

**A Ray of Hope in an Inhospitable Sea:**

**Regulation, Policy and the Resettlement of  
Refugee Survivors of Sexual and Gender-based  
Violence from Greece to Canada**

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# Roadmap

- How EU policies trapped survivors of sexual gender-based violence in Greece
- Condition in Greece for refugees and consequences for survivors
- Carving pathways to Canada
  - *Presenting an evidence-based case of the need*
  - *Leveraging Canada's regulatory framework*
  - *Engaging powerful political actors*
  - *Partnering with an internationally respected action-oriented think tank*
- The public policies and their implementation
- Impacts

## Slide 2: Introduction

Commencing 2015, thousands of refugee survivors of sexual gender-based violence became trapped in Greece, in conditions sometimes described as tantamount to “crimes against humanity”. In this presentation I will explore the policies of the European Union that led to this crisis and look at the impact of policies of containment upon survivors of sexual gender-based violence. Acting on the principle that proximity to a crisis should not define responsibility for responding to it, this presentation will also explore the methods used to persuade the government to carve a pathway for resettlement to Canada for a small number of survivors of sexual gender-based violence which involved presenting an evidence based case of need, leveraging Canada’s regulatory framework, engaging powerful political actors and partnering with an internationally respected action oriented think tank. Finally, I will examine the public policies facilitating resettlement and their implementation, and the impact of their implementation on the lives of the women resettled to Canada. I make this presentation in my personal capacity and not as a representative of Lamp Lifeboat Ladder, the program which was set up to implement the public policies. For greater

clarity the views represented in this presentation are my own.



### **Slide 3: A Personal Story**

I want to start though, with an explanation of the reasons for my involvement in carving out pathways to resettlement in Canada for survivors of sexual gender-based violence. The explanation engages the story of a survivor and the many thousands like her.

In September 2016, at the height of the Syrian war, I spent just over two weeks working with a group of international volunteer lawyers and interpreters in a legal project for refugees trapped on the Greek island of Chios in Greece.

The Legal Project was run by the international law firm Reed Smith LLP, whose pro bono arm provides holistic support (housing, psycho-social, financial, and legal support) to refugees in both Greece and Jordan.

The volunteer lawyers among us took testimony from those in the camps in Greece to assist them in advancing their right to Convention Refugee Protection.

One of the many people I interviewed for this purpose during that time was Fatima.

Fatima told me how, after bombs were dropped in her neighbourhood in Damascus, she had tried desperately to dig her friend and neighbours from under the rubble only to find severed limbs and decapitated bodies. Fearing that she would be killed in the indiscriminate bombing that had engulfed Syria, Fatima fled with her adult daughter. In doing so she had to make the gut wrenching decision to leave behind her other daughter because, following divorce, her ex-husband had barred her from contacting them.

The only way that Fatima and her daughter could escape Syria was with a smuggler. But the price of their safety was their dignity: the smuggler demanded that Fatima and her daughter be sold to various men in order to pay off the debt.

Fatima and her daughter had originally been planning to flee to Europe. But they couldn't: they became trapped in Greece.

I knew that thousands of women and girls who had faced patriarchal oppression and violence - child marriage, forced marriage, domestic violence, threats of honour killing, rape and rape used as a weapon of war – were like Fatima, trapped in Greece.

I knew many of them had suffered sexual exploitation at the hands of those who trafficked them.

I saw the conditions they were trapped in in Greece.

I knew that women were being raped in the camps. I knew that conditions were so bad that children as young as 5 years old were attempting suicide and some were self harming in front of us. I knew a pathway had to be carved out to safety in Canada.

This presentation is about how teaming together with others and pooling respective skills and resources this pathway was carved.

But before we get there, we need to examine how women become trapped, and to look in greater detail about what the consequences of containment in Greece were for them.

## Building Walls

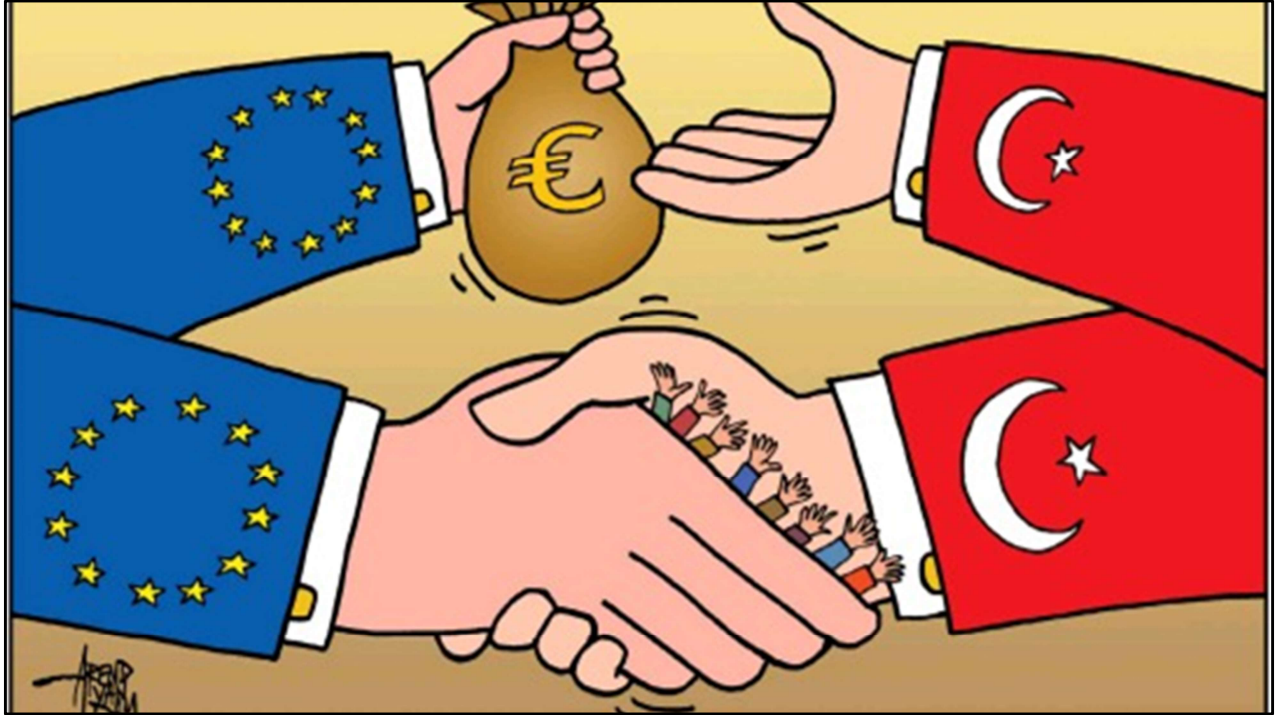


### Slide 4: Building Walls

In 2015 conflict in the world, chiefly in Syria, Iraq and Afghanistan, led to the displacement of hundreds of thousands of people. By the end of 2015, 1.3 million had fled to Europe and of these, 900,000 had travelled through Greece to Europe.

Europe's initial willingness to host large numbers of refugees was reluctant and short lived.

In 2015 Hungary built a wall to prevent entry of refugees transiting through Serbia and Croatia into Hungary. In 2016, Macedonia, Croatia and Slovenia followed suit. The closure of their borders shut down the Balkans route, blocking thousands of asylum seekers who were travelling to Northern Europe.



## Slide 5

The EU followed up the closure of the Balkan route in March 2016 with the EU Turkey deal marking a new paradigm in the EU's approach to forced displacement.

Under the EU Turkey deal, Turkey agreed to accept the return of all asylum seekers from Greece in exchange for billions of Euros, visa liberalization and revived negotiations for Turkey's accession to the EU.



## Slide 6

The EU Turkey deal was the antithesis of the humanitarian protection which is at the heart of the 1951 Refugee Convention, not only because it commoditizes refugees – as protestors eloquently pointed out - but also in its flagrant violation of the Convention’s foundational principle of non refoulement, the principle that refugees may not be returned to the country where they have a well founded fear of persecution, and may not be returned to a country which will return them to a country where they have a well founded fear of persecution. Turkey is a signatory to the Refugee Convention but only under a reservation excluding all non-Europeans from its protection. Every non refugee returned to Turkey was therefore at risk of refoulement – return to the country where they feared persecution.

In practice, very few returns occurred from 2016 to 2020. This was because Greece initially refused to return refugees with the exception of Syrians, who were being offered temporary protection in Turkey. As well, because the EU Turkey agreement was a political and not a legal agreement, it was susceptible to the vagaries of shifts in



international relations. In June 2018, Turkey temporarily suspended the agreement and in March 2020, Turkey formally announced it would not accept any refugees back.

And this was how thousands of refugees ended up trapped in Greece. Despite recent push back policies of the Greek government, around 50,00 refugees remain trapped in Greece today.



### **Slide 7: Conditions in the Camps**

The vast majority of camps that were sourced to deal with the influx of arrivals post 2015, were located in remote areas of the islands, away from the urban centres and the general population. For example, the Moria camp in Lesbos, since burned to the ground, was located in a former military base. The Vial camp in Chios was also located far inland, in an abandoned garbage processing facility, surrounded by barbed wire. The Vathy camp in Samos was also a former military installation.

Conditions in the camp had to be seen to be comprehended. Insufficient containers meant people slept in tents, exposed to sub-zero temperatures in the winter and extreme heat in the summer. Open sewage flowed through the camp, there were snakes in the area, and rats thrived in uncollected waste.

Prolonged stays in such inhumane and degrading conditions fueled tension at camp conditions. The resulting riots were broken up by the police with severe violence. Violence among rival ethnic groups housed alongside each other was also common, as too were xenophobic attacks.

Many asylum seekers arrived on the island with mental health pathologies incident to the extreme trauma they had endured in their countries of origin and en route. Living conditions exacerbated these symptoms or created new mental health pathologies.

By 2019 instances of suicide and severe self-harm, including cutting, poisoning and self immolation had become commonplace, even among children. The camps were dangerous but especially so for women.

### **Sexual Gender Based Violence in the Island Camps**

International guidelines call for gender-based violence risk mitigation strategies from the onset of crisis response including separate secure accommodation for unaccompanied women and children, the monitoring of high-risk areas and the implementation of responsive security measures.

However, almost none of the reception sites on the Greek islands were designed to mitigate the risk of sexual gender-based violence. Single women, including young girls, housed in tents found themselves living beside unrelated men, showers and bathrooms were in unlit areas and lacked functional locks, and security on the camps was all but non-existent.

As a result, sexual exploitation, harassment and violence towards women was rampant, with MSF reporting sexual violence against female children as young as 5 years old. The situation was so dangerous that in Lesbos women asked NGOs to supply diapers so that they could avoid using the washrooms after dark.

### **Mainland Conditions**

Conditions on the mainland for refugees are also dire. Camps on the mainland are located away from urban areas, remote from public transport and public services. Services within the camp are extremely limited and the lack of security that plagues the island camps is also common to mainland camps. As in the island camps, sexual gender-based violence is common. Because camps are so appalling, people migrate to the cities. But the cities are also unsafe, especially for survivors of sexual gender-based violence.



## Slide 8

The absence of available spaces in urban accommodation schemes has meant that many survivors of sexual gender-based violence are either forced to live on the streets, or they are forced to resort to living in squats where they may fall prey to traffickers or pimps, or may be exposed to further instances of sexual assault.

For a variety of reasons, women who have been victims of sexual and gender-based violence at the hands of family members also face unique difficulties in obtaining protection from their abusers, even on the mainland. These factors include lack of access to accommodation and shelters, close ethnic community networks which make it difficult for an abused woman to escape her abuser, lack of access to employment making basic sustenance impossible, and inadequate enforcement mechanisms against perpetrators of SGBV by the Greek police, especially where refugee women are the victims.



## Slide 9

The situation is even worse for those found to be Convention Refugees than it is for asylum seekers. 30 days after acceptance Convention Refugees lose all entitlement to housing and to financial stipends. Officially, the Greek government pursues this policy on the ground that it does not want to encourage dependency and wants to encourage refugees to work, but unemployment is extremely high in Greece and swaths of the industry are closed off to refugees. As a result, according to Médecins Sans Frontières:

By the summer of 2020, there were increasing numbers of refugees with severe health and mental health conditions, including survivors of sexual-violence, torture, ill treatment, the elderly, and people with chronic diseases, being threatened with eviction or evicted from their homes, and thrown out on the streets without access to shelter or basic healthcare. City squares in Athens are filling up with vulnerable refugees, including children, pregnant women, newborn babies, people with severe chronic conditions and survivors of torture and sexual violence.

## **Crafting a pathway to safety: Challenges & solutions**

- Under the Immigration Refugees and Protection Act, most resettlement programs require refugees to be referred to the Canadian government by the United Nations High Commission for Refugees.
- For political reasons, the UNHCR was not referring out of Greece, and Greece was presumptively considered a durable solution.

### **Slide 10: Challenges**

This was why, after spending only two and half weeks on the island camps in Greece in September 2016, I returned to Canada determined to identify a resettlement route out of Greece.

But I quickly discovered that for two reasons, no existing resettlement pathways or programs were open to refugees from Greece.

First, under the Immigration Refugees and Citizenship Protection Act (IRPA), most resettlement programs require refugees to be referred to the Canadian government by the United Nations High Commission for Refugees, and for political reasons the UNHCR was not referring out of Greece.

Second, because Greece implements the Refugee Convention, Greece was presumptively considered a durable solution.

## Legal remedies

### ■ IRPA s. 25(2)(1):

“The Minister may, in examining the circumstances concerning a foreign national who is inadmissible or who does not meet the requirements of this Act, grant that person permanent resident status or an exemption from any applicable criteria or obligations of this Act if the foreign national complies with any conditions imposed by the Minister and the Minister is of the opinion that it is justified by public policy considerations.”

### Slide 11: Legal Remedies

As existing legal resettlement pathways were of no assistance, I knew we would have to craft new legal pathways within the existing law.

We found such a pathway within s. 25. 2 (1). of the IRPA. This section allows the Minister of Immigration Refugees and Citizenship Canada to grant exemptions from criteria under the act if to do so is justifiable on public policy grounds:


- The Minister may, in examining the circumstances concerning a foreign national who is inadmissible or who does not meet the requirements of this Act, grant that person permanent resident status or an exemption from any applicable criteria or obligations of this Act if the foreign national complies with any conditions imposed by the Minister and the Minister is of the opinion that it is justified by public policy considerations.

If we could persuade the government that public policy grounds warranted resettlement of refugees trapped in Greece, resettlement could occur without UNHCR

referrals or status recognition and resettlement could occur even though Greece was typically seen as providing a durable solution for refugees.



## Public policy justification

- 2017-18: Fact-finding mission & research  report called: “It’s Our Turn”
- Research finding: Greece is *not* a durable solution for survivors of torture and sexual gender-based violence



### Slide 12: Public Policy Justifications

So now our task was cut out for us. We had to persuade the government that public policy reasons justified resettlement out of the heart of Europe. This of course was a delicate political issue.

In persuading the government of this, we faced another major challenge. At the time we began our quiet campaign, it was not yet fully known how desperate the situation was for refugees in Greece.

This meant we had to present an evidence based case for need.

In 2018, a colleague, Hanna Gros, now a researcher for Human Rights Watch, myself, and Jayne Fleming, from Reed Smith LLP, teamed up together under Reed Smith LLP umbrella to conduct a fact finding mission to determine the extent to which Greece could provide a durable solution for refugees.

We conducted extensive desk research as well as making three trips to Greece to conduct research in situ. In all we interviewed over 50 individuals from over 30 organizations engaged in working with refugees in Greece. Our report, completed in April 2019, identified two groups for whom Greece, because of its strained economic circumstances, could not provide a durable solution: survivors of sexual gender based violence and survivors of torture.

Our report concluded with recommendations that the government pass a public policy under s. 25 (2) (1) to allow resettlement out of Greece without UNHCR referral, for individuals within these two identified groups, and to override the durable solution considerations.

We also laid out a framework for how such a resettlement pathway might be implemented, indicating that all money to support the program would be privately raised, and that the project, acting together with settlement organizations and private citizens selected by the program, would provide holistic support for those resettled for two years post resettlement.

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WITH AN  
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THINK TANK**



### **Slide 13: Engaging a Powerful Political Actor and Partnership with an NGO**

With our report and recommendations in hand, we now needed to identify a powerful political actor, or a powerful NGO or both, to champion our cause. Around the same time as our report was completed we were fortuitously introduced to Allan Rock. Allan Rock had been the former Minister of Justice in Jean Chretien's government. He has also served as Canada's Ambassador to the UN, and he is currently a Senior Advisor to the World Refugee and Migration Council. He read our report. He saw that its central premises: that all countries have a collective responsibility to respond to the humanitarian needs of the most vulnerable in our society, that proximity should not define responsibility, and that such responsibility is best met by public private partnerships engaging multiple stakeholders and national and international expertise, dovetailed with the mandate of the World Refugee and Migration Council. Working together with the World Refugee and Migration Council, he agreed to champion our cause.

Three months later, the government passed two public policies, one which allowed for

resettlement of survivors of sexual and gender based violence or torture out of Greece, and one which allowed for the resettlement of survivors of sexual gender based violence or torture out of Jordan.

# Public policies: overview

- 90 survivors of sexual gender-based violence or torture:
  - 50 survivors (of any gender) and their families from Greece
  - 40 women and their families from Jordan
- Current expiry date: Sept 2022
- Referral organization is Reed Smith LLP (not UNHCR)
- Public policies became operational with signing of MOU, which requires:
  - 1. Canadian partner organization as community sponsor: CCVT
  - 2. Detailed implementation framework

## Slide 14: The Public Policies

Simultaneously with advocating for a resettlement policy out of Greece, Reed Smith LLP, the law firm whose pro bono operations in Greece and Jordan were the foundational pillar on which the resettlement pathway to Canada were built, was also advocating, through diplomatic channels, for a small resettlement program from Jordan to Canada. The two advocacy streams were joined and two public policies were passed simultaneously in September 2019.

The two public policies allow for 90 survivors and their families to be relocated, 50 out of Greece, and 40 out of Jordan. Under the public policies the referral organization is Reed Smith. The public policies became operational in 2020 after an MOU was signed with IRCC. The MOU requires a Canadian partner organization and a detailed implementation framework.

## Implementation Framework: Key Elements

- Survivor-led
- Primary implementing organizations: Reed Smith LLP Pro Bono and CCVT ☐☐ *Lamp Lifeboat Ladder*
- Continuum of holistic care nationally & internationally to accommodate specialized accompaniment needs
- Financial support, housing, medical, psychosocial, educational, legal, etc.

### Slide 15: The Implementation Framework

To implement the public policy, Reed Smith LLP, named as the policies' primary implementing partner, established a pro bono dedicated resettlement program, **Lamp Lifeboat Ladder**. The name of the program was chosen by survivors and comes from a Rumi poem "Be a Lamp, or a Lifeboat, or a Ladder. Help someone's soul heal".

Survivor agency and survivor leadership are core values of the program. The program seeks to challenge the construction of refugees as persons in need of rescue, instead recognizing that refugees in general, and survivors of sexual gender based violence and torture in particular, are agents of self rescue, and that they hold agency in everything pertaining to their future.

Within this framework, Lamp Lifeboat Ladder provides holistic support (housing, medical, financial, psychosocial and legal support) to survivors of sexual gender-based violence and torture from the point of referral in the country of first asylum through to resettlement in Canada. Resettlement can be to any part of Canada, depending upon the survivors wishes.

Survivors are referred to the program by NGOs working in Greece and Jordan. Once a case is identified for referral, lawyers on the ground, in Greece and Jordan, work to collect affidavits to support the legal case, while lawyers in Canada write comprehensive legal submissions to support the case. Due to heightened levels of vulnerability for those resettled under the public policies, the government commits to resettlement within six months of application filing.

Prior to arrival in Canada, survivors are matched with volunteer trauma-informed allies, who will support the survivor with all the day-to-day tasks of resettlement and integration, from finding and setting up housing, to accessing English language classes and schooling, through to searching for employment. Accompaniment support is also provided by local paid staff, and continuity of care is provided by regular visits from international staff, including the international lead of the project, Jayne Fleming.

The Canadian Centre for Victims of Torture is named in the MOU as the community sponsor for all cases and provides additional settlement support on an as needed basis for survivors who resettle in the Greater Toronto Area. CCVT also administers all stipends paid to survivors.

## **IMPLEMENTATION IN PRACTICE**

The Memorandum of Understanding which brought the public policies into effect was signed in April 2020.

One month earlier the World Health Organization had declared COVID a pandemic, throwing the world in general and resettlement operations in particular into turmoil.

Despite these external challenges, Lamp Lifeboat Ladder continued to file cases throughout the pandemic. All of the cases filed were approved, allowing sixty people to be resettled to Canada during the pandemic. As of the time of this presentation, settlement remains ongoing.

In all cases filed to date, the principal applicants have been survivors of sexual gender-based violence and all but one of the principal applicants were women. Forms of sexual gender-based violence have included forced marriage, child marriage, sexual assault including rape used as weapon of war and forced prostitution. Survivors have experienced patriarchal violence in their countries of origin, in transit and in the country of first refuge, and have often experienced it in all three places.

Notwithstanding the ongoing damage that their trauma has caused, these women have shown enormous resilience in facing the challenges of resettlement. They have studied English, they are returning to school to re-qualify in professions disrupted by

violence and displacement, and some are already working.

One of the women who resettled in Canada has just had her first anniversary in Canada. I texted her to congratulate and to ask her how she had found her first year in Canada. She replied:

“Canada is my mother who gave me safety”.

Resettlement to Canada has been for her and for others like her, a ray of hope in an inhospitable sea.