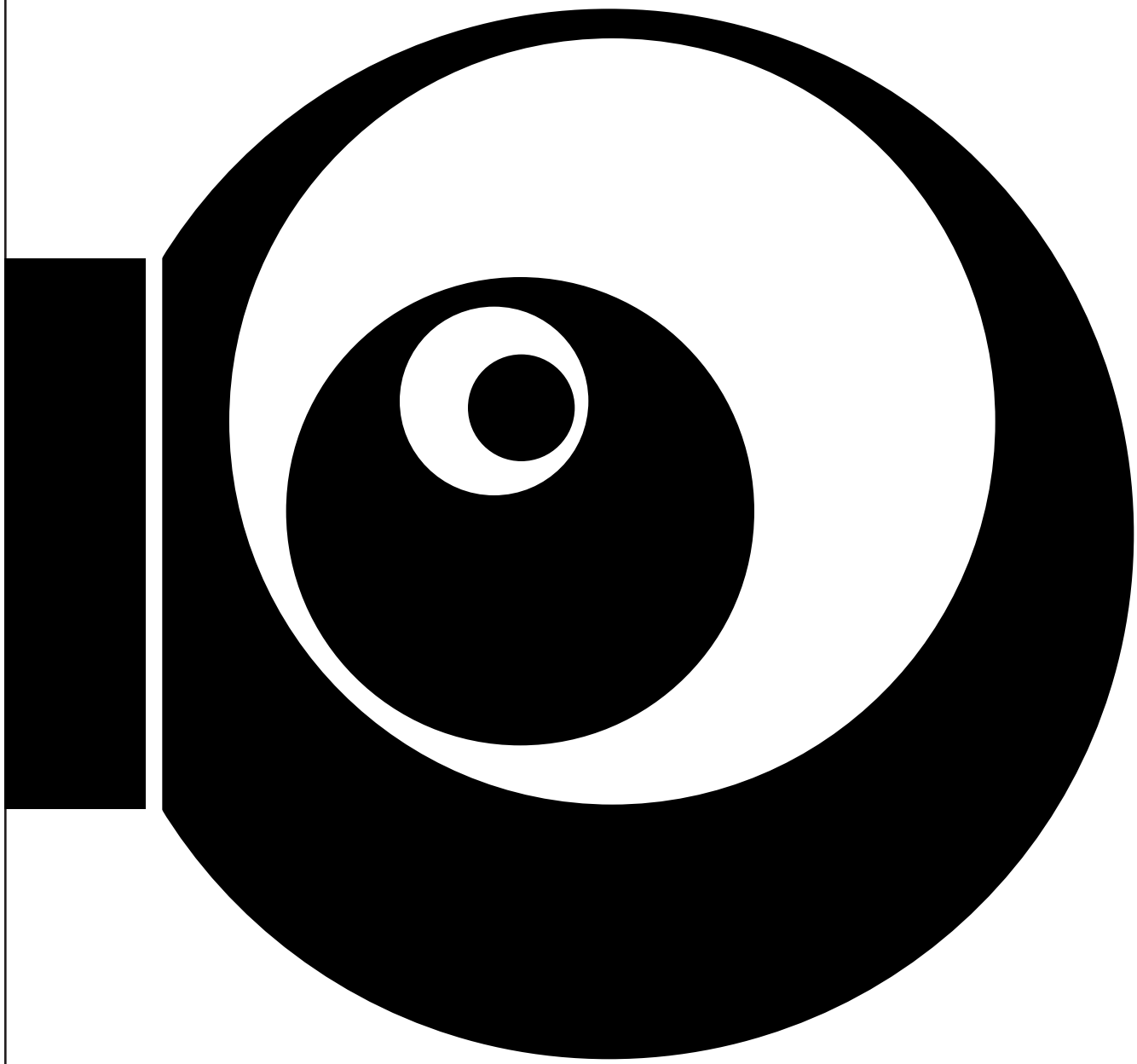
The Popular Education Research Group describes popular education as a cycle of stages:

- Beginning with people's own experiences;
- Moving from experience to analysis;
- Moving from Analysis to encouraging collective action to change oppressive systems;
- Reflection and evaluation of its own process.

And furthermore, it is a type of education which:

- takes place within a democratic framework;
- is based on what learners are concerned about;
- poses questions and problems;
- examines unequal power relations in society;
- encourages everyone to learn and everyone to teach;
- involves high levels of participation;
- includes people's emotions, actions, intellects and creativity;
- uses varied activities.

In this model everyone teaches and everyone learns in a collective process of creating new knowledge.



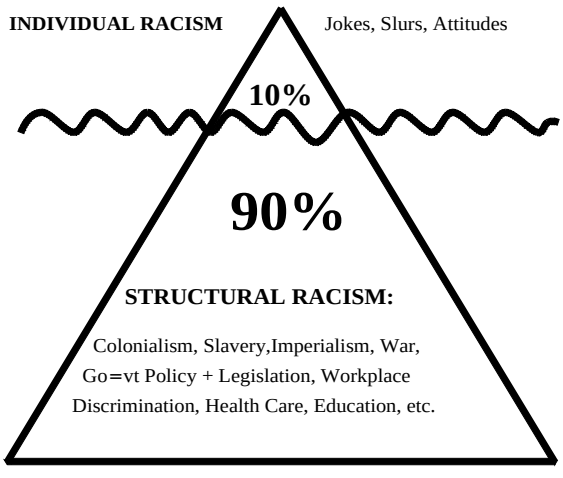
MODULE 1

SEEING THE BIG PICTURE

Historical Perspectives

Overview:

The purpose of this module is to offer an historical framework of immigration and security measures. While Canada has worked hard to construct an image of itself as an open and inclusive multicultural society, the history of Canadian colonialism, slavery, and immigration shows how racism has shaped this country. Is Canada really as inclusive as it claims? Is the current anti-terrorism legislation simply a product of a post-9/11 world? Or is there a larger history framing all of this?



THE ICEBERG MODEL

THIS MODULE SUGGESTS THAT:

OPPRESSION IS SYSTEMIC - Understanding Canadian policy throughout history requires an understanding that discrimination (such as racism) exists most profoundly on an institutional level, built into the social infrastructures we interact with daily. This manifests both explicitly, and implicitly.

OPPRESSIONS ARE INTERLOCKED - Racism, classism, sexism, heterosexism, ableism, etc. are institutions that interact with and reinforce one another. The divisions these structures create in society are often strategically pitted against one another by corporate and governmental policy as a means of quelling large scale organized resistance. By granting privileges and enfranchisement to one group, larger solidarity movements are discouraged.

Myth Vs. Fact

MYTH: Canada was a vast and empty wilderness when New World colonial explorers first arrived.

FACT: Both First Nations' oral histories, as well as contemporary archeological evidence, support the existence of civilizations throughout North America dating back over 10,000 years, and pre-contact population estimates in North America range anywhere from 7 to 18 million.

MYTH: There were never any slaves in Canada, only in the United States.

FACT: As early as 1500 there is a record of a Portugese explorer named Gaspar Corte-Real who enslaved 50 Indian men and women in Newfoundland. Black slaves were introduced by the French as early as 1608, and the first slave to be transported directly from Africa, a young boy, arrived in 1628. Slavery received a legal foundation in New France, and by 1759 there were 3604 recorded slaves. White Loyalists fleeing America brought about 2000 slaves with them to Upper and Lower Canada. Though its practice began declining after 1793, slavery was not officially abolished until August 1834.

sources for this page:

http://www.africanaonline.com/slavery_canada.htm

http://www.canadianencyclopedia.ca/index.cfm?PgNm=TCE&Params=A1ARTA0007449

OUR HOME ON NATIVE LAND?

To understand the racist history of Canada, and its relationship to current immigration policy and national security strategies, it is important to first understand that this land called "Canada" has a complex history of land theft and warfare. This land was not empty when Europeans first arrived. Besides Indigenous Peoples, the peoples of Canada are all immigrants, settlers who just by being here implicitly participate in an ongoing colonial project of theft and cultural genocide. This is the legacy we inherit as Canadians whether we like it or not.

What is Colonialism:

The roots of the word 'colonialism' are found in Latin and Greek: the term 'colony' comes from the Latin word colonus, meaning farmer, and the literal meaning of the word 'colonia' is settlement. These roots recall that colonialism in its broadest sense refers to an invading settler population taking over a new territory that already belongs to other peoples. Colonialism is not just theft of territory and re-population, it also involves the destruction of the social, cultural, political, and economic institutions of the original inhabitants. One example is the repression of indigenous peoples' spiritual heritage by the Catholic Church. The rationale used by the colonizers is the assertion of inherent superiority of their culture over the other.

Sources:

http://plato.stanford.edu/entries/colonialism/
http://www.qub.ac.uk/schools/SchoolofEnglish/imperial/key-concepts/Settler-Colony.htm
http://sisis.nativeweb.org/clark/detente.html

DEFINING COLONIALISM:

COLONIALISM NEVER STOPPED:

Throughout its history, Canada has pursued an aggressive policy of forced assimilation with the aim of erasing Native peoples and any threats to the colonial empire's legitimacy. While many think of Canada's treatment of indigenous peoples as superior to the extermination policies of the U.S., in reality, Canada's history is full of examples of violent suppression. The recent confrontations at Oka (1990), Gustafsen Lake (1995), Ipperwash (1995), Burnt Church(2000), Kanehsatake(2004), and Caledonia (2006), represent only the "tip of the iceberg" of both Native resistance to colonialism, and state violence. **These policies of repression go hand in hand with Canada's racist immigration policies, and must be understood as two interlinked strategies of the Canadian Empire.**

Some Examples

From 1763 *Royal Proclamation* **by King George III recognizes First Nations title and rights to land,** and outlaws private purchase of First Nations land. To acquire land for colonization, treaties must be signed between the Crown and First Nations on a nation-to-nation basis. However, the proclamation gave the Crown a monopoly on all future land purchases.

1857 *Gradual Civilization Act* passed, applying to both Upper and Lower Canada. Offers Indian males over 21 property or monetary inducements to give up legal status and recognition as Indian, including band membership and the right to live on protected reserve land, ultimately aiming to erase Native cultural distinctiveness and potential land claims through assimilation. Land parceled out to enfranchised Indians is removed from Reserve land, thus diminishing title held by First Nations under the reserve system. Initially set up as voluntary, the system is a failure: only one Indian is enfranchised between 1857 and the passage of the Indian Act in 1876.

1860 *Indian Lands Act* passed. This act transferred authority for "Indians and Indian lands" to an official responsible to the colonial legislature, thus breaking the direct tie between First Nations and the British Crown upon which the nation-to-nation relationship rested as stipulated in the 1763 *Proclamation.*

1869 *Gradual Enfranchisement Act* passed in an attempt to undermine traditional Indigenous governments and speed up the assimilation process. Similar to the earlier G.C.A., but also interfering with tribal self-government by pressuring bands to adopt eurocentric neo colonial band councils instead of traditional governance systems. Women are banned from participating in elections, thereby erasing them from band political life. The *G.E.A* also provides for the first time that an Indian woman who marries a non-Indian will lose Indian status and band membership, as will any children of that marriage based on a blood quantum ratio of descent.

1876 *Indian Act* passed, consolidating all previous legislation into one race-specific Act. Native men and women were forced to register, and prove their Status as "true Indians" based on a blood ratio of descent. Status Indians denied the right to vote. Sexist divisions were encouraged to speed up assimilation, as a woman who married a man without Indian status lost her own status. The Department of Indian Affairs Minister now controls land purchases, as well as Indian education – Residential school programs begin and Indian children are removed from their homes. Band Council systems imposed and traditional government systems suppressed. Indians can become "persons" by enfranchising* and giving up all cultural, linguistic, etc ties.

1920 Compulsory enfranchisement introduced, meaning the relinquishment of Indian status in return for voting privileges. The bill "allowed for the enfranchisement of an Indian against his will" following a report by a committee appointed by the superintendent general on the individual's suitability.

1969 Trudeau and Chretien's *White Paper* advocates the complete abolition of Indian status and the termination of reserves, calling existing treaties "anomalies" unworthy of the name and recommending wholesale assimilation. Amid public outrage, it is withdrawn in 1970.

1973 The federal government's new comprehensive claims policy introduces the euphemism of "exchange" to incorporate extinguishment clauses into treaties that require negotiating with First Nations to "cede, release, surrender and convey all their native claims, rights, titles and interests, whatever they may be" to lands in question. In 1975, the James Bay and Northern Quebec Agreement is the first treaty concluded under this new policy. Despite the Coolican Report's recommendations that extinguishment be abandoned, the Chretien government and Department of Northern and Indian Affairs Minister John Irwin reaffirmed it in 1993 in Federal Policy for the Settlement of Native Claims.

* Enfranchising: To give full status to a person as the citizen of a country or member of a group. Until modern times, Aboriginals had to surrender their special status as an Indian if they wanted to become legal, full-fledged Canadian citizens and obtain voting rights. This included the surrender of their Aboriginal right to special reserve lands, and other privileges.

This time-line is far from comprehensive, or complete: Canada's history is full of examples like this.

Sources:
http://noii-van.resist.ca/indigenous_history.html
http://www.britishcolumbia.com/general/details.asp?id=44
http://www.cariboolinks.com/ctc/history.html
http://www.ainc-inac.gc.ca/ch/rcap/sg/sgmm_e.html

(UN)WELCOME TO CANADA: HISTORICAL PERSPECTIVES ON IMMIGRATION

MYTH: Canada's immigration policy is generous, we let a lot of immigrants in and "cannot afford" to allow any more.

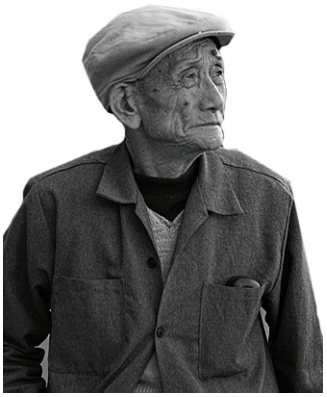
FACT: Canada sets immigration targets because demographically it needs immigrants to help sustain the country's economy. These targets are set at 1% of the total population, and we consistently fail to meet them. For every 443 Canadians born, 1 refugee is admitted. Simultaneously, removals from Canada have increased from 8946 removals in 2001 to over 10,000 removals in 2004.

IN THE PAST . . .

Contract labour schemes ensured that many Asian immigrants were captive labourers with severely limited rights to citizenship. At the turn of the century, while white American, British and Northern European immigrants constituted a category of "desirable" immigrants, other groups of immigrants, such as African Americans, were discouraged from settling in Canada. At the time, Canadian immigration policy relied on racist pseudo-sciences such as eugenics to define and select who constituted a desirable citizen, and who was an undesirable outsider. Some of the most restrictive immigration policies targeted racialized immigrants such as the Chinese (through a head tax) and South Asians (through the Continuous Journey clause). In 1923, such policies were made more explicit when an Order in Council was issued which excluded "any immigrants of any Asiatic race" except agriculturalists, farm labourers, female domestic servants, and the wives and children of persons legally in Canada. Later, in 1952, a new Immigration Act was passed giving the Minister and officials powers of selection, admission, and deportation on the grounds of nationality, ethnic group, geographical area of origin, peculiar customs, habits and modes of life, unsuitability with regard to the climate, probable inability to become readily assimilated… and so on. In fact, until the 1960s, race was a category that was explicitly mentioned and considered in Canadian immigration policies.

. . . AND NOW

The current post-9/11 backlash against civil liberties by the Canadian government did not appear out of thin air. Rather, it represents only the latest manifestation of a long historical process. Throughout Canadian history 'national security' has been used to control immigration policy by creating a sense of fear and threat posed by "outsiders" to the Canadian nation and its "real" citizens. This process has often involved the suspension of individuals' rights for the sake of the nation's so-called security, and has taken advantage of racist stereotypes to justify exclusion, internment, and deportation against targeted communities.



DID YOU KNOW: that until 1960s Canada explicitly chose its immigrants on the basis of their racial categorization rather than the individual merits of the applicant, with preference being given to immigrants of Northern European (especially British) origin over the so-called "black and Asiatic races", and at times over central and southern European "races"?

COMPARING IMMIGRATION POLICY THEN VS. NOW:

CONTINUOUS JOURNEY: In order to discourage South Asian migration, the Laurier government amended the Immigration Act in 1908 with the "continuous-journey regulation", under which travel to Canada required a continuous passage from country of origin. Since no shipping company provided direct service from India to Canada, this provision served to close the door to all Indian immigration and the Hawaii route for Japanese immigration.

HEAD TAX: In 1885, the same year construction of the Canadian Pacific Railway is completed and the Canadian government no longer needs a massive disposable labor force, a $50 head tax is implemented to reduce Chinese immigration. This is increased to $100 in 1900 and to $500 in 1903. In 1923 the government abolished the Chinese Head Tax, only to replace it with a new Chinese Immigration Act, prohibiting almost all Chinese immigrants from entering Canada. Until its repeal in 1947, only 50 Chinese immigrate to Canada.

http://noii-van.resist.ca/safe_third_country_agreement.html
http://www.cbc.ca/newsinreview/dec97/gypsies/none.html

Vs. THE SAFE THIRD COUNTRY ACT: Coming into effect in 2004 between the Canadian and US governments, asylum seekers who land in the US (a common transit point when traveling to Canada) are no longer allowed to make their way to Canada to claim refugee status, in effect preventing at least 1/3 of all refugee claims from even being heard. In fact, the number of people claiming refugee status in Canada since the Act was instated is lower than at any time since the mid-1980s.

Vs. RIGHT OF LANDING FEE: In 1995, a Right-of-Landing Fee (ROLF) is imposed on all new immigrants and refugees, making Canada the only country to apply this fee to refugees. This $975 fee represents about 6 months salary for many Salvadorans. For a nurse or teacher in Sri Lanka, it might represent 10 months' wages. In February 2000, the government rescinds the ROLF for refugees, but maintains it for immigrants, and in 2006 the fee is reduced to $490, but not abolished.

http://www.zmag.org/content/showarticle.cfm?ItemID=9850
http://www.web.net/~ccr/antiracrep.htm

INTERNMENT FACT SHEET:

The racism of Canadian immigration policies have been particularly evident in times of war and civil unrest when Canadian residents have been imprisoned.

WW1

August 1914, Canada issues an Order in Council requiring the registration and possible internment of 80,000 immigrants from the former Austro-Hungarian Empire, deemed "aliens of enemy nationality". At least 24 Internment Camps are established across Canada between 1914 and 1920.

- 8579 Canadians are interned at this time: over 5000 of Ukranian descent. Also interned: Germans, Poles, Italians, Bulgarians, Croatians, Turks, Serbians, Hungarians, Russians, Jews, and Romanians.

- Possible reasons for internment: Being deemed a "security threat", failing to register as an "enemy alien", failing to report monthly as an "enemy alien",traveling without permission, writing to relatives in Austria without approval, "acting in a suspicious manner", being "undesirable".

- By the middle of 1915, 4000 of the internees have been imprisoned for being "indigent" (poor and unemployed).

- Internees are forced to work maintaining the camps, road-building, railway construction, and mining. As the need for soldiers overseas leads to a shortage of workers in Canada, many of these internees are released on parole to work for private companies. In this period 107 inmates die, several shot trying to escape.

- The first World War ends in 1918, but the forced labour program was such a benefit to Canadian corporations that the internment is continued for two years after the end of the War.

WW2

1940 an Order in Council is passed defining enemy aliens as naturalized Canadians of German or Italian descent.

- An estimated 30,000 naturalized Canadians are affected and forced to register and report on a monthly basis. Approximately 500 Italians are interned, as well as over 100 Communists.

- In 1940, 2,500 male "potentially dangerous enemy aliens", interned by Britain are brought to Canada. Many of them are Jews. They are housed in high security camps, and it is not until 1945 that they are reclassified as "interned refugees (Friendly Aliens)". 972 accept an offer to become Canadian citizens.

- In 1942, an Order in Council declares Japanese Canadians "enemy aliens," and forcibly expels them from within 100 miles of the Pacific. 22,000 Japanese Canadians are given 24 hours to pack before being interned. Many go to detention camps in the interior of B.C. others further east. Their property – land, businesses, and other assets are seized and sold; the proceeds are used to pay the costs of internment. Detention continues to the end of the war.

- In 1945, the government extends the Order in Council to force Japanese Canadians to go to Japan and lose their Canadian citizenship, or move to eastern Canada. Over 4,000 leave, more than half Canadian-born and two-thirds Canadian citizens.

- Even after the war ends, it remains illegal for Japanese Canadians to return to Vancouver until April 1949

sources for this page:
http://www.britishcolumbia.com/general/details.asp?id=44
http://www.infoukes.com/history/internment/booklet01/
http://www.web.net/~ccr/history.html
http://www.thecanadianencyclopedia.com/index.cfm?PgNm=TCE&Params=A1ARTA0004039

IT'S ALWAYS POLITICAL: 100 YEARS OF POLITICALLY TARGETED IMMIGRATION POLICY

1910 Section 41 of the new Immigration Act extends grounds for immigrant deportation to include "immorality" and "political offenses."

1918 The Industrial Workers of the World (IWW) and 13 other socialist or anarchist groups were declared illegal. Immigration officials used whatever measures they could find to deport IWW members.

1919 Amendments to the Immigration Act were made in response to the Winnipeg General Strike, among whose leaders were British-born activists. British-born immigrants are made subject to deportation on political grounds. This particular amendment was repealed in 1928, after five previous efforts at repeal failed, many blocked in the Senate.

1930s Widespread deportation of the unemployed (28,097 people were deported 1930-1935). Following an outcry, the department changed its policy at least so far as to suspend deportations against those who had found work by the time the deportation orders were ready.

1931 Deportations of immigrants who had organized or participated in strikes or other organized labour activities. Winnipeg Mayor Ralph Webb campaigned to deport and prevent the admission of communists and agitators. He urged the "deportation of all undesirables."

Aug. 1931 The Communist Party was made illegal under the Criminal Code. Even naturalized immigrants who were members of the Party could have their citizenship revoked and be deported.

Fall 1931 Political deportation became federal policy. The Minister of Justice hosted a special meeting attended by the Minister of National Defence, the Commissioner of Immigration, the military chief of staff and the RCMP Commissioner. The exact number of people deported on political grounds is unknown, because they may technically have been deported on other grounds, e.g. criminal conviction, vagrancy or being on the public charge.

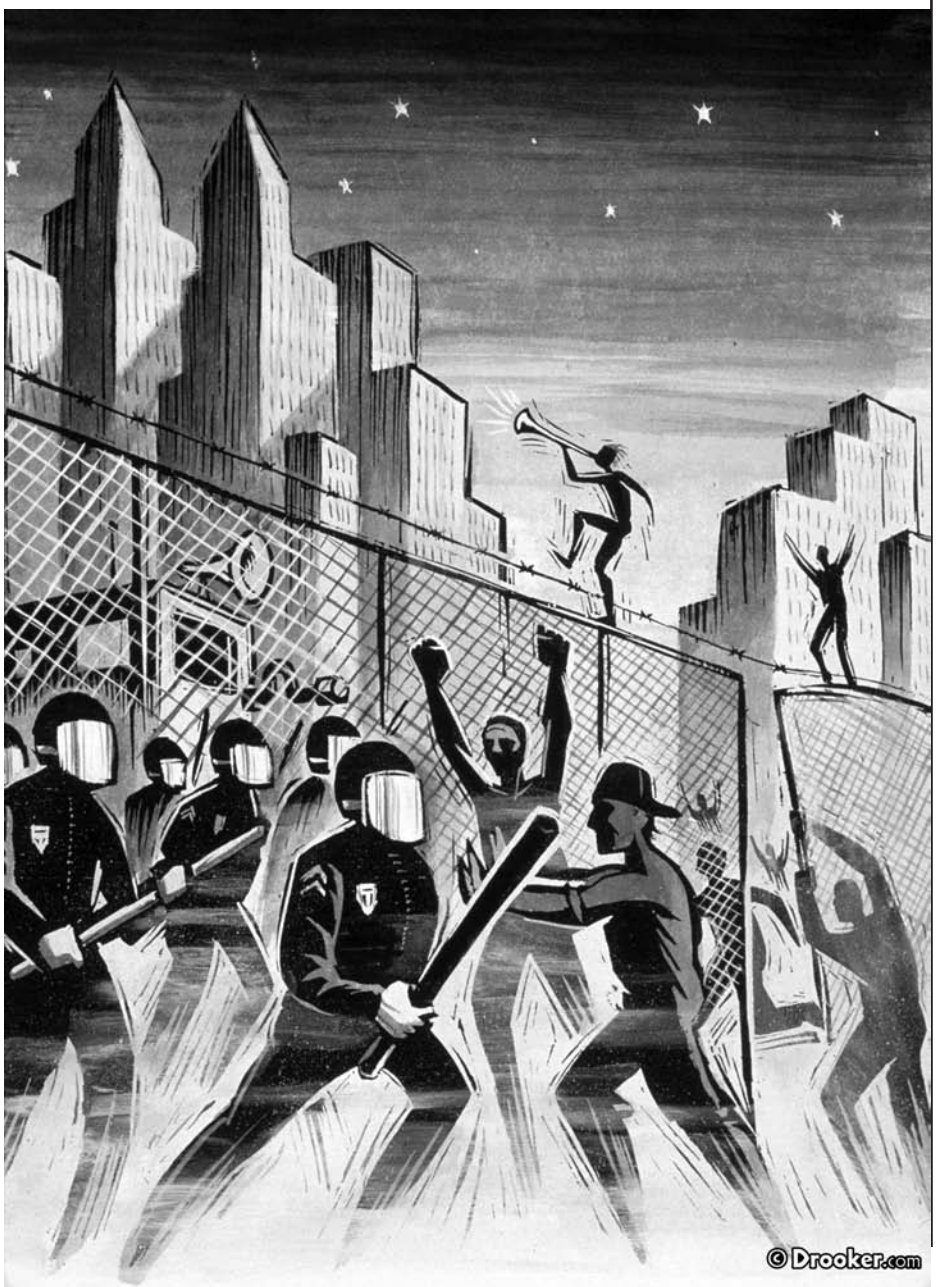
May 1932 In a "red raid" left-wing leaders from across Canada were arrested and sent to Halifax for hearings and deportations. One of them was a Canadian citizen by birth. He sued the government for false arrest, but despite criticisms from the Manitoba Court of Appeal of the Department's failure to follow due process, he lost in a 3-2 decision. The others, known as the "Halifax Ten," lost their appeal before the Nova Scotia Supreme Court (although the Court agreed that the department had not acted in complete conformity with the law). Despite extensive protests, they were deported.

Nov. 1946 The Prime Minister announced emergency measures to aid the resettlement of European refugees. It was some months before anything was done concretely, and the door did not open for refugees without relatives in Canada until mid-1947. Selection of refugees was guided by economic considerations (the Department of Labour was involved), ethnic prejudices (Jews were routinely rejected) and political bias (those with left-wing or Communist sympathies were labelled "undesirables"). Refugees also had to be in good health. An External Affairs officer claimed that Canada selected refugees "like good beef cattle."

Sept. 1973 Overthrow of Allende government in Chile. Groups in Canada, particularly the churches, urged the government to offer protection to those being persecuted. In contrast to the rapid processing of Czechs and Ugandan Asians, the Canadian government response to the Chileans was slow and reluctant (long delays in security screenings were a particular problem). Critics charged that the lukewarm Canadian response was ideologically driven.

1984 The Canadian Security Intelligence Service Act transferred responsibility for security aspects of immigration from RCMP to the newly created Canadian Security Intelligence Service.

Source:
The Canadian Council
for Refugees
http://www.web.net/~ccr/history.html



Our object is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic, and there is no Indian question, and no Indian department.

1920: Duncan Campbell Scott, Superintendent General of Indian Affairs, on assimilation

It is the government's plan to get these people out of B.C. as fast as possible. It is my personal intention, as long as I remain in public life, to see they never come back here.

Let our slogan be for British Columbia: 'No Japs from the Rockies to the seas'

1941: Ian MacKenzie, the federal cabinet minister from British Columbia, on the Japanese.

1938: Memo to Mackenzie King sent by Dept. Of External Affairs and Resources.

We do not want to take too many Jews, but in the circumstances, we do not want to say so. We do not want to legitimize the Aryan mythology by introducing any formal distinction

for immigration purposes between Jews and non-Jews. The practical distinction, however, has to be made and should be drawn with discretion and sympathy by the competent department, without the need to lay down a formal minute of policy.

[redacted]

How can we go on encouraging trade between Canada and Asia and then hope to prevent Asiatics from coming into our country?

June 1914: An MP in the House of Commons

It has always been clear to me that the Indians must have some sort of recreation, and if our agents would endeavour to substitute reasonable amusements for this senseless drumming and dancing, it would be a great assistance.

1921: Memo from the Deputy Superintendent General to one of his western officials, regarding the banning of traditional cultural practices.

Well, I've always believed that we have to be a lot tougher with undocumented refugee claimants. Whether the best thing is to send them right out of the country or simply detain them until we get full information, we can look at either but, no this is a problem that does need to be fixed.

June 3, 2004: Stephen Harper, CHML Radio AM 900 Hamilton.

See also: The Montreal Gazette, March 11 2007, Section A-1 for another contemporary example!

Sources

http://www.ainc-inac.gc.ca/ch/rcap/
http://www.web.net/~ccr/history.html
http://www.intheirownwords.ca/harper.html
http://history.cbc.ca/history/?MIval=EpisContent.html&lang=E&series_id=1&episode_id=14&chapter_id=3&page_id=3
http://www.bloorstreet.com/200block/sindact.htm
The Gazette Mtl, March 11 2007 A1

FORTRESS NORTH AMERICA

DID YOU KNOW...

That in 1907 a Canadian government delegation concluded a "gentlemen's agreement" with Japan to limit Japanese immigration to 400 persons a year, and that this was revised in 1928 to a limit of 150 Japanese a year?

That in 1911 Canada attempted to pass an Order in Council prohibiting "any immigrant belonging to the Negro race, which race is deemed unsuitable to the climate and requirements of Canada"? This order was never proclaimed, but the same effect was achieved through measures such as penalties imposed on railway companies that distributed transportation subsidies to blacks, requirement for additional medical examinations, and the hiring of agents to actively discourage black Americans from coming to Canada.
Image source: http://noii-van.resist.ca/safe_third_country_agreement.html (barbed wire canada)

That in June 1919 the entry of Doukhobors, Mennonites and Hutterites was prohibited on the ground of their "peculiar habits, modes of life and methods of holding property"?

That due to the Chinese Immigration Act, imposed on July 1st, 1923, only 50 Chinese immigrants entered Canada between 1923-1947, prompting the Chinese Canadian community to re-name July 1st "Humiliation Day"?

That between 1933-45, during the height of Nazi persecution, Canada allowed only 5000 Jewish refugees to enter, compared with 200 000 in the United States, 70 000 in the United Kingdom and 15 000 in Australia?

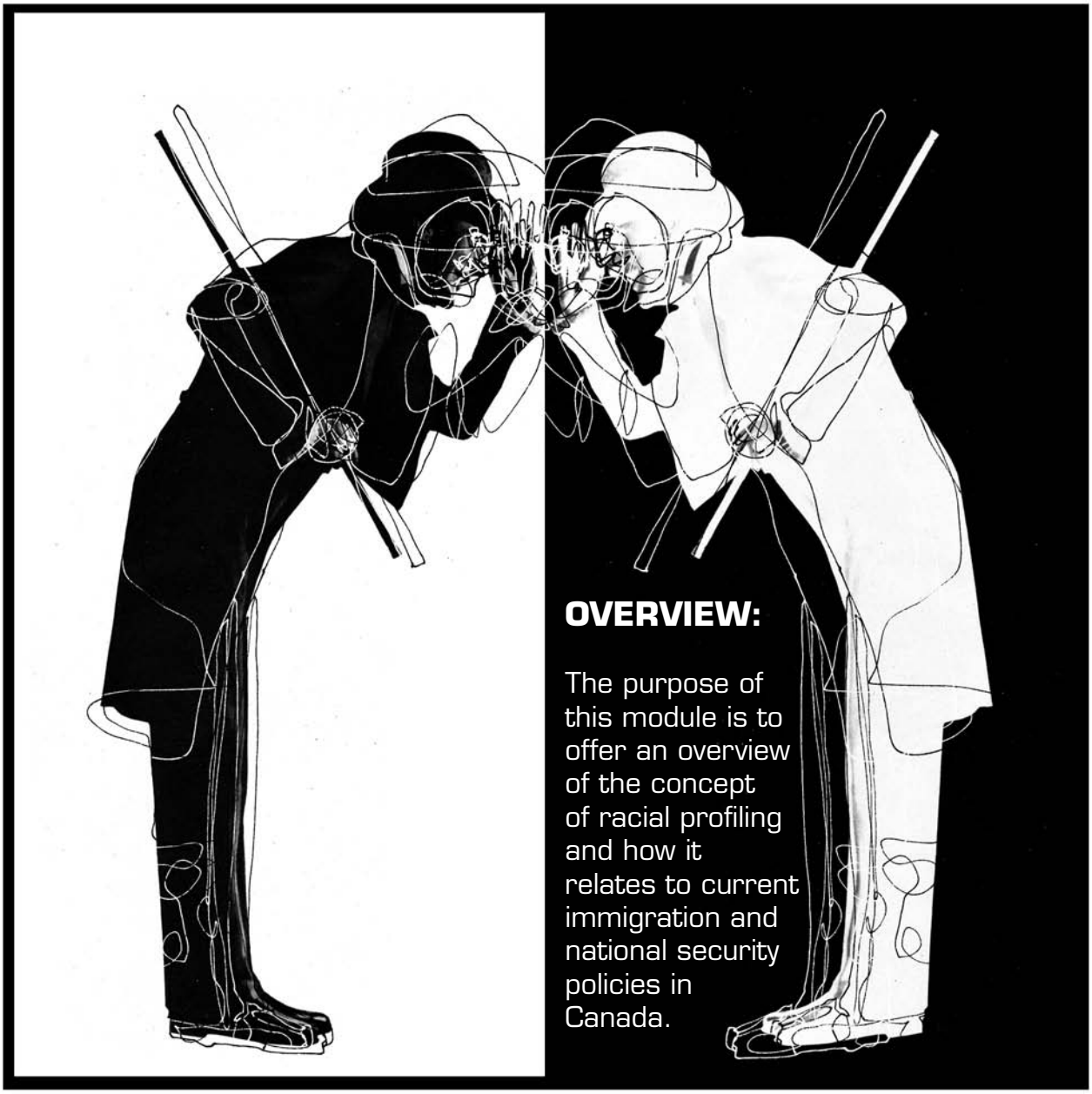
IT GOES ON AND ON AND ON...

Sources

http://www.web.net/~ccr/history.html
http://www.web.net/ccr/changecont.html
http://www.cic.gc.ca/english/department/legacy/chap-2c.html
http://www.cbc.ca/newsinreview/dec97/gypsies/none.html

MODULE 2

RACIAL PROFILING



OVERVIEW:

The purpose of this module is to offer an overview of the concept of racial profiling and how it relates to current immigration and national security policies in Canada.

Racial Profiling Defined:

Racial profiling is the inclusion of race as a primary determinant in the characterization of a person considered likely to commit a particular type of crime. Racial profiling is part of the legitimization of a series of exclusionary policies that have targeted indigenous peoples, racialized "non-citizens", communists, socialists, anarchists and leftists more generally, black activists, lesbians, bisexuals, gay men, and other sexual minorities, along with many others. In particular, "national security" concerns linked to the concept of racial profiling have had a direct impact on Canadian immigration policies and have been used as a tool of immigration control by creating a sense of fear and threat posed by "outsiders" to the Canadian nation and its "legitimate" citizens.

One need not consider race to the exclusion of all other factors to be engaged in racial profiling. A "profile" will often contain a number of factors. If one or more of them is race, then a racial profile has been established.

Racial Profiling denies equal protection guaranteed by the Charter of Rights and Freedoms.

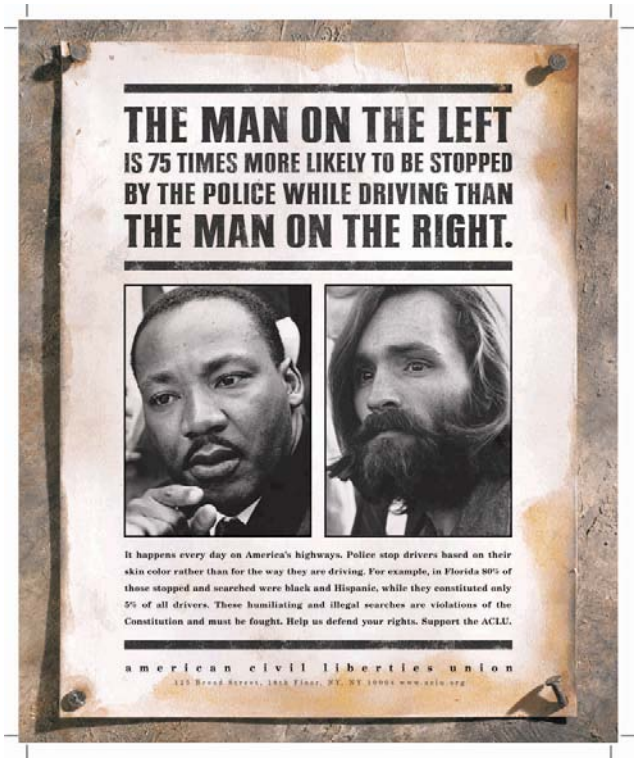
Racial profiling involves the police and other security agencies using race as a key factor in decisions to stop and interrogate people. In airports, racial profiling is sometimes used to search certain people more carefully and extensively than everyone else.

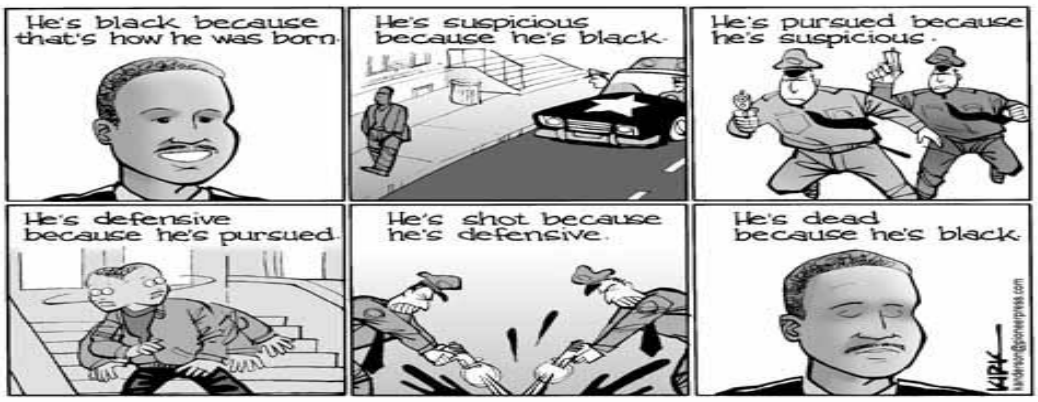
"Driving While Black" is a parody of the real crime of driving while intoxicated (DWI). It refers to the idea that a motorist can be pulled over by a police officer simply because he or she is black and then questioned or searched, harassed and then charged with a trivial or perhaps nonexistent offense.

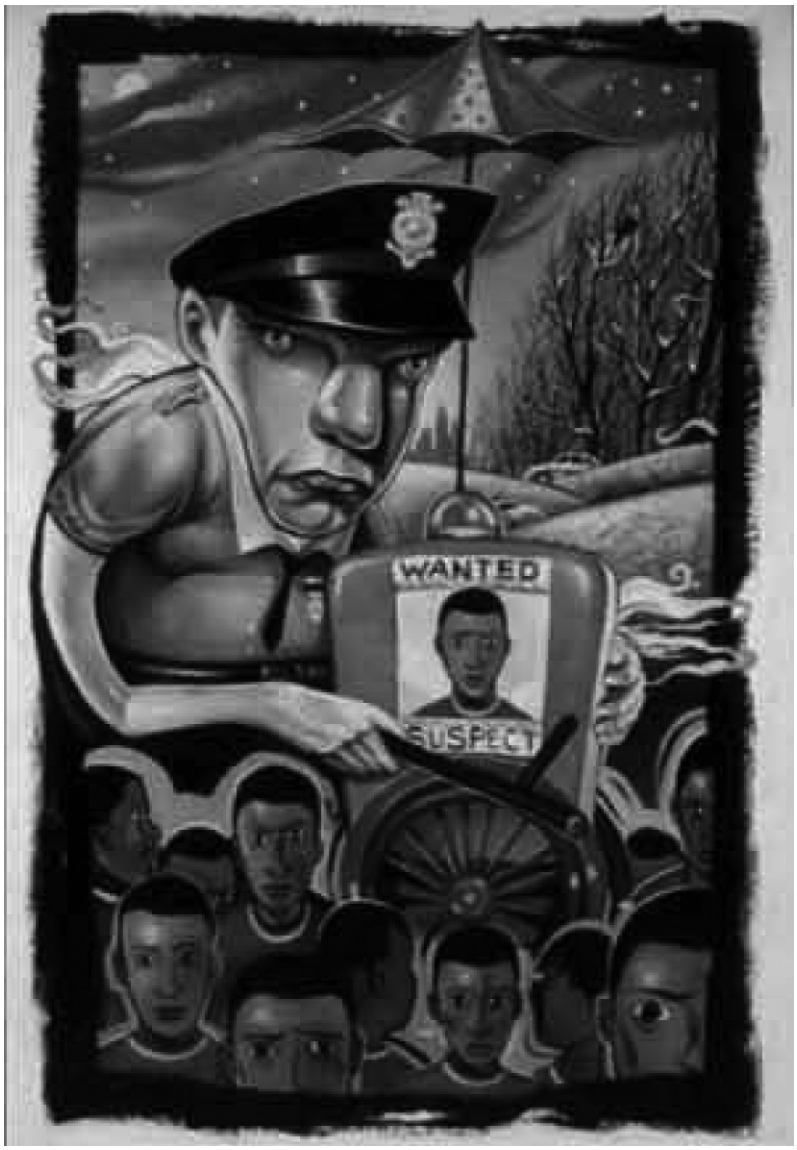
A related concept is "shopping while black/brown," which refers to the notion held by some that non-whites receive increased surveillance while shopping.

In popular cultural references, we might hear the expression Driving While Black (DWB) which is the name given to the "crime" of being a black driver. An alternate name, Driving While Brown, is more expansive, referring to the crime of being a non-white driver.

Also Flying while Muslim, or Muslim while Flying, is an expression referring to the problems Muslim passengers on airplanes can face on account of their religion in the aftermath of September 11, 2001.




He's black because that's how he was born.
He's suspicious because he's black.
He's pursued because he's suspicious.
He's defensive because he's pursued.
He's shot because he's defensive.
He's dead because he's black.

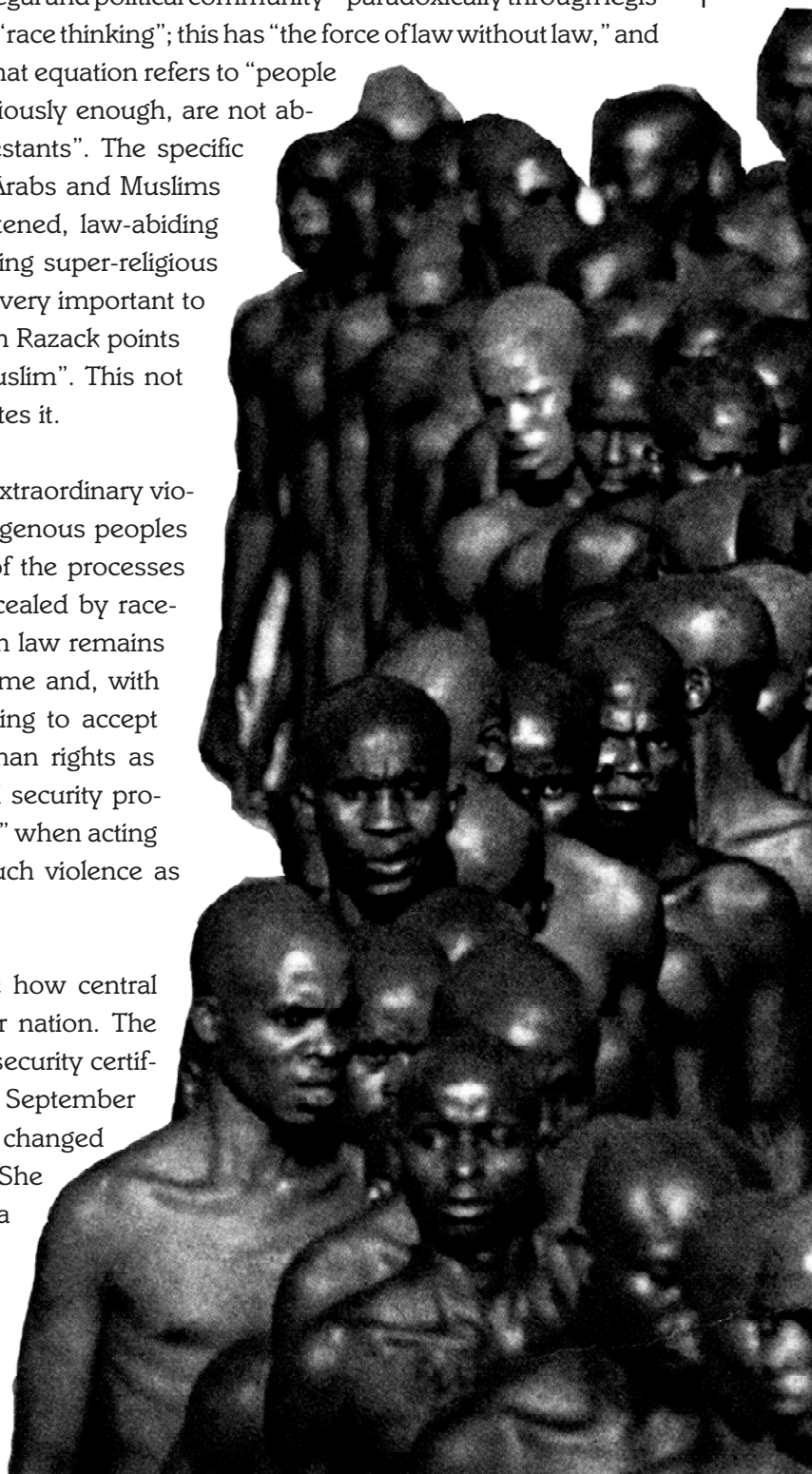

WANTED
SUSPECT

‘Race thinking’: being cast outside.

Sherene Razack, a professor at the University of Toronto, provided reflection on the racialized basis of contemporary immigration security practices during the people’s commission hearings.

Using examples from court documents in security certificate cases, she argued that the state relies upon, and the court generally accepts, the axiom that persons “who have the makings of ‘Islamic extremism’ possess an inherent capacity for violence.” On this basis, Muslim men, or men with Muslim backgrounds, are profiled as terrorists - they have “the makings of Islamic extremism”.

A racist assumption thus casts them outside of the legal and political community – paradoxically through legislation. She calls the underlying structure of thought “race thinking”; this has “the force of law without law,” and its basic logic is “they are not like us”. The “us” in that equation refers to “people constituted as the real, original citizens, who, curiously enough, are not aboriginal people, but are white anglo-saxon protestants”. The specific form that this race-thinking takes in the case of Arabs and Muslims is the “clash of civilizations”: “a modern, enlightened, law-abiding society threatened by pre-modern, non-law-abiding super-religious society”. In this context, Razack believes that it is very important to avoid falling into the trap of “good Muslim” (which Razack points out is - ironically - a secular Muslim) vs “bad Muslim”. This not only fails to challenge race-thinking, but perpetuates it.



Razack explained that - just as in the case of the extraordinary violence which continues to be directed against indigenous peoples to dispossess them of their land - the violence of the processes brought against immigrants and refugees is concealed by race-thinking and legitimized through law. Immigration law remains for the most part outside of a human rights regime and, with rare exceptions, courts have generally been willing to accept that non-citizens do not possess the same human rights as citizens. Enforcement agencies, bureaucrats, and security professionals rely on the ‘logic’ of “they are not like us” when acting violently against immigrants; they understand such violence as simply part of carrying out their duty.

Razack counseled the Commission to recognize how central race-thinking has been in the constitution of our nation. The patterns that are now manifesting themselves in security certificate cases were securely in place long before 11 September 2001. Razack believes that the only thing that has changed is that “the net is wider and the laws stronger”. She reminded the Commissioners that Canada is “a white-settled society and all of its bureaucratic processes have been very thickly contaminated with race-thinking for some time.”

Case Study: Unraveling the Racial profiling in Project Thread

The case of 24 South Asian men arrested under a joint RCMP-Immigration Canada operation known as "Project Thread" in Toronto in 2003 was an important example of racial profiling discussed by several witnesses at the Public Hearings, including Mohan Mishra of Project Threadbare, a grassroots defence committee for the arrestees. The 24 men were all students at the "Ottawa Business School" who had come to Canada from Pakistan and India on student visas. When the school suddenly closed and the owner fled to Florida - in some cases defrauding students of thousand of dollars in tuition fees - they were left stranded on invalid visas.

The 24 men were arrested under suspicion of posing a security threat, and an RCMP spokesperson claimed to have "a van-load of hard evidence" to back up the allegations. This was enough for media outlets to report that an "Al Qaeda sleeper cell" had been uncovered. According to Mishra, the "evidence" actually consisted of the fact that they lived in "clusters" of 4 to 5 people, had a minimal standard of living, that one man had a picture of an airplane on his wall, the possession of pictures of "strategic landmarks" (e.g. a photo of one of the men in front of the CN tower), and the fact that all but one were from Punjab province in Pakistan, which was described as "noted for Sunni extremism".

Within a week, all charges were dropped, and the RCMP stated that there was no reason to believe there was any link to terrorism whatsoever. However, the media did not give this fact anywhere near the attention that it had given to the original allegations, and the men continued to be detained in a maximum security prison, for up to five months, on immigration charges (the fact that their visas were not valid since the school had closed). While they remained in detention, even after the original allegations were dropped, they were interrogated by intelligence officers about their religious practices and their political beliefs. According to Mishra, friends whom the detainees called from prison were later visited by intelligence agents, and asked similar questions about their political beliefs and religious practices. They also experienced racist abuse and insults in the prison, being called "Al Qaeda", "Taliban" and threatened by guards with being sent to Guantanamo Bay if they did not cooperate.

What Project Thread illustrated for Mishra was the double-standard applied to immigrants from certain backgrounds, and the way in which migrants are systematically rendered vulnerable to such abuse.

MODULE 3

DUE PROCESS IS NOT A LOT TO EXPECT FROM DEMOCRACY...

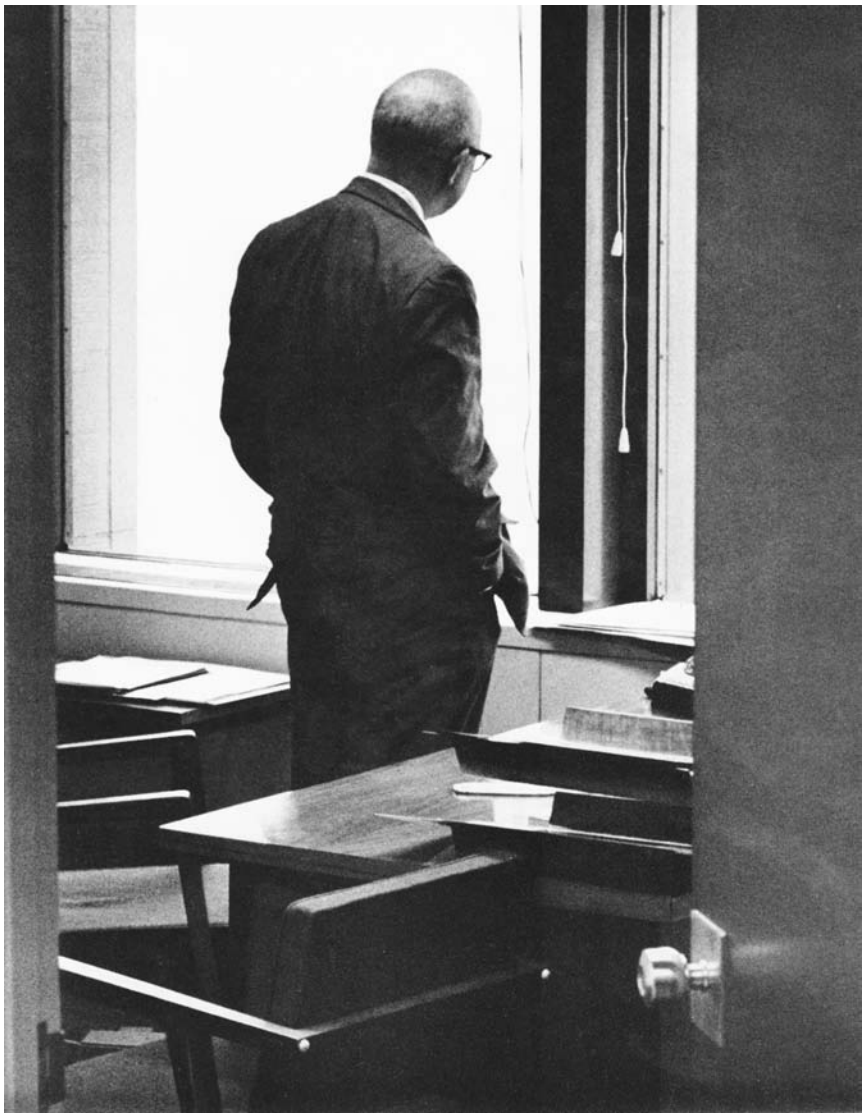
OVERVIEW:

The purpose of this module is to offer an overview of the concept of due process of law, and to demonstrate how this fundamental legal principle has been ignored in both the specific case of security certificates, as well as in immigration practices more generally. Specific examples of detention and deportation will illustrate the violation of due process. While Canada claims to be a country built on fundamental respect for the rights of all people, there is reason to believe that these rights are protected only for some people, some of the time. Does Canada always respect the due process of the law? And if not, what can we learn from the cases in which due process is ignored? What are the alternatives to these contraventions of the law?

DUE PROCESS DEFINED:

To protect individuals against the arbitrary exercise of power by agents of the state, the following rights are supposed to be respected in the interaction of individuals with the legal system:

- The right to life, liberty and security;
- The right to silence (for a person accused of a crime) and protection against self-incrimination;
- The right to be judged by an independent, impartial tribunal;
- The right (for a person accused of a crime) to know the facts alleged against oneself;
- The right to know the grounds of one's detention;
- The right to protection against torture;
- The right to be presumed innocent until proven guilty;
- The right to be freed, on a reasonable bail, prior to final judgment;
- The right not to be tried again once acquitted of a crime; and
- The right to be tried without excessive delay.



These rights are supposed to apply to everyone in Canada, not just Canadian citizens. As former Solicitor-General Warren Allmand testified at the People's Commission, 'The Charter of Rights and the equality provisions say, "everyone is equal before and under the law". It doesn't say "every Canadian" ...the equality provisions apply to every-one!' (p. 24 of the Peoples Commission Report)

Detention:

not the kind you get in school.

DETENTION DEFINED:

Detention is arbitrary under Canadian law if:

- The detention is not in conformity with the law;

- The law which provides for the detention is vague, imprecise or disproportionate and does not respect basic principles of human rights;

- The detention cannot be reviewed by a judicial authority or a person delegated with such authority;

- It is impossible to contest the legality of one's detention before a judicial tribunal;

- There is no possibility of release when the grounds for detention cease to exist.

DETENTION: CANADIAN STYLE

In Canada, non-citizens are detained in several contexts, including:

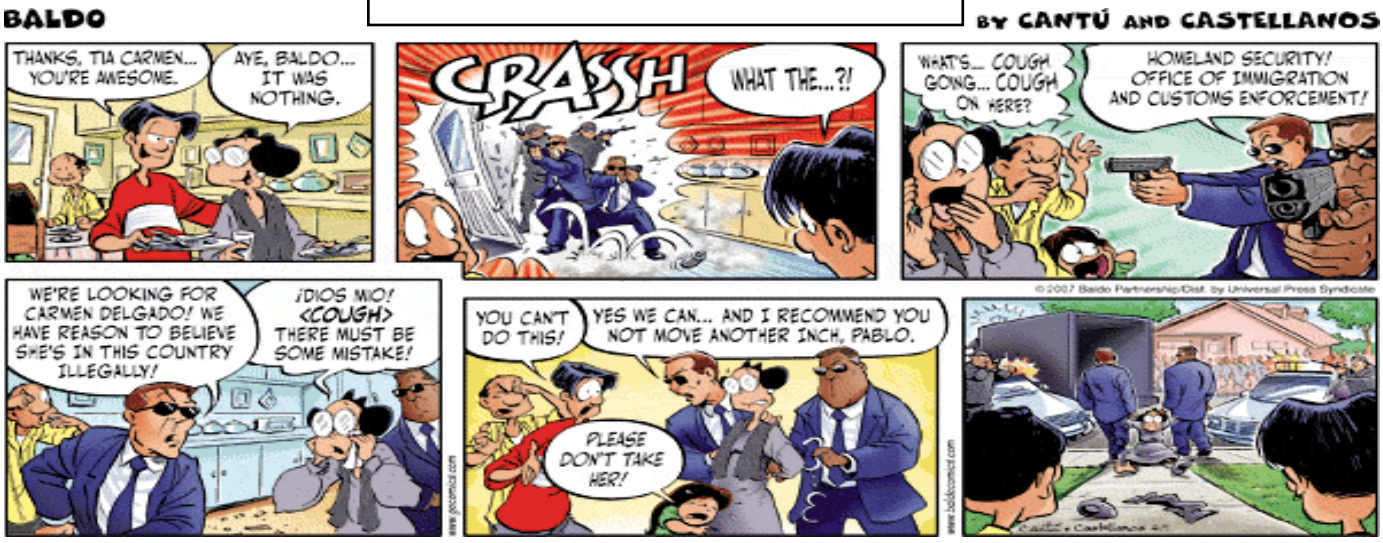
1. Detention of asylum seekers (refugee claimants):

Every year, thousands of people seek asylum in Canada because they have been subjected to persecution, violence, or otherwise deprived of their rights in their country. Some may be detained upon arrival, usually on the rationale that they lack identity papers. The Canadian Council for Refugees estimated that "from October 2003 to November 2004, an average of 80 persons, many of them refugee claimants, were detained each week on ID grounds" in Canada.

2. Detention of non-citizens under 'security certificates':

Refugees and non-status people are automatically detained once a security certificate is issued against them; they typically remain in prison for years before there is even an opportunity for release on bail. In the case of Permanent Residents, an arrest warrant must be issued before detention, and detention reviews are provided for every six months.

The conditions they are held under are horrifying. Being in solitary confinement, there is no proper medical care or proper food. Some have to go on hunger strike just to get what they want. And they are not demanding much, all they are demanding is just their basic human rights. […] These men are held between four walls, in a small room, not being able to communicate with anyone, not being able to hug or interact with their children, having no one to talk to. It becomes a psychological torture. – Ahmad Jaballah (son of Mahmoud Jaballah, detained since August 2001), testifying at the People's Commission Hearings.

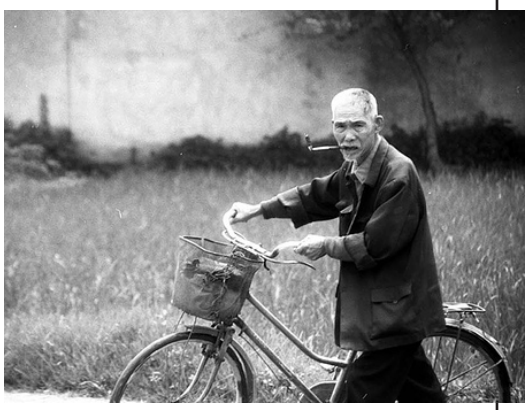


DEPORTATION?
IN LITTLE OL' CANADA?

Deportation, not to be confused with extradition, generally means the expulsion of someone from a country. In general, the term now refers exclusively to the expulsion of foreigners (the expulsion of natives is usually called banishment, exile, or transportation). Historically, it also referred to penal transportation.

The threat of deportation casts a pall of uncertainty over many individuals, their families and communities, condemning them to insecurity and alienation from the rest of society.

When it is combined with an acknowledged threat of torture – as is the case of people threatened with deportation on the grounds of 'national security' – this threat becomes a form of psychological torture. It is deplorable that Canada has an explicit policy that in "exceptional circumstances" it can deport people to face torture, that it is actively pursuing this policy in several current cases, and that it otherwise resorts to hypocritical tricks like 'diplomatic assurances' to evade international and domestic norms against return to torture. The Commission fails to see a difference between a legalized process of deportation to torture and an extra-legal programme of "extraordinary rendition".



Keeping people under an active threat of being sent to a recognized risk of torture, as Canada is doing in several cases, is horrifying. Doing so in the name of security is inconsistent and counter-productive to the point of being perverse.

Given the fact that Canada has not respected international law, has ignored repeated reminders from UN and human rights organisations, and that the impact is so extreme and irreversible, strong popular action is particularly necessary in this area.

Security Certificates Defined:

In Canada, a security certificate is a legal mechanism by which the Government of Canada can detain and deport foreign nationals and all other non-citizens living in Canada. The federal government may issue a certificate naming a refugee, permanent resident or any other non-citizen who is suspected of violating human or international rights, of having membership within organized crime, or is perceived to be a threat to national security.[1] Individuals named in a certificate are inadmissible to Canada and are subject to a removal order.[2] Where the government has reasonable grounds to believe that the individual named in the certificate is a danger to national security, to the safety of any person or is unlikely to participate in any court proceedings, the individual can be detained.[3] The entire process is subject to a limited form of review by the Federal Court.

According to the Ministry of Public Safety and Emergency Preparedness, the overarching agency dealing with the law, the security certificate provision has existed in "one form or another for over 20 years."[4] Its use has been documented at least as far back as 1979 however[5], and it has been reported that its first use was in the 1960s deporting an alleged Italian mob boss. [6] It is housed within the parameters of the Immigration and Refugee Protection Act (formerly the Immigration and Refugee Act, which replaced the Immigration Act in 1976). It was amended and took on its present structure in 1991, with an additional amendment in 2002. In Canada, a security certificate is a legal mechanism by which the Government of Canada can detain and deport foreign nationals and all other non-citizens living in Canada. The federal government may issue a certificate naming a refugee, permanent resident or any other non-citizen who is suspected of violating human or international rights, of having membership within organized crime, or is perceived to be a threat to national security.[1] Individuals named in a certificate are inadmissible to Canada and are subject to a removal order.[2] Where the government has reasonable grounds to believe that the individual named in the certificate is a danger to national security, to the safety of any person or is unlikely to participate in any court proceedings, the individual can be detained.[3] The entire process is subject to a limited form of review by the Federal Court.

In Canada, people charged under Security Certificates and some refugees are threatened with DETENTION and DEPORTATION. They are deemed to be a 'threat to national security'.

This is NOT a recent state policy.

Throughout Canada's history, "national security" has been used to legitimise a series of exclusionary policies. The concept of national security is not fixed. At different times, 'national security' labels different groups of people as a "threat." It has targeted indigenous people, racialized "non-citizens", communists, socialists, anarchists and leftists more generally, black activists, lesbians, bisexuals, gay men, and other sexual minorities, along with many others. In particular, "national security" concerns have had a direct impact on Canadian immigration policies. For more on the historical context of current practices, see MODULE 1: Seeing the BIG Picture

DUE PROCESS vs. SECURITY CERTIFICATES

DUE PROCESS: [Is supposed to] apply to everyone in Canada, not just Canadian citizens.

DUE PROCESS: Ensures the right to be judged by an independent and impartial tribunal.

DUE PROCESS: Ensures the right to know the grounds of one's detention, and the facts alleged against oneself.

DUE PROCESS: Ensures the right to be presumed innocent until proven guilty.

DUE PROCESS: Ensures the right to be tried without undue delay.

SECURITY CERTIFICATES: Applies only to those without citizenship in Canada, and does not follow the rules of due process.

SECURITY CERTIFICATES: Use closed hearings between the judge and the Ministers, excluding the individual and his or her lawyer ('ex parte').

SECURITY CERTIFICATES: The detainee and his or her lawyer are not given access to the information against him or her.

SECURITY CERTIFICATES: Use lower standards of evidence than regular court cases, with hearsay and other questionable information admissible; there is also no right to appeal.

SECURITY CERTIFICATES: An individual may be held for several years, without any criminal charges being laid, and can be deported without any criminal charge or conviction.

SECURITY CERTIFICATES

THEY'RE SO BAD THEY WERE RULED UNCONSTITUIONAL, BUT...

On February 24th, 2007, the Supreme Court of Canada ruled unanimously that the security certificates were unconstitutional and violated the Canadian Charter of Rights and Freedoms. BUT, the court gave the government an entire year in which to draft new legislation that is in line with the Constitution and the Charter. In the meantime, security certificate detainees continue to be held without access to the protections of due process.

On 22 October 2007, the Conservative government introduced a bill to amend the security certificate process by introducing a "special advocate", lawyers who would be able to view the evidence against the accused. However, these lawyers would be selected by the Justice minister, would only have access to a "summary" of the evidence, and would not be allowed to share this information with the accused, for example in order to ask for clarifications or corrections.

WHEN SECURITY CERTIFICATES ARE GONE, PEOPLE WILL BE TREATED FAIRLY, RIGHT?

Wrong. Even without the extra power given to the Canadian government by Security Certificates, there have been many documented cases of people's rights being abused and disregarded, particularly in relation to immigration and refugee claims. Section 86 of the Immigration and Refugee Protection Act, which came into effect in 2002, provides that the Minister of Immigration can apply for ex parte hearings (closed hearings between the judge and the Minister) and use secret evidence in a wide variety of instances before the various sections of the Immigration and Refugee Board (see page 27 of the People's Commission on Immigration Security Measures Report).

THE HUMAN IMPACT

What happens to a society when due process is ignored, and people are targetted because of their racial, religious, or ethnic heritage? The wider human cost of these kinds of policies are enormous. Some examples given at the People's Commission on Immigration Security Measures include:

- Loss of reputation, which can lead to the loss of a job or a business, as well as intangibles such as stigmatization, shame, and humiliation (see p. 29 of the Report).
- Risk of torture or harassment when travelling to other countries, due to the fact that Canadian government agencies share the names of those targetted for security measures with other countries (see p. 30 and 32 of the Report)
- General fear within targetted communities to speak out against false allegations, due to incidences of increased harassment or denial of immigration or refugee claims (see p. 30 of the Report).

Just as there is an iceberg of racism in Canada [SEE MODULE 1], the impact of immigration and security measures on communities and individuals can be understood as an iceberg, too. That is, the people whose stories we hear about are only the tip of the iceberg of people being affected by these laws. The vast majority never go public with their complaints, sometimes for fear of retribution, or sometimes because they don't know who they could talk to who would take their concerns seriously. This is one reason that these policies continue on with relatively little challenge from the wider public.

For more on this, see MODULE 2: RACIAL PROFILING

Case Study: Adil Charkaoui

From Coalition Justice for Adil Charkaoui, www.adilinfo.org

On 21 May 2003, Montreal resident Adil Charkaoui brought his pregnant wife to her gynaecologist, dropped her at a cousin's and began to head towards the University of Montreal, where he was taking a Masters degree in teaching. In the middle of the highway, he suddenly found himself surrounded by police and summarily arrested. With great media fanfare, but no evidence, he was declared a threat to national security. He has been imprisoned without charges, on allegations that neither he nor his lawyer are allowed to see, ever since. He is currently detained under house arrest, and is required to wear a Global Positioning System device at all times. For over two years, he and his family have been living under the constant fear of his deportation to Morocco, the country where he was born. There, because of the case that has been made against him in Canada, he is likely to suffer further attacks on his dignity and rights; such as imprisonment without charges, torture, cruel and unusual punishment - and even death.

Mr. Charkaoui describes years of intimidation and harassment by CSIS agents leading up to his arrest. He vehemently denies that he is a "terrorist" and that he represents any danger to the public or to national security. He says his arrest is directly related to his refusal to use his connections to the Muslim community in Montreal to become an informer for CSIS. He also recognises that the Canadian government is under political pressure to produce high profile cases like his to show the White House that they are doing their part in the "war on terror", a campaign that, all too often, uses terrorist techniques itself.

Case Study: Mahmoud Jaballah

From the Report of the People's Commision on Immigration Security Measures (pages 25 & 34)

Ahmad Jaballah testified about the experiences of his father. Mahmoud Jaballah was first arrested and detained under a security certificate in May 1999. In November 1999, that security certificate was deemed unreasonable and was quashed, which led to his release. However, Mahmoud Jaballah was arrested again in August 2001, under a second security certificate, and has been in prison, or under house arrest, ever since. Ahmad Jaballah testified that CSIS had admitted in court that they had no new evidence since the first certificate was quashed in 1999, and that they merely had a "new interpretation" of the evidence on which the first certificate was issued. That second certificate was also thrown out – this time on procedural grounds - but the government immediately issued a third, under which Jaballah is currently detained. Ahmad Jaballah expressed his feelings about the injustice of a system in which, no matter how many times the certificate is quashed, one's name is never cleared, and the government is always entitled to issue yet another security certificate.

Ahmad Jaballah testified at the Public Hearings via teleconference call about CSIS harassment of his father, beginning in 1998. CSIS agents presented themselves at the family's apartment in 1998 and 1999. They came three times, always after midnight of fear in which everyone of them thinks that 'if I speak up, then I will be the next target', and interrogated Mahmoud Jaballah for 2 to 3 hours. During the third interrogation, Ahmad surreptitiously tape-recorded the interrogation as a safety precaution for the family, who were disturbed and worried by the visits. Ahmad thus recorded CSIS's threats to deport Mahmoud Jaballah to Egypt if he refused to cooperate, "… I had to witness the agent threatening my dad in these very words: That if my dad wouldn't cooperate with CSIS and spy on his community, on local mosques and so on, and do as they tell him to do, then he will be arrested and sent back home to Egypt." Ahmad Jaballah said this cassette later played a central role in the quashing of the first security certificate issued against his father. Later in the same interview, the CSIS translator fell asleep and Ahmad Jaballah, who was 12 years old at the time, was forced to translate. Ahmad Jaballah believes that his father is being punished for having refused to become an informer for CSIS and for having exposed them with the tape recording.

Ahmad Jaballah also testified that people in the Muslim community in Toronto and Scarborough have been afraid to speak up and support his family, "CSIS has had the Arab community and the Muslim community especially under this umbrella of fear in which every one of them thinks that, if I speak up, then I will be the next target." He related how CSIS had visited his family's acquaintances after his father was arrested.

Alternatives

The Peoples' Commission listed the following as alternatives to the current situation:

• Close "Guantanamo North", the Kingston Immigration Holding Centre

• Release immigration security detainees without delay and without conditions – or charge and provide them with a fair and open trial.

• Remove the conditions of release and constant, intrusive surveillance of those who have been freed under bail – or charge and provide them with a fair and open trial.

• Ensure that all judicial and procedural guarantees that safeguard the liberty of Canadians are applied without discrimination to non-citizens.

• After a fair and open trial, make use of alternatives least restrictive of liberty, such as regular reporting to officials, before relying on more invasive conditions or detention.

• Ensure that there is no mandatory detention and that there is a legally mandated maximum length to any detention imposed after a fair and open trial to guarantee that no one is subject to de facto indefinite detention.

• Ensure that those detained have frequent and regular access to a judicial review of their detention in accordance with international standards and Canadian legal norms applied to citizens, including access to all evidence on which their detention is based, the right to cross-examine witnesses, and the right to be present at all meetings between the judges and the ministers.

• In all cases, ensure that conditions of detention respect the dignity of detainees, on material, cultural and religious levels. In particular, Canada should immediately cease using physical restraints and strip-searches for people detained under immigration laws and ensure that detainees understand the process that is being imposed on them and are kept updated.

• Ensure that any conditions of release, imposed after a fair and open trial, minimise the deprivation of liberty, and that they take into account the private life and the mental and physical health of the person and of their family.

• Prohibit the detention of children. No child should ever be detained.

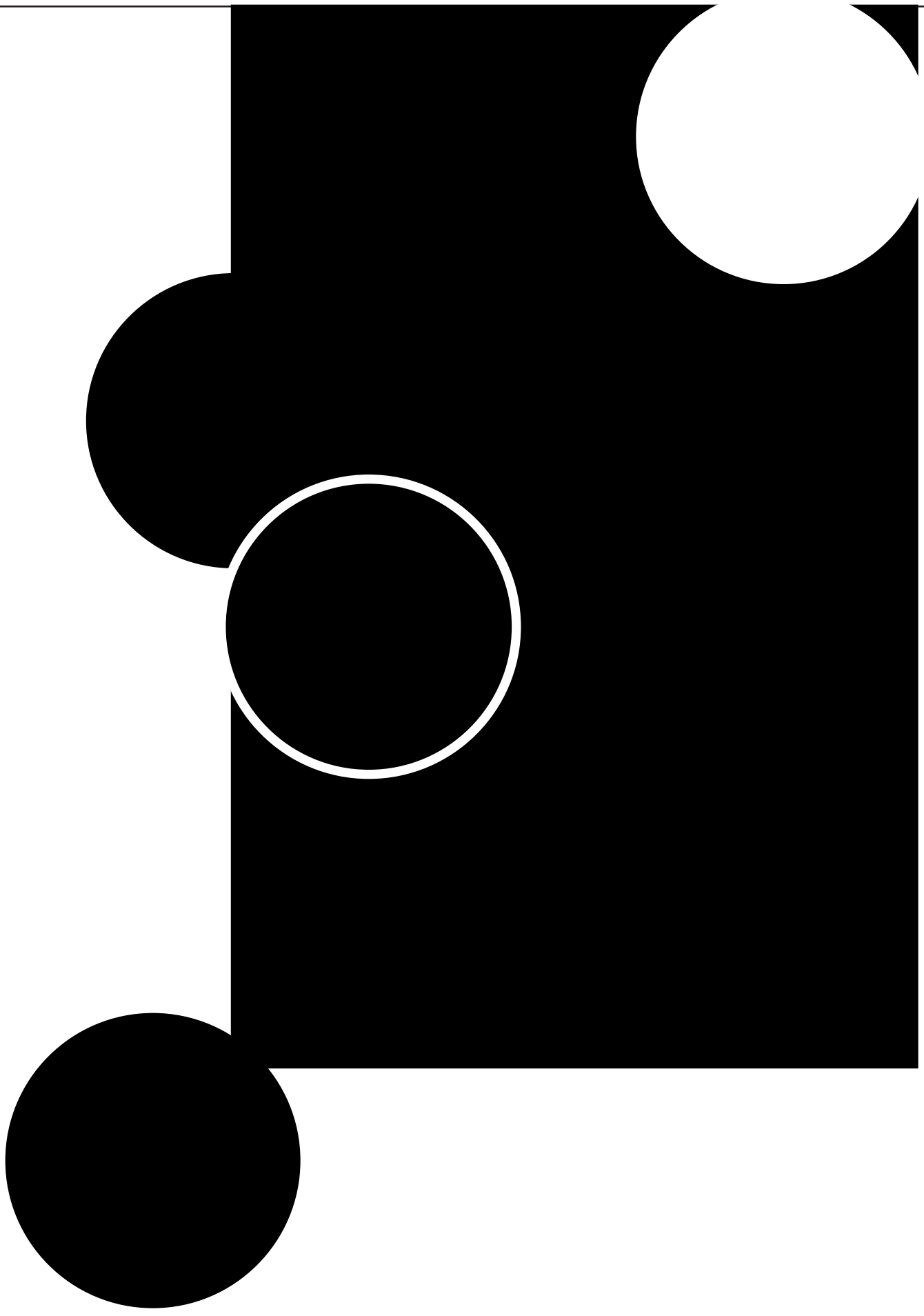
• Uphold the established international standard of an absolute prohibition on torture. This means, minimally, ending the policy of "exceptional circumstances", revising IRPA (Immigration and Refugee Protection Act) to clearly reflect the absolute prohibition on returns to torture, and ending all cooperation in "extraordinary rendition" programmes. Canada must stop sub-contracting torture immediately.

• Cease using deportation as a security measure.

• Cease seeking and accepting diplomatic assurances to circumvent international obligations to protect people at risk.

• Stop sharing information during the immigration process in ways which create a risk for people threatened with deportation.

• Initiate a comprehensive and serious review of all Canadian involvement in sub-contracting torture overseas, through legalized or extra-legal means, holding Canadian security agencies, including RCMP and CSIS, accountable for their involvement.



Facilitation Guide

BEFORE YOU BEGIN

The material included in this handbook deals with subject matter that has very real impacts on people's lives. It is important to consider a few points before offering a workshop. The following few pages offer a framework in which to begin, as well as a few helpful suggestions when designing your workshop.

Thoughts on Delivering Workshops
TWO DIFFERENT APPROACHES

When offering a workshop, it is imperative to know who your audience is, and to value and incorporate their experience. Depending on your audience and factors such as race/class/gender/etc, it is quite possible that many participants will have either first hand experience with the issues dealt with here, or an already formed analysis. Likewise, it is equally possible that your participants are only vaguely familiar with the concepts, and may even feel challenged by the material. The first step of any workshop should be to know your audience, and start within their knowledge base. Here are two different example models to help you generate a suitable approach:

MODEL 1: for Affected Communities.
see: www.theatreoftheoppressed.org
www.paulofreire.org

This model is adapted from pedagogical models of Popular Education innovators such as Paulo Freire and Augusto Boal. It is designed for use with what they term "key stakeholders", or individuals with a direct relationship to the content.

1. SHARE WHAT'S KNOWN: Begin your workshop with activities designed to draw on personal experiences, and establish a collective knowledge base. Encourage people to value their own understandings.

2. ANALYZE: Make use of activities designed to encourage participants to draw parallels between experiences, and look for common patterns. Discuss relevant factors – try to see the larger picture, and how the experiences are related.

3. ADD NEW THEORY: Introduce the core content of the workshop, now tied directly to the experience of the workshop participants.

4. TAKE ACTION: Having built a common analysis, discuss how to proceed collectively. Ask what resources exist in the community that can be mobilized? What can we do with this new knowledge? Where do we go from here? ACT AND EVALUATE!

MODEL 2: for Privileged Allies.
see: www.otesha.ca

This model is adapted from the Otesha Project's approach, a youth empowerment initiative. Their work, designed primarily for environmental education, takes into account the fact that some of the ideas presented may not be tied to first-hand experiences of the participants.

1. REMOVE THE BLINDERS: Establish what your group knows and has experience with, then begin by structuring your workshop with activities designed to "remove the blinders". What's the issue? Introduce new content, challenge assumptions, help foster collective critical thinking.

2. HOLD UP THE MIRROR: Move the content from the abstract to the concrete. Use activities which prompt participants to consider, "what is my role in this issue?"

3.GET EMPOWERED: Learn about alternatives, and strategies for change. Share other people's and other communities' success stories, and get inspired by them.

4. TAKE ACTION: Having built a common analysis, discuss how to proceed collectively. What can we do with this new knowledge? Where do we go from here? Etc. ACT AND EVALUATE!

FACILITATION 101

a few helpful start-up points on good facilitation

AS A FACILITATOR, BE SURE TO:

- Welcome each participant as he or she comes in. Introduce yourself and be sure participants get any handouts / materials and name tags (if desired). Create a warm, friendly, and positive atmosphere.

- Set the groundrules according to your facility and group. Set up how people will speak in the workshop (ex: hands up? etc). Discuss / Brainstorm what is appropriate behaviour (ex: active listening, respect, etc.) and what is inappropriate behaviour (ex: interrupting, rudeness, racism/sexism/etc.) Talk about smoking, breaks, cell phone usage, etc. If participants are not familiar with the facility, be sure that everyone knows where restrooms, phones, and emergency exits are located.

- Keep track of time. There's a lot of information and activities to get to, so it's important to stay close to schedule. A kitchen timer can be a great way to keep on track when you have a fixed amount of time for a given task. Let your group know the agenda and time-frame for the day and they can help check in.

- Be organized, but be flexible. If discussion or activities are not going the way you planned, but are still on track to reach your goal, let them progress. Each workshop will vary according to its participants, so don't be afraid to let this happen. Remember the best moments of any workshop will be unscripted!

- Be conscious of group dynamics. Don't be afraid to facilitate. Watch out for tensions in the group, for flagging energy, for speakers who dominate the discussion, etc. Encourage full participation, try to draw out new speakers, take breaks as necessary, or take five to play an energizing game. Keep time for evaluation at the end.

SOME BASIC FACILITATION TECHNIQUES:

Brainstorming is a great way to stimulate new ideas and help people feel comfortable breaking away from the norm. Give everyone a chance to participate. Accept all answers and guide participants to discover and share their own ideas and build on the ideas of others. Always use the brainstormed ideas in some way—as a summation, as ideas for further exploration or as a compare-and-contrast list.

Group discussion gives everyone the chance to share opinions, feelings, and ideas. The facilitator's role is to focus and record the discussion, summarize key issues to generate more ideas, point out similarities and differences in opinion to stimulate further clarification, and encourage everyone to participate. Be careful not to impose your own opinions. Remember, a good discussion does not look like a ping-pong game with the ball bouncing back and forth from the facilitator to the participants. The discussion should be more like a volleyball game, where multiple participants are involved on all sides and the facilitator simply facilitates.

Role-playing helps people understand how others may feel or think in a given situation. It's a safe way to try out new ideas or responses. Be sensitive to the makeup of your group during role–play (ex: cultural differences, ability, etc) and be sure to allow time for followup discussion.

A **Go-Around** is an organized manner of getting input from everyone in a room. Starting at one point in a circle, everyone is given the opportunity to speak once, and no one may interrupt until the circle has been completed. The facilitator's role is to encourage full participation, make sure no one speaks too long, ensure that no one interrupts, and if desired, allow individuals to pass. A variation is the Popcorn Go-Around, where everyone speaks or "pops" only once, but not necessarily in the order of seating.

Breaking into smaller groups can be a good way to re-energize a lagging group, break the ice when participants don't all know each other, and encourage participation and creative thinking. Be sure to supervise this process and make sure no one is left out. Keep group sizes small, so individuals are encouraged to participate. Don't forget to set a time limit at the outset, so groups know how much time they have. Have groups present their ideas afterwards – it might be a good idea to summarize everything, or record key points for all to see.

Q & A is a great way to wrap-up the workshop, or to engage a group that seems stuck on material.

Source:
adapted from http://www.bblocks.samhsa.gov/media/bblocks/FacilitatorsManual.pdf

DEALING WITH DIFFICULT DYNAMICS

In working with material on issues such as detention, deportation, racial profiling, and so forth, you will be touching on subject matter that has real and first-hand consequences for people's lives. It is important to approach these subjects with this understanding, and treat all participants with respect, valuing their stories. Nevertheless, misunderstandings and miscommunications, whether between the facilitator and the group or between two participants, may arise. Here are a few suggestions for dealing with these dynamics as a facilitator.

REFOCUS / RE-DIRECT: Occasionally the issue at hand will get lost in the heat of debate, or as conversation bounces from person to person. Sometimes all it takes is a moment to re-gather the threads of the conversation. Restate the larger theme(s) of the discussion. Try to find points of commonality, and/or of difference between speakers. If a few speakers are dominating the discussion, you might pause and ask if any new speakers would like to add something. You could introduce a new question for consideration, set a time-cap for discussion on this particular subject, or suggest moving on.

USE A GO-AROUND: Go-arounds are a great way to hear from everyone if a subject arises that participants seem polarized around, or if participants are particularly emotionally invested in the subject matter and a few voices begin to dominate a conversation. They also help to slow the pace of dialogue, and can be a good way to hear from new voices in the group. Be sure that individuals do not interrupt to respond until the circle has been completed. Encourage all to speak, but allow for passes.

PLAY AN ENERGIZING GAME: Sometimes a fun activity to re-invigorate your group can also help to dispel tensions that arise through discussion. Get people up and moving for a bit, and engaging with each other playfully.

BREAK INTO SMALLER GROUPS: A change of format can allow individuals who feel silenced by the large-group format to participate, and keep energy levels up. Discussion can happen quicker in a smaller group, with more participants. Also, collaborative activities based on small group discussion can help to build a sense of unity and cohesion in a group. Keep the groups no larger than six people if possible. Set goals or discussion

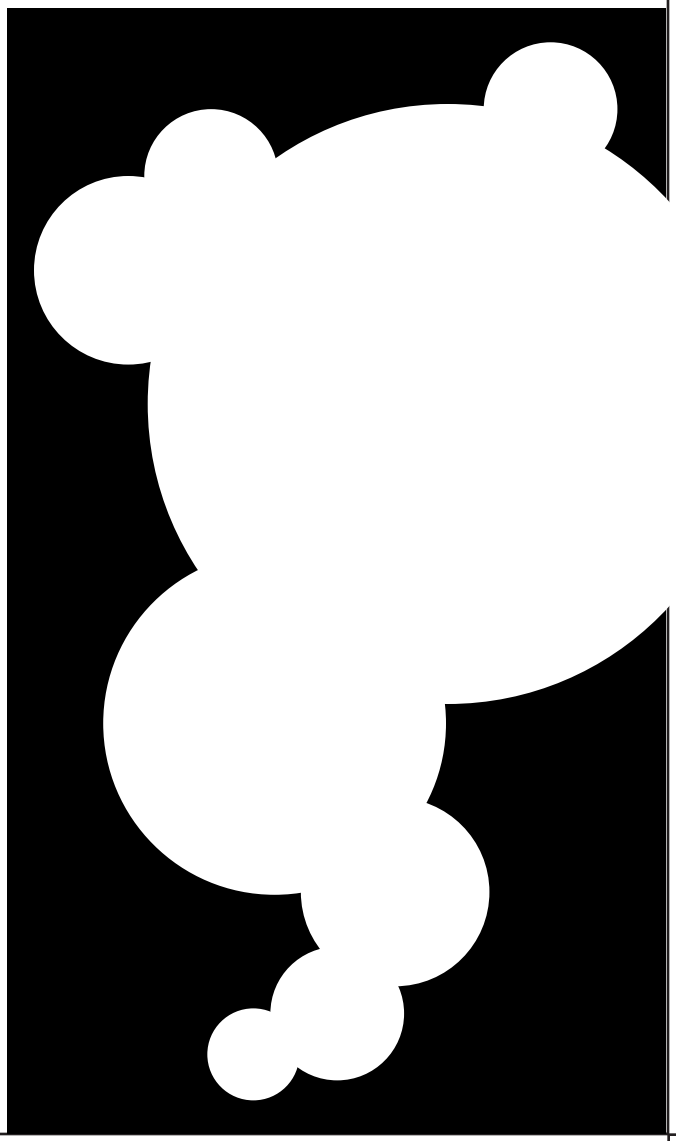
parameters for small group work, and a time limit. Make sure no one is left out of a group, and be sure that the input of all groups is valued when reconvening.

TAKE A MOMENT OF SILENCE: This can be a powerful way to de-escalate heated discussion. Take a moment to point out the energy levels in the room, and ask participants to silently consider their positions, and those of other participants. Encourage people to breathe, relax, and refocus. It may help to restate your themes. Set a time limit, and ensure that the silence is respected until the allotted time passes.

TAKE A BREAK: Often restlessness, hunger, boredom, or a loss of focus can contribute to low energy or conflict in a workshop. A change of environment, a chance for fresh air, a bite to eat, a smoke break, and so forth, can do a lot to help ease tension in a group, or re-energize participants. Check in with your group's needs. Set a time limit before breaking. Be sure to refocus the discussion upon returning.

REVISIT YOUR GROUND RULES: If you've done a good job building a collective understanding of what are acceptable and unacceptable behaviours in the workshop, then don't be afraid to apply them when individuals are not respecting the process. Remind the group what was agreed upon. Facilitate strongly. If dealing with antagonistic individuals, then as a last resort if someone refuses to respect the process, ask them to take a break, or leave the workshop.

ASK THE GROUP WHAT IT NEEDS: It is important to remember that as a facilitator, your role is not quite the same as a teacher or authority figure. The workshop process is built on the understanding that wisdom is collectively held, not invested in one person dispensing knowledge. You are a participant as well, helping to guide the flow of a focused discussion. If you find yourself stuck, your group might have creative suggestions. You can present options of how to proceed (perhaps from the above), or frame the problem and ask for potential solutions. Ask questions - are people tired of this subject? Should we move on? Should we take a break? Etc.



ICEBREAKERS AND ENERGIZERS!

The material you will be dealing with can be very personal, depending on your group's experience, and a certain amount of trust and comfort will be required to try to make the workshop a safe space to share. Games can be a great way to break the ice in a group where not everyone knows each other, or where people are shy. They can also be a great way to re-energize after a particularly intense or draining discussion. Here are a few of our favourites…

ICEBREAKERS

1) THE IDENTITY QUILT: Give everyone a sheet of paper, and ask them to fold it into 4. For each of the 4 squares, you will offer a prompt, and ask participants to draw/write their responses. Explain that people are invited to interpret the responses in any way they please – there are no right or wrong answers, and everyone should feel comfortable participating as they wish. Square 1) Draw/write about how you got your name. Square 2) Where you are from. Square 3) Something you are proud of. Square 4) Something you are inspired by. When everyone is done, have individuals present their piece of the quilt to the group, then hang them together. This activity allows people to introduce themselves, learn about each other, self-identify, and use a vocabulary/means of expression that they feel comfortable with to do this.

2) DESERT ISLAND: This game is designed to help participants learn each other's names, and to encourage playful thinking. Have the workshop participants stand in a circle. Explain we are going to a desert island, and each person can only bring one thing with them – only whatever they bring must start with the first letter of their name. Answers can be as silly or outlandish as people want. As each participant's turn arrives, they must repeat the names and items of those who've gone before. Ex: "My name is Dan. When we go to the desert island, Amy will bring some Apricots, Bina will bring some Bubblebath, Carson will bring a Cat, and I'll bring some Dynamite." Continue until the whole circle has gone. Allow the group to help people out when stuck. If desired, you can attempt to circle twice!

ENERGIZERS

For the sake of accessibility, we have not included traditional "energizers" here that require running around or a great amount of movement. These activities will still allow your group to get out their chairs and interact.

1) ANIMALS: This game requires an even number of participants. On pieces of paper, write down enough pairs of animals for each member of the group to get one (ex: if there are 10 participants, then write down 5 animals, repeating each one twice so there are pairs). Have each participant select a paper from a hat, without showing anyone else. Invite the participants to get into the character of their animals, and begin by sleeping – how does this animal sleep? Have the animals wake up, walk around, drink water, eat food (no real hunting of other animals!). Encourage people to be creative and to use their bodies expressively. Now without talking, have each animal find their pair.

2) ENERGY CLAP: Stand in as large a circle as possible. Tell everyone that you are holding an (invisible) energy ball, and that we are going to throw it around the circle. To throw the ball, clap your hands and push them out in the direction of the person you wish to throw to – maintain eye contact as well. To receive the ball clap inwards, towards your chest. Practice this a bit, and then speed it up!

3) ORIENTING ONESELF: Use: for large groups (over 20), ice breaker, get to know more about each other, non verbal communication
Materials: none
Activity Description:
Ask everyone to stand up and then announce to have everyone orient themselves to the room by age. The group has to figure out where the youngest person needs to stand, middle-aged folks and then elders. No one may speak. When completed, permit them to talk to announce their ages in line from one end to the other to see how they did.
Variations (since age isn't always the best topic): orient the group in the room by place of birth, astrological signs, number of siblings, length of time in the organization, etc.

4) HOT CATEGORIES
(variation on the classic "Freeze Tag")
Use: Get energy up, Get moving
Materials: Small ball (koosh works well)

Activity Description:
Start by tossing around the ball. As you are tossing, tell them that it has become very hot and if they hold it in their hands too long they will burn. They need to toss the ball as soon as they catch it.

Explain that while still tossing you will yell out a category. They will need to say something that relates to that category before they can toss the ball - if it takes them too long they are out. No Answers can be repeated. Each time a person is eliminated, start a new category. Do this as long as you want or until one person is left

Some sample categories: Types of magazines, Types of Candy, Cartoon Characters, soap opera characters, etc.

BRINGING IT HOME

Facilitation activities for you and everyone you know...

The first part of this manual is meant to introduce you to the key concepts, concerns, and implications that were raised during the public hearings of the People's Commission on Immigration Security Measures. In this section, we provide some sample facilitation activities that can help you raise awareness about these important issues within your communities. These are offered as a guide, but can be modified and revised to suit the groups with which you are working, and the amount of time you have available for them. This section is divided into four sections, including suggestions on the amount of time each will take:

1. Guided Discussions
2. Media Analysis
3. Interactive Activities
4. Bringing in 'The Experts'

Sample Facilitation Activities

1. GUIDED DISCUSSIONS

(time required: 10 minutes to an hour)

Guided discussions can be an effective way to lead a group through a deliberation process that allows them to consider the importance of various issues raised. A guided discussion has the advantage of being flexible: it can take as little or as much time as you like, and involves no special preparation or materials. It is also a relatively 'low-risk' activity, in that nobody is being asked to, for example, do a role-play or put themselves in another person's shoes. For more tips on facilitating guided discussions, see page [].

SAMPLE DISCUSSION QUESTIONS:
On historical context (Module 1):

1. How do today's policies mirror similar policies and procedures from Canada's history?

2. What are the similarities between Canada's colonial treatment of Indigenous peoples and today's treatment of immigrants and refugees? What are the differences?

3. How does the history of Canada presented here differ from the common perception of Canada and its past?

On racial profiling (Modual 2):

1. What justifications have historically been used for racial profiling practices within Canada and elsewhere? What justifications are being used in the present?

2. Review the case study on page [] entitled 'Unravelling the racial profiling in Project Thread.' What aspects of the alleged 'terrorist suspects' were targetted by the police? Why is this a case of racial profiling?

On due process and detention (Modual 3):

1. What are the advantages of using the rules of due process for people accused of a crime? What are the advantages of not using due process for those doing the accusing (e.g. government, the plaintiff)? What are the effects of not using due process for the accused?

2. What are the broader implications of having immigration security measures that do not respect due process? How does it affect people from migrant communities more broadly?

3. What are the psychological costs associated with threats of detention and deportation? Who do they impact the most?

SAMPLE DISCUSSION QUESTIONS (cont…):

General/Overview:

1. The following is the beginning of a statement from a No One is Illegal Group in the UK:
Defend the outlaw! Immigration controls should be abolished. People should not be deemed 'illegal' because they have fallen foul of an increasingly brutal and repressive system of controls. Why is immigration law different from all other law? Under all other laws it is the act that is illegal, but under immigration law it is the person who is illegal. Those subject to immigration control are dehumanized, are reduced to non-persons, are nobodies. They are the modern outlaw. Like their medieval counterpart they exist outside of the law and outside of the law's protection. Opposition to immigration controls requires defending all immigration outlaws.
In your community, who are the immigration outlaws? What work do they do? How do they survive? What organizations support them? How can you contribute to improving their situation?

2. What might be some connections between Canada's history of institutional racism (see module 1), racial profiling (see module 2) and the use of security certificates in Canada (module 3)?

Sample Facilitation Activities

2. MEDIA ANALYSIS

(time required: 30 minutes to an hour)

Media analysis combines aspects of guided discussions and interactive activities. It draws on real-life examples to ask people to think about the messages they are receiving, and to critically analyze the knowledge that is available within mainstream media. Here we have presented a couple of possibilities, but more can be had with a simple google search of current newspaper articles on these subjects.

1. Compare the newspaper reports on pages [63 + 59] below to the stories of Adil Charkaoui (page 37) and Mahmoud Jaballah (page 38) in Module 3: Due process, deportation and detention. How are they different? Why do you think this disparity exists? How might these media stories serve those who have a political agenda built around a platform of 'national security'? How might they harm the cases of the men being held under security certificates?

2. Read the report on racial profiling that the CBC put together in 2005, reproduced below on pages [54 + 57]. Which parts of 'the bigger picture' are missing from the piece? Why do you think they left them out? How does this story compare to the analysis of racial profiling provided in Module 2? Why might they be different?

Sample Facilitation Activities

3. Interactive Activities

(time required: 20 minutes to 2 hours)

Interactive activities combine elements of discussion, energizers, and icebreakers. They get people moving, interacting, and thinking on their feet. They are great for a group that is newly formed and getting to know each other, or for a group that has been together longer and developed more trust between them. It is important to gage your group when considering which activities to use with them and when. For more information on group dynamics and facilitation, see pages [42 - 47]

Timelines and Pairings (approx. 20-30 minutes)

1. Make copies of the timelines on pages [12, 13] and [17, 18] in Module 1: Seeing the Big Picture. Cut each fact off from the page, and separate the fact from its date. Draw a timeline on a blackboard, white board or flipchart paper, and ask participants to paste their 'slice of history' on the board where they think it belongs. Discuss the results. What was surprising about when certain events happened? What events seem to recur in Canada's history? How do present and past compare?

2. Make copies of the 'myths vs. facts' (page [10]), the 'now vs. then' (page [15]), and/or the 'due process vs. security certificates' (page [35]) sections of this manual. Split myths/facts, now/then and due process/security certificates between the group and ask them to find their match. Discuss.

Barometer (approx. 30-45 minutes)

Post a sign on one side of the room that says 'Agree' and another on the other side of the room that says 'Disagree.' Instruct the group to align themselves with either space, moving closer to 'agree' or 'disagree' when they feel strongly about the statements read, or to stay closer to the middle which represents 'neutral/uncertain.' Read out the following statements; after each, poll different members of the group about why they are where they are. For discussion points for each, see modules 1, 2, and 3.

Statements:

1. All people in Canada deserve to be treated equally under the law.
2. I would prefer to be certain of my country's security than to have my civil liberties protected.
3. Canada has always been respectful of people from different 'races', cultures, and ethnicities.
4. Canada should always respect international human rights law.
5. Racial profiling is justified if it reduces terrorism.

Role Plays

A. Due Process (or not) (approx. 1.5 hours)

1. Choose two volunteers from your group and ask them to leave the room. Send one facilitator with the two volunteers, and instruct them that when they come back into the room, they will be on trial. Hand one volunteer a piece of paper that includes the crime committed, and what evidence has been compiled against him or her (for example - Crime: stealing a shirt from a store. Evidence: Video monitors in the store, testimony of the clerk). The other volunteer gets nothing. When the volunteers return to the room, the rest of the group has been divided into the following roles: 2 lawyers, 1 judge, and 8 jurors. (you may want to have one of the facilitators play the judge, in order to help the process unfold as it ought).

2. Each of the lawyers receives information on both defendants. One piece of information is identical to that received by the first volunteer (e.g. Crime: stealing a shirt from a store. Evidence: Video monitors in the store, testimony of the clerk). The second piece of information is unknown to the second volunteer. It suggests another crime and the evidence (for example – crime: uttering death threats; evidence: testimony of the person who says this happened, testimony from their friends and family).

3. Run two mock trials, one using the rules of due process (see page [30], Module 3), the other without due process. The defendant who knows his or her crime is questioned by both lawyers with the constraints of due process in mind. The judge should remind each lawyer to respect the defendant's rights. The jury then deliberates in private and decides whether the defendant is innocent or guilty as charged. The second trial is run for the defendant who does not know his or her crime or the evidence against him or her. The jury then deliberates as to their guilt or innocence.

4. After each trial, ask the group to discuss their experiences. What happened in each trial? What was similar, what was different? What were the outcomes of each? How did each of the defendants feel? How did the lawyers feel? How did the jurors feel? What does this experience tell us about the role of due process? What is the impact of having due process in place? What is the impact of it not being in place? What are the implications of this for people who are caught within immigration security measures that do not respect due process?

B: Tribunal on Canadian security (Approx. 1 hour)

Set up a tribunal to deliberate on the following question: What is the balance between protecting national security versus respecting people's civil liberties? Appoint people to different roles, to ensure a diverse range of opinions are heard. Suggest they read the case studies within this manual in order to prepare.

Sample Facilitation Activities

4. Bringing in 'The Experts'

(time required: 1 to 2 hours)

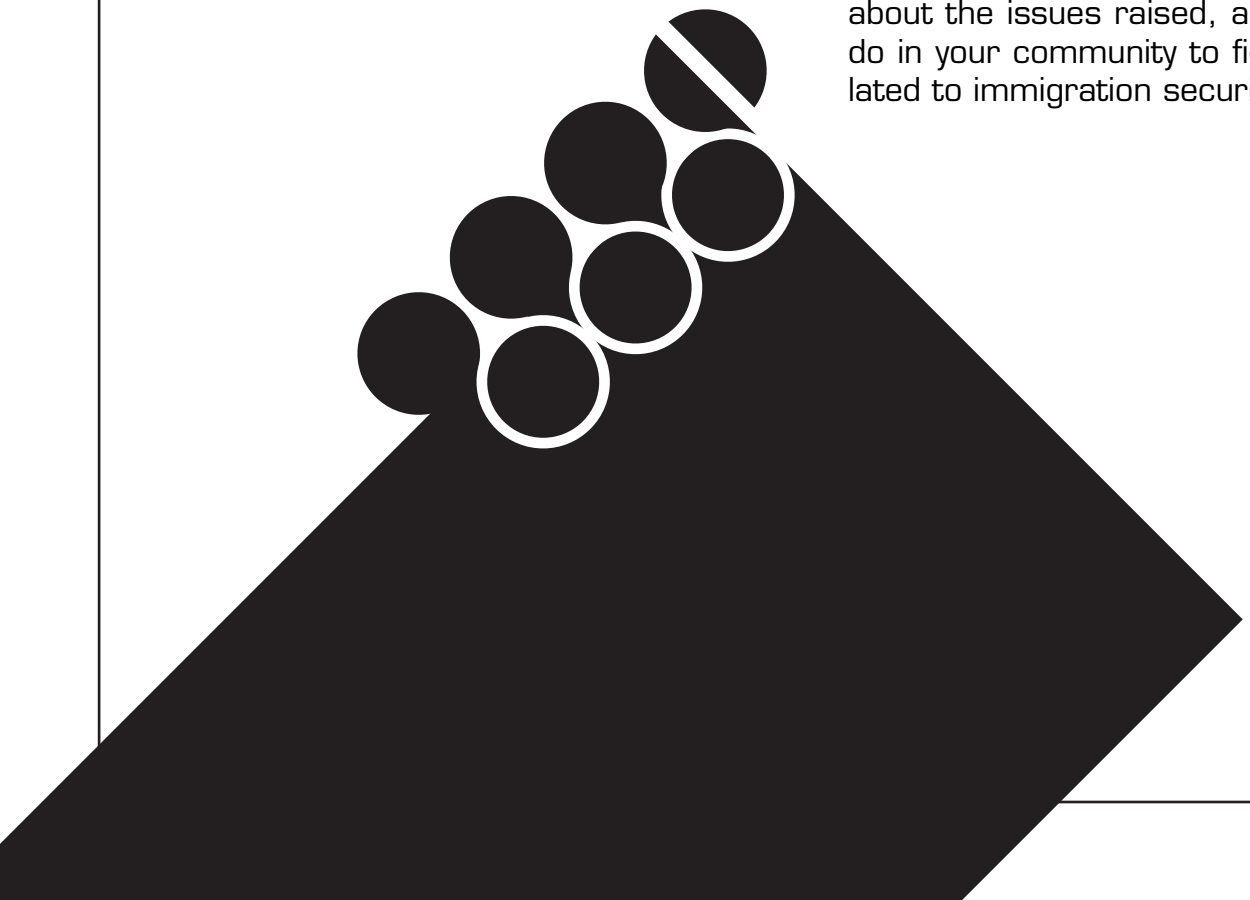
Sometimes the greatest impact can be had from bringing in outside speakers or films to expose people to the realities of immigration security measures in Canada. Here are some suggestions for ways to do this, although there are many other thoughtful and intelligent speakers and films to be found.

1. Invite local MPs to your school, union, community centre etc. and ask them to explain detention and deportation. Prepare and present specific cases as a way to 'educate' them about the real facts.

2. Invite members of a local activist group to come and speak to your group about work that is happening locally and nationally around these issues. For some potential contacts, see our Resources section, page [60-62].

3. Arrange a public viewing of the series of short films collected by the National Film Board on Canadian Security Measures, under their CitizenShift project.
Available on-line at: http://citizen.nfb.ca/onf/info?did=1081.

After the viewing, facilitate a discussion about the issues raised, and what you can do in your community to fight injustices related to immigration security measures.

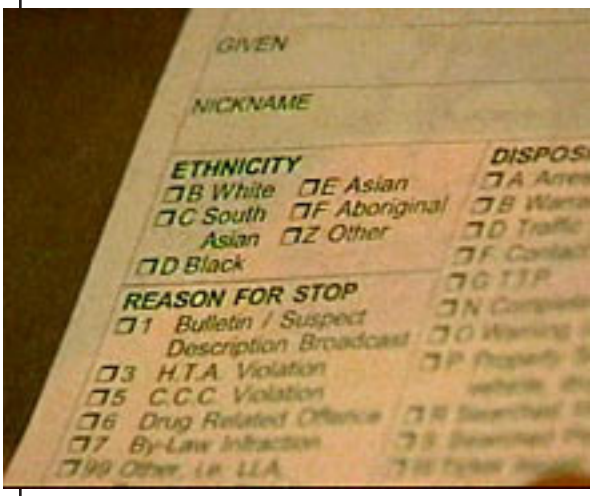


Sample Media Articles

CBC News Online | May 26, 2005 INDEPTH: RACIAL PROFILING

Frequently asked questions
http://www.cbc.ca/news/background/racial_profiling/
INDEPTH: RACIAL PROFILING
Frequently asked questions
CBC News Online | May 26, 2005

Does racial profiling occur?



It happens all the time. A police officer pulls over a car for a "routine" stop, or a customs officer at an airport or border crossing targets someone for a secondary examination. Usually nothing untoward is found and the person continues on their journey.

But often, when the person singled out is a member of a particular community, they're left with the feeling that there was nothing random about the closer look – that they were stopped or subjected to extra scrutiny just because of their race or ethnicity.

Some black Canadians have a name for the practice. They say they're frequently pulled over for no other reason than being guilty of "DWB" – driving while black.

It's an ugly charge. In a country that prides itself as being a beacon for immigrants and one that celebrates its rich cultural mosaic, the idea that authorities would use the simple visibility of certain minorities as an investigative tool smacks of racism.

Several high-profile media articles have kept the issue very much in the public eye. But it isn't just the news stories. Anecdotal evidence and many surveys in ethnic communities have revealed a deeply-held perception that members of some racial groups are singled out for special attention from authorities.

While police forces routinely deny they practise racial profiling, critics say there's evidence that support its existence. The critics also have their critics, who say the evidence is still unclear.

What is racial profiling?

Racial profiling is usually defined in a law enforcement context. One study published in the Canadian Review of Policing Research defined it as "a racial disparity in police stop and search practices, customs searches at airports and border-crossings, in police patrols in minority neighbourhoods and in undercover activities or sting operations which target particular communities."

The Ontario Human Rights Commission took a broader approach, defining it as "any action undertaken for reasons of safety, security or public protection that relies on stereotypes about race, colour, ethnicity, ancestry, religion, or place of origin rather than on reasonable suspicion, to single out an individual for greater scrutiny or different treatment."

Racial profiling is usually defined in a law enforcement context.

The OHRC gives some non-police-related examples of what it considers racial profiling:

- School officials suspend a Latino child for violating the school's zero tolerance policy while a white child's behaviour is excused as being normal child's play.
- An employer insists on stricter security clearance for a Muslim employee after the Sept. 11 attacks.
- A bar refuses to serve aboriginal customers because of a belief they will get drunk and rowdy.

Accusations of differential treatment arise in areas where authorities can exercise their discretion. If police stopped every car, or if customs officers directed everyone for follow-up scrutiny, there would be no talk of racial profiling. But when that discretion is exercised, members of many communities feel that they come out with the short end of the baton – that they somehow always have to prove their innocence.

Why is there such opposition to the idea that racial profiling exists?

Racial profiling is based on the assumption that members of certain ethnic groups are disproportionately more likely to be involved in certain criminal activities. If this practice is widely entrenched or officially sanctioned, it also follows that members of non-targeted communities can also expect less police scrutiny.

Since police forces rely on the co-operation of every segment of society, it's not surprising that accusations of any kind of bias are vigorously denied. Police chiefs say their forces try to weed out racists and can often point to disciplinary action or firings related to racist behaviour. But critics say racial profiling is often more subtle and therefore difficult to monitor. Formal statistics are often hard to come by and can be open to alternate interpretations.

And some people worry that the collection and publication of any race-based data will simply reinforce racial prejudices.

What's the statistical evidence that racial profiling exists?

Since anecdotal evidence appears to not be taken that seriously, the search for more concrete evidence of racial profiling inevitably leads to statistics compiled by police forces themselves. But most police forces in North America don't collect race-based data on such things as traffic stops. That's why a series of articles published in 2002 in the Toronto Star caused such a sensation. The articles were based on stats collected by the police.

Analysis of those figures by Star reporters suggested that black people in Toronto were over-represented in certain offence categories like drug possession and in what were called "out-of-sight" traffic violations, such as driving without a licence. The analysis also suggested that black suspects were more likely to be held in custody for a bail hearing, while white suspects #8211; facing similar charges – were more likely to be released at the scene.

The Toronto Police Service commissioned its own report that called the Star's methodology and interpretations "junk science," although that report attracted methodological criticisms.

Kingston police stop a disproportionate number of young black and aboriginal men, according to a racial profiling study.

A study of police statistics in Kingston, Ont., released in May 2005 found that young black and aboriginal men were more likely to be stopped than other groups. The data showed that police in the predominantly white city were 3.7 times more likely to stop a black as a Caucasian, and 1.4 times more likely to stop an aboriginal person than a white.

Many other studies in the United States and Britain suggest that racial profiling does exist. In England, police routinely record the racial background of everyone stopped and searched by police. Stats from 1997-98 found that black people were stopped and searched at a rate of 142 per 1,000. Whites were stopped and searched at a rate of just 19 per 1,000.

Several field studies in Canada have also uncovered evidence that people from some communities, especially black youth, are far more likely to report "involuntary police contact," as one researcher called it, than either whites or Asians.

The Association of Black Law Enforcers, an organization that represents black and minority police and law enforcement officers in Canada, says racial profiling exists.

Is there debate over what the statistics show?

Those on both sides of the question say there are problems with taking the figures on such a complex issue at face value. What does it mean when half the inmates in a provincial jail are aboriginal when they represent only 10 per cent of the community's population? Are aboriginal Canadians committing more crimes or are police simply spending more time in the aboriginal community?

Are the courts and prosecutors more likely to drop charges against white offenders or agree to a plea bargain that keeps whites out of jail? Is it simply a case of whites being rich enough to afford better lawyers than aboriginals and blacks?

Some point out that it's not surprising that certain ethnics groups are over-represented in arrest statistics if their community is subject to much greater police scrutiny. The question is why. Are members of a certain community more targeted because of a belief they're more likely to have done something wrong? Or does the belief that a certain group harbours more

lawbreakers merely become a self-fulfilling prophecy because police then target the group for extra scrutiny?

Some argue that all the debate over whether racial profiling exists is missing the point. They say if a huge portion of an ethnic group believes it exists, then that by definition amounts to a serious problem that must be addressed.

University of Toronto criminologist Scot Wortley wrote that "being stopped and searched by the police… seems to be experienced by black people as evidence that race still matters in Canadian society. That no matter how well you behave, how hard you try, being black means that you will always be considered one of the 'usual suspects.'"

Wortley argues for more research and more data collection by police forces, saying the refusal to deal with it will "ensure that the issue of racial discrimination continues to haunt law enforcement agencies for decades to come."

References

Ronald Weitzer and Steven Tuch. 2006. Race and Policing in America: Conflict and Reform (New York: Cambridge University Press).

Crown 'ecstatic' over court ruling that could deport suspect to Egypt

Last Updated: Thursday, March 16, 2006 | 8:08 PM ET
CBC News

The former principal of an Islamic school who has been held without charge at a Toronto prison for five years moved a step closer on Thursday to being put in an Egyptian jail instead.

A federal judge turned down Manmoud Jaballah's efforts to stop his forced return to his homeland, where he claims he could be tortured.

But Jaballah, who has been in solitary confinement in the Toronto prison, does have one remaining hope.

Mahmoud Jaballah claims he could be tortured in Egypt.

The judge said Ottawa must first prove the justification for holding the father of six on a national security certificate.

Crown prosecutor Donald MacIntosh says Jaballah has ties to terrorists and is a danger to national security.

The government is "ecstatic" about the ruling, he says.

"Canadians should be pleased that someone who represents a serious threat to the country's security is further along towards what we hope is his ultimate removal from this country."

But Thursday's ruling does not mean Jaballah will definitely be deported to Egypt.

A judge must first rule if the security certificate is legal. A hearing to determine that is expected to begin this spring.

Jaballah's lawyer, John Norris, who is involved in four other security-certificate cases, says the federal judge's decision is disappointing and surprising.

Norris says Canada should protect people who face the risk of torture, and the judge didn't rule on whether that could happen if Jaballah was deported to Egypt.

"This case raises extremely troubling issues around Canada's international obligations, and we have been very concerned throughout our involvement with all these cases that Canada is failing in its obligations."

Norris says he's not certain if the decision can be appealed, but adds the fight to challenge it will be pursued every way possible.

Terrorist suspect identified by al-Qaeda operative

Last Updated: Saturday, July 19, 2003 | 1:58 PM ET
CBC News

New evidence released by the Federal Court of Canada suggests a link between accused terrorist Adil Charkaoui and one of Osama bin Laden's top lieutenants.

The Moroccan-born Charkaoui was arrested in May under a special federal security certificate. CSIS alleges he is an al-Qaeda sleeper agent.

FROM MAY 22, 2003: Montreal man arrested as a security risk.The federal government wants him deported from Canada.

Evidence against Charkaoui, 30, is protected in the interests of national security. The defence and public are only allowed to see summaries prepared by a federal judge.

Those summaries generally tend to be vague. For example, evidence released earlier showed that Charkaoui travelled in Pakistan and was acquainted with other terror suspects in Montreal.

The latest summary from the Federal Court of Canada has Abu Zubaida, a known associate of al-Qaeda leader Osama bin Laden, identified Charkaoui.

Zubaida was arrested last April in Afghanistan. He was recognized pictures of Charkaoui by what the document terms "a foreign intelligence service." Zubaida said he first saw Charkaoui in 1993 then again in Afghanistan in 1998.

"He has been identified by a very important figure in the al-Qaeda network who has been under U.S. custody for quite a while now," said Michael Juneau-Katsuya, a former CSIS agent who has followed Charkaoui since before his arrest.

Charkaoui's defence lawyers will likely try to discredit Zubaida's claims, he said.

Charkaoui's family said he is not a terrorist and has no links to al-Qaeda.

Contacts and Further Resources

No One Is Illegal Networks

Montréal: : http://nooneisillegal-montreal.blogspot.com/

Vancouver: noii-van@resist.ca
Telephone: 604.682-3269 x 7149
Mailing address: #714 - 207 West Hastings, Vancouver, BC V6B 1H7

Victoria
SUB B122, University of Victoria, PO Box 3050 STN CSC, Victoria, BC V8W 3P3
Tel: 250-721-8629 Email: vipirg@vipirg.ca

Toronto: nooneisillegal@riseup.net
416.597.5820 ext 5438

Halifax: http://noii-halifax.blogspot.com/

National Groups

STATUS
is a broad coalition of individuals and organizations advocating for the regularization of status of all non-status immigrants living in Canada.
http://www.ocasi.org/status/index.asp
status@ocasi.org
(416) 322-4950 x239
110 Eglinton Avenue, Suite 200
Toronto, ON M4R 1A3

Canadian Arab Federation
ADD
1057 McNicoll Avenue,
Toronto Ontario
M1W 3W6
http://www.caf.org/info@caf.org
(416) 493-8635

Canadian Council on American-Islamic Relations
(CAIR-CAN)
ADD http://www.caircan.ca
PO Box 13219
Ottawa, ON
K2K 1X4
1-866-524-0004
info@caircan.ca

Canadian Council For Refugees
6839A Rue Drolet, Montreal, QC H2S 2T1
(514) 277-7223

Montreal

Solidarity Across Borders
sansfrontieres@resist.ca
(514) 848 7583

Coalition Justice pour Adil Charkaoui
http://www.adilinfo.org/
Email: justiceforadil@riseup.net
phone: (514) 848 7583

Coalition Against the Deportation of Palestinian Refugees
http://refugees.resist.ca/refugees
C/O QPIRG McGill
3647 University Street, 3rd Floor
Montreal (Quebec) H3A 2B3
E-mail: refugees@riseup.net
Telephone: (514)859-9070
Fax: (514)398-8976

South Asian Women's Community Centre
1035 Rue Rachel, Montreal, QC H2J 2J5
(514) 528-8812

Immigrant Workers Center
http://www.iwc-cti.ca
6420 Avenue Victoria, Montreal, QC H3W 2S7
(514) 342-2111

Toronto

Campaign to Stop Secret Trials in Canada
Toronto Action Support Committee
416-651-5800
tasc@web.ca
Mail: PO Box 73620, 509 St. Clair Ave. West, Toronto, Ontario M6C 1C0

Homes Not Bombs Chapters:
Toronto: (416) 651-5800, tasc (@ symbol) web.ca
Hamilton: (905) 627-2696 grassroots@hwcn.org
Durham, (519) 369-3268, lizbarningham@yahoo.com
London: (519) 280-0458, dhilton2@uwo.ca

Workers' Action Centre
720 Spadina Avenue, Suite 223
Toronto ON M5S 2T9
Tel: (416) 531-0778
Fax: (416) 533-0107
E-mail: info@workersactioncentre.org

Ottawa

Justice for Mohamed Harkat Committee
c/o 22 Rue Dalpé
Gatineau, QC
J8Y 2Y5
http://www.zerra.net/freemohamed/news.php
justicepourmohamedharkat©yahoo.ca

Vancouver

South Asian Network for Secularism and Democracy
205 – 329 North Road, Suite 435
Coquitlam, B.C. Canada
V3K 6Z8
Email:
sansad@sansad.org
Phone:
(604) 420-2972

Justicia For Migrant Workers - BRITISH COLUMBIA
justiciaformigrantworkersbc@yahoo.ca
http://www.justicia4migrantworkers.org

NOTES