

Women Human Rights Defenders in Exile in Canada



UQAM



Clinique internationale
de défense des droits humains

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The authors acknowledge their privileged position as Western white women and stress that they have not experienced the realities described by the women who were interviewed. They tried their best not to appropriate themselves the interviewees' experiences, but to value and honor them, and can only hope they succeeded.

About Sisters Trust Canada (STC)

STC is a non-governmental organization that respects, protects and celebrates exiled women human rights defenders. STC provides the support these women need to live, heal and continue their important work while in Canada.

At STC we support human rights defenders in Canada by sharing resources, communities and networks, we help women defenders re-engage in their work. We ensure a woman's exile will not end her advocacy.

Foreword

This report is about women who dedicate their energy and sometimes their lives to defending the rights of others and who pay the price of their own and their family's safety for doing so. They are Women Human Rights Defenders who escape threats and violence by seeking exile in Canada. Unfortunately, living in exile often makes it difficult for these women to pursue their human rights work, thereby effectively silencing them.

Sisters Trust Canada and UQAM's International Clinic for the Defence of Human Rights have collaborated on this project in order to give back their voices to these women. They are the voices of women who decided to speak up and to act on behalf of others and their fundamental rights. Voices who denounce injustice, oppression and unbelievable human suffering. We cannot let these voices go silent.

As you read this report, let yourself be inspired by these women – by their determination, their social and political engagement, their courage and their compassion. They deserve for their human rights work to be recognised and they deserve to be empowered so they can empower others.

Thank you, to all the Women Human Rights Defenders out there, for making human rights matter.

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Executive summary

Women who engage in the defence of human rights (Women Human Rights Defenders - WHRDs), whether through traditional advocacy or other caring practices, frequently become the targets of threats or violence intended to intimidate and prevent them from pursuing their activism. This report documents the obstacles faced by WHRDs who seek safety for them and their families through exile in Canada. Such obstacles manifest themselves in a lack of recognition of their human rights work as well as in difficulties relating to immigration, professional and social integration and mental health. As a result of these obstacles, exiled WHRDs tend to have a hard time continuing their human rights work.

Through a series of interviews with WHRDs exiled in Canada and wishing to remain anonymous, the two organisations at the heart of this project, Sisters Trust Canada and UQAM's International Clinic for the Defence of Human Rights, have gathered personal stories and experiences reflecting this reality. These stories clearly show that Canada can and should do more to support WHRDs, both outside and inside of Canada. To this end, this report makes a series of recommendations designed to eliminate or alleviate some of the obstacles that were identified in order to allow WHRDs to build a life in Canada which provides safety, inclusion and empowerment. Because empowering WHRDs to defend human rights empowers those whose rights they defend.

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Introduction

The role of women in the human rights defence community has long been overlooked. As in other spheres of life – social, public, and professional – women have struggled to attain a level of recognition equal to that of their male counterparts. Despite what one might think, the human rights defenders’ community is not free of gender stereotypes: it is structured around heteronormative presumptions derived from a patriarchal vision of gender roles. Not only is this vision at odds with the actual work of women human rights defenders [WHRDs], but for many of them, it duplicates the very oppression they suffered at home, and which led them to human rights activism in the first place.¹

The patriarchal structure also underlies WHRDs’ self-perceptions: not being recognized as such, some of them do not identify themselves as human rights defenders. For that reason, it is necessary to craft a broad definition of what a WHRD is, a definition that goes further than simply adding “woman” in front of “human rights defender”. As a result, the definition adopted in this report is more comprehensive than the gender-neutral terms used by the Office of the United Nations High Commissioner for Human Rights² [OHCHR]: it acknowledges that human rights defence can be the result, for instance, of caring practices that are not traditionally recognized as human rights defence.

This report advocates for a gender perspective informed by various international declarations about WHRDs.³ It is notable that the United Nations Special Rapporteur on the situation of human rights

¹ *Situation of women human rights defenders*, Report of the Special Rapporteur on the situation of human rights defenders, UNGAOR, 40th Sess, UN Doc A/HRC/40/60 (2019) at para 29-30.

² “‘Human rights defender’ is a term used to describe people who, individually or with others, act to promote or protect human rights. [...] To be a human rights defender, a person can act to address any human right (or rights) on behalf of individuals or groups. Human rights defenders seek the promotion and protection of civil and political rights as well as the promotion, protection and realization of economic, social and cultural rights.” (OHCHR, “Who is a defender?”, online: <<https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Defender.aspx>>)

³ See *Promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: protecting women human rights defenders*, UNGAOR, 68th Sess, UN Doc A/RES/68/181 (2014); *Follow-up to the Fourth World Conference*

defenders' last report is concerned with WHRDs,⁴ whereas previous ones were clearly less aware of gender-specificity within the human rights defence community.⁵ The treatment and protection of WHRDs are more and more visible.

In 2019, the Special Rapporteur noted that amongst WHRDs, the ones who are “on the move”⁶ face gender-specific obstacles and often experience a precarious situation. For this reason, and considering that numerous WHRDs choose Canada to relocate, we believe it is necessary to scrutinize and – hopefully – improve Canadian practices regarding their welcoming and integration in Canada. The present report is meant to make a contribution in this sense.

This report was produced on behalf of Sisters Trust Canada [STC], an organization founded by Rehana Hashmi, a WHRD from Pakistan forced into exile and now living in Ottawa. STC puts women in situations similar to Hashmi's in contact with one another, in order to allow them to support each other and possibly continue to advocate for human rights. By doing so, the organisation provides an essential service not only to women, but also to Canada, which can only benefit from their experience and social implication. However, a closer look into these women's trajectories and a study of Canadian policies show that more has to be done for their integration and protection, and for the appreciation of their work value. For that goal to be attained, deeper institutional changes are necessary.

The first section of the report is dedicated to an overview of Canada's legal obligations towards displaced WHRDs. A concise presentation is followed by a critical analysis of the way those obligations are fulfilled and where there are shortcomings in their fulfilment.

on Women and full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly UNGAOR, 72nd Sess, UN Doc A/RES/72/147 (2018).

⁴ *Situation of women human rights defenders*, *supra* note 1.

⁵ See *Report of the Special Rapporteur on the situation of human rights defenders*, Michel Forst, UNGAOR, 40th Sess, UN Doc A/HRC/28/63 (2014) and *Report of the Special Rapporteur on the situation of human rights defenders*, Margaret Sekaggya, UNGAOR, 25th Sess, UN Doc A/HRC/25/55 (2013). Though the latter's content on WHRDs is much more developed than the former's, both systematically (and reductively) associate “women human rights defenders and those working on women's rights and gender issues”.

⁶ *Situation of women human rights defenders*, *supra* note 1 at para 73.

The second section and core of the report consists of an analysis of the testimonies gathered with WHRDs in exile in Canada⁷. Nine women who are or were living in exile have been interviewed. The questionnaire had been crafted so as to give women an opportunity to express themselves on gender-specific issues, such as the difference of treatment between men and women human rights defenders.⁸

The interviews revealed that the lack of recognition for WHRDs' work is linked to the very way they perform their advocacy, which does not correspond, or only partly, with what is accepted as the "model" of human rights defenders. That model generally refers to the male who practises human rights defence as a profession. It essentially manifests itself in the public sphere, whereas WHRDs often work privately,⁹ in accordance with the caregiving generally expected from women. Not only does this affect WHRDs' perception of themselves but it also shapes the type of persecution they suffer. Women are attacked in their intimacy. They are subjected to sexual violence. They are being targeted through their families and especially their children.¹⁰ They are often rejected by their own community, who is afraid of the cultural subversion they represent. Those gender-specific threats are compounded with threats aimed at human rights defenders in general,¹¹ and it is precisely on those intersectional connections that the interviews shed light. They did so with regards to five main topics:

- 1) the interviewees' activities as human rights defenders in their home country;
- 2) the danger they faced and the resulting exile (including the choices or reasons that led them to Canada);
- 3) their arrival, integration and Canadian everyday life;

⁷ This project received ethics approval from UQAM's Institutional Ethics Committee.

⁸ *Ibid* at para 36.

⁹ See Amie Lajoie, *Challenging assumptions of vulnerability: the significance of gender in the work, lives and identities of women human rights defenders*, thesis, National University of Ireland, Galway, 2018.

¹⁰ Women Human Rights Defenders International Coalition, *Gendering Documentation: A Manual for and about Women Human Rights Defenders*, 2015 at p 9 [*Gendering Documentation*].

¹¹ UNHRC, *Integrating a Gender Perspective into Human Rights Investigation: Guidance and Practice*, HR/PUB/18/4, 2018 at p 48.

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- 4) their eventual continued involvement in human rights advocacy;
 - 5) their psychological and emotional health and well-being.

The interviews lasted between 50 and 75 minutes. They were conducted through videoconferencing, telephone or, if possible, in person. One woman chose to answer in writing, due to psychological difficulties she experienced when telling her story. All transcripts of the interviews were carefully purged of all geographical information and personal details that could help identify the women, whose participation in the project was conditional upon their complete anonymity. Confidentiality was thus a key concern throughout this project.

The participants were identified through various channels: some were identified by Sisters Trust Canada, others were contacted through women networks or immigration lawyers. The diversity in outreach methods allowed for a diversity of socioeconomic profiles. The analysis of the interviews was especially sensitive to those differences. When a certain issue is being addressed with the words and rationale of different social groups, it makes for a stronger point; when a divergence in the experiences parallels a social divide, this is equally meaningful. In order to reflect this diversity and let the feminist approach we chose in conducting the interviews colour the resulting report, some quotes have been directly inserted in the last section.

By choosing to present this report in the form of “storytelling”, we intend to give a particular insight into the women’s lives and, at the same time, anchor our final recommendations in a tangible reality. Storytelling also allows for a balance between providing “useful” information and contributing to the subjects’ empowerment.¹²

¹² *Gendering Documentation*, *supra* note 10 at p 12.

Legal overview

I. Canada's International Obligations

In 1951, the United Nations adopted the *Convention relating to the Status of Refugees*¹³ [1951 *Refugee Convention*], which contains the rights of refugees and the obligations of states towards them. According to section 1A(2) of this convention, a refugee is a person who has a well- founded fear of being persecuted on the basis of one of five enumerated grounds (race, religion, nationality, membership of a particular social group or political opinion). Canada ratified the Convention in 1969 and is therefore prohibited from expelling or returning a refugee to a country where they face persecution.¹⁴

In December 1979, the *Convention on the Elimination of All Forms of Discrimination Against Women* was adopted.¹⁵ With the signature and ratification of the Convention (in 1980 and 1981), Canada agreed:

Art. 2 [...] (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

[...]

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

This Convention's aim is to ensure, through national tribunals and public institutions, that women can benefit from their right to equality.

Finally, in 1998, the *Declaration on the Right and Responsibility of Individuals, Groups and*

¹³ *Convention relating to the Status of Refugees*, July 28 1951, UNTS, vol 189 at p 137 [1951 *Refugee Convention*].

¹⁴ *Ibid*, s 33.

¹⁵ *Convention on the Elimination of All Forms of Discrimination Against Women*, December 18, 1979, UNTS, vol 1249 art 1.

*Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedom*¹⁶ [*Declaration on Human Rights Defenders*] was adopted unanimously by the United Nations General Assembly. The *Declaration on Human Rights Defenders* provides for the support and protection of human rights defenders in the context of their work.¹⁷ The term “Human rights defender” is a term used to describe someone who, individually or in association with others, “promotes or strives for the protection and realization of human rights and fundamental freedoms at the national and international levels”.¹⁸ The *Declaration on Human Rights Defenders* is not a legally binding instrument, but represents a commitment by states to implement and promote its principles. Amongst the sections describing the role and responsibilities of states, section 12(2) reads as follows:

The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.

II. Canada’s Position Towards Human Rights

Canada has a long-standing tradition of supporting and advancing human rights on the international scene. For instance, it has taken part in drafting the *Universal Declaration of Human Rights*¹⁹ and other international human rights instruments. This support takes many forms: promotion, participation in multilateral forums, bilateral partnerships, funding and grants, public recognition of human rights defenders and promoting responsible business conduct.

¹⁶ *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedom*, UNGAOR, 53rd Sess, UN Doc A/RES/53/144 (1999) [*Declaration on Human Rights Defenders*].

¹⁷ United Nations, Human Rights Office of the High Commissioner, “*Declaration on Human Rights Defenders*” (April 3, 2019), online: <<https://www.ohchr.org/en/issues/srhrdefenders/pages/declaration.aspx>>.

¹⁸ *Declaration on Human Rights Defenders*, supra note 16, s 1.

¹⁹ *Universal Declaration of Human Rights*, GA Res 217A (III), UNGAOR, 3rd Sess, Supp No 13, UN Doc A/810 (1948) 71.

In addition, in order to meet its international obligations towards human rights defenders, the Government of Canada has published a guide called *Voices at Risk: Canada's Guidelines for Supporting Human Rights Defenders [HRD Guidelines]*.²⁰ This publication offers practical advice for officials at Canadian missions abroad and at Government Headquarters and showcases Canada's dedication not only to the defence of human rights, but also to the defence of the human rights defenders:

Promoting respect for human rights is at the heart of Canada's international engagement. Canada works with other governments, civil society, international organizations and the private sector to strengthen the international rules that protect universal human rights. International engagement also means supporting human rights defenders: the women, men and youth in communities around the world who keep respect for human rights alive.²¹

The *HRD Guidelines* include different strategies to help support human rights defenders and therefore allow them to pursue their important work, such as: mapping, information gathering and reporting; keeping in touch and building relationships with human rights defenders; enhancing visibility so as to demonstrate that “the world is watching” and to prevent authorities from acting against them; recognizing efforts through awards; building capacity and providing funding; fostering human rights defender networks; engaging with local authorities; cooperating with key actors regionally and internationally; providing legal support; sending support for emergency assistance needs²². The Annexes to the *HRD Guidelines* provide information on how to adapt the support offered to human rights defenders to different circumstances and realities in the field. Moreover, according to *Canada's approach to advancing human rights*²³ as outlined on the

²⁰ Government of Canada, “Voices at risk: Canada's guidelines on supporting human rights defenders” (last modified 2019), online: <https://www.international.gc.ca/world-monde/assets/pdfs/issues_development-enjeux_developpement/human_rights-droits_homme/rights_defenders-guide-defenseurs_droits_en.pdf?_ga=2.210710997.1978681772.1579202789-1282596595.1572801563> [*Voices at risk*].

²¹ *Ibid.*

²² *Voices at risk*, *supra* note 20 at p 12-20.

²³ Government of Canada, “Canada's approach to advancing human rights” (last modified June 13, 2017), online: <https://international.gc.ca/world-monde/issues_development-enjeux_developpement/human_rights-droits_homme/advancing_rights-promouvoir_droits.aspx?lang=eng>.

Government's website, gender equality and the human rights of women and girls, of human rights defenders and refugees are among the ten key issues Canada focusses on.

However, it is important to emphasize that these publications mainly concern the treatment and protection of human rights defenders abroad – not in exile within Canada. Even though the 2016 edition of the *HRD Guidelines* has been updated to be more in accordance with Canada's feminist foreign policy – especially by taking into account that women human rights defenders and LGBTQIA2+ have intersecting identities, needs and realities and therefore experience different kinds of oppression and discrimination than male human rights defenders²⁴ – not much more is said about these specific realities and what needs to be done to support WHRDs more adequately.

It is very clear that Canada considers its image as a global leader in human rights a vital part of its identity and reputation. In fact, the interviewees had that idea in mind when they chose Canada as their country of exile – an ideal that soon clashed with the gripping reality.

A. Canada's Domestic Law

Canada's international obligations regarding refugees are incorporated within the *Immigration and Refugee Protection Act*²⁵ [IRPA]. The IRPA refers to the *1951 Refugee Convention* in its determination of the status of refugee: the admission procedure's aim is to recognize a displaced individual's fear of persecution, as provided by section 96. For person who do not meet the criteria of section 96, the IRPA also creates the category of "person in need of protection" under section 97. Moreover, the exclusion provisions of the *1951 Refugee Convention* (1E and 1F), which are directly applicable through section 98, apply to both.

One of the problems the refugee protection system poses for women is that neither the *1951 Refugee Convention* nor the IRPA include gender amongst the restrictive list of reasons considered as a basis for fear of persecution. Internationally, different solutions were adopted to remedy this

²⁴ *Voices at risk*, supra note 20.

²⁵ *Immigration and Refugee Protection Act*, SC 2001, c 27.

situation. The European Parliament issued a resolution recognizing women who transgress social norms as a “social group” in 1984.²⁶ This was followed by three guidelines issued by the United Nations High Commissioner for Refugees, in 1991 and in 2002.²⁷ In Canada, the *Chairperson Guidelines 4: Women Refugee Claimants Fearing Gender Related Persecution*²⁸ [*Chairperson Guidelines 4*], adopted in 1993, are in continuity with these efforts, although their goal is noticeably broader. Indeed, they were issued to tackle “the need to determine the linkage between gender, the feared persecution and one or more of the definition grounds”, instead of only with the “particular social group” ground. By doing so, they address a criticism that has been voiced in regards to other interpretive guidelines: by forcing all women into a single “social group”, they eclipse intersectional discrimination. Women are thus perceived as *nothing more* than women, discarding the particularities stemming from their religion, political opinions and so forth.²⁹ Generally speaking, all these propositions have the merit to recognize that, despite the *1951 Refugee Convention*’s silence, women represent more than half of all refugees worldwide, and that many suffer from human rights violations on the basis of their gender.³⁰

WHRDs may enter Canada through the same ways as any other immigrants, male or female. As detailed below, one of the women interviewed was sponsored by her partner, already a permanent resident. But the more common – and often only – way is to seek asylum, which allows the women to benefit from the *Chairperson Guidelines 4* during the refugee status determination procedure.

²⁶ *Resolution on the Application of the Geneva Convention relating to the Status of Refugees*, 1984 OJ (C127) 137.

²⁷ UNHCR, *Guidelines on the Protection of Refugee Women*, UN Doc EC/SCP/67 (1991); UNHCR, *Guidelines on International Protection: Gender-Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees*, UN Doc HCR/GIP/02/01 (2002); UNHCR, *Guidelines of International Protection: "Membership of a particular social group" within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees*, UN Doc HCR/GIP/02/02 (2002).

²⁸ *Chairperson Guidelines 4: Women Refugee Claimants Fearing Gender-Related Persecution*, Guidelines issued by the Chairperson pursuant to section 65(3) of the Immigration Act, IRB, Ottawa, March 9, 1993, Update: November 1996 [*Chairperson Guidelines 4*].

²⁹ See Audrey Macklin, *"Refugee Women and the Imperative of Categories"* (1995) 17:2 Human Rights Quarterly 213 at p 255; Joanna N Erdman & Andrea J Sanche, “Symposium: Citizenship, Immigration and Borders Talking about Women: The Iterative and Dialogic Process of Creating Guidelines for Gender-Based Refugee Claims” (2004) 3 JL & Equality 69.

³⁰ UNHCR Executive Committee, *Refugee Women and International Protection Report*, 36th Sess, UN Doc A/AG 96/673 (1985).

However, seeking asylum also has its downsides: amongst other things, it forbids its holder to go back to the place where she faced persecution and where, oftentimes, their family is still located. For a woman dedicated to the defence of human rights in her home country, this prohibition may be difficult to accept, notwithstanding the risk of persecution.

B. Canada's Domestic Practices

The framework exposed above could appear to provide a safe pathway to Canada for women facing persecution. In the year immediately following the adoption of *Chairperson Guidelines 4*, women's acceptance rate as refugees increased at their entrance in Canada.³¹ While this positive effect cannot be overlooked, the case-law shows that WHRDs still face rebuttal. In other words, obtaining refugee status remains a challenge for women whose fear of persecution is not exclusively gender-based.

In the case of *Ward*, issued in 2013, the Supreme Court of Canada (SCC) developed its own definition of a "particular social group". According to Justice La Forest, a particular social group may correspond to one of three categories, the second of which includes "groups whose members voluntarily associate for reasons so fundamental to their human dignity that they should not be forced to forsake the association".³² He goes on to specify that this subdivision would "encompass, for example, human rights activists".³³ The *Ward* definition is noteworthy: 1 268 subsequent decisions refer to it³⁴, though few of those mentions it in connection with human rights defenders (120), and even less in connection with human rights defenders and women (74). Most references are incidental, and in the majority of decisions, the asylum seekers are male. In total, only five decisions have WHRDs as applicants.

³¹ Mark Clayton, "Afflicted Women Find Hope in Canada's Refugee Rules", *Christian Science Monitor* (9 March 1994) at p 2. We have not been able to confirm whether the trend is a long-term one.

³² *Canada (Attorney General) v Ward*, [1993] 2 RCS at p 692 [*Ward*].

³³ *Ibid* at p 739.

³⁴ The research summarised here has been conducted with two legal databases, Lexis Advanced and CanLII. (The cross searches included all pertinent synonyms, in English and in French, in order to be as comprehensive as possible.)

Four out of these five were decided by the Federal Court, amongst which three grant judicial review of cases previously refused by the Refugee Protection Division [RPD].³⁵ One of the claimants did not strictly identify herself as a WHRD, even though she was allegedly arrested by the Indian authorities and raped in custody for participating in her husband’s activities against police killings of Sikhs.³⁶ Another decision allowed the claim on the unique basis of sexual violence, giving little credibility to the applicant’s alleged political activities.³⁷ The other Federal Court decision³⁸, as well as an RPD decision³⁹, rejected the asylum claim. These decisions suggest that it remains difficult to obtain protection from persecution at the intersection of gender and political activism and that the competent administrative tribunals seem reluctant to apply the *Ward* definition to WHRDs.

Furthermore, the case law shows that decision makers do not necessarily make appropriate use of the *Chairperson Guidelines 4*.

Firstly, their application by the two divisions of the Immigration and Refugee Board [IRB] lacks consistency. In a confirmation by the Refugee Appeal Division [RAD] of a decision by the RPD which rejected that the applicant had received human rights defence training and deemed her account of being raped by four soldiers as lacking credibility, the *Chairperson Guidelines 4* are said to “ha[ve] been taken into account”.⁴⁰ However, the reasons do not explain how this was done. According to the *Policy on the use of Chairperson’s Guidelines*:

“members are *expected to follow* [all Chairperson] *guidelines*, unless compelling or exceptional reasons exist to depart from them. A member must *explain in his or her*

³⁵ *Kaur v Canada (Minister of Citizenship and Immigration)*, 2005 FC 1491; *Dezameau v Canada (Citizenship and Immigration)*, 2010 FC 559; *Gonzalez v Canada (Citizenship and Immigration)*, 2014 FC 750.

³⁶ *Kaur v Canada (Minister of Citizenship and Immigration)*, *supra* note 35. Though it might be inferred from this that some decisions have escaped our scrutiny, it also confirms the observation made above: the generally accepted standards of “human rights defence” are male, therefore women who defend human rights in a more private manner tend not to perceive themselves as human rights defenders.

³⁷ *Dezameau v Canada (Citizenship and Immigration)*, *supra* note 35.

³⁸ *AB v Canada (Citizenship and Immigration)*, 2016 FC 1385.

³⁹ *X (Re)*, RPD File No.: TB5-11140, [2017].

⁴⁰ *X (Re)*, RAD File No.: MB4-01297, [2008], at para 7. The RAD refers to the RPD’s decision, which disposal of the *Guidelines* was also expedited in a paragraph.

reasoning why he or she is not following a set of guidelines when, based on the facts or circumstances of the case, they would otherwise be expected to follow them”.⁴¹

No such explanation was provided in this case, which suggests that the guidelines are not accepted as binding.

Secondly, when the principles of the *Chairperson Guidelines 4* are duly applied, this does not necessarily entail a recognition of the specificity of WHRDs. In a 2008 case, the RPD rejected the claim of a 52-year-old Mexican woman who allegedly suffered continuous threats and sexual violence at the hands of the Judicial Police.⁴² State protection was deemed available, should the woman need it following her move to a different district. Although the RPD rightly took into account the female experience of violence, international documents cited to justify protection mostly concern violence within the domestic sphere. However, this was not a case of domestic violence. According to the applicant’s testimony, the persecution was due to her work which involved “helping women” (the information is redacted, but it might be gathered, from other parts of the decision, that her activities were related to abortion). In this regard, the fact that “the state has put in place numerous initiatives that will assist a citizen in accessing the protection and recourse provided by the legislation” in case of “domestic violence” is of little help.⁴³ In other words, the claimant is exclusively considered as the victim of gender-based violence. Her activities relating to the help and defence of other women and their rights are overlooked in the analysis.

At least three observations can be made on the basis of the above section:

- 1) Canada has a comprehensive set of policies regarding human rights defenders abroad, but almost none regarding WHRD in exile in Canada;

⁴¹ *Policy on the use of Chairperson’s Guidelines*, Policy no. 2003-07 of the Immigration and Refugee Board of Canada (IRB), October 27, 2003, emphasis in the original. One might argue that in the discussed decision, the applicant’s credibility was rejected, not the *Chairperson guidelines 4*’s principles. Nevertheless, the dismissal of an entire testimony almost wholly constituted of episodes of gender-related violence is somewhat at odds with those principles, especially given that a *Guidelines*’ section deal with evidentiary matters in a gender-related persecution context and another with the way to assess the “credibility” of alleged rape victims.

⁴² *X (Re)*, RPD File No: TA7-04148, [2008]; Other decisions, such as *X (Re)*, RAD File No: VB5-03347, [2016] and *X (Re)*, RPD File No: TA4-06833 would also deserve further attention.

⁴³ Moreover, if the applicant indeed provided abortions and was targeted for doing so, that the Mexican authorities “address corruption”, as is also noted, is unrelated: the problem is cultural and political and goes far beyond the Judicial Police structure.

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- 2) the explicit definition of “human rights activists” as a “particular social group”, in *Ward*, has had a mitigated effect on the recognition of WHRDs’ need for protection, partly because the “human rights activist” category itself is permeable to gendered bias;
 - 3) although the *Chairperson Guidelines 4* follow a progressive approach, their application by the Immigration and Refugee Board [IRB] remains short of their potential because intersectional characteristics are not taken into account.

There is an obvious discrepancy between these observations and Canada’s international discourse and the image it projects. Considering the fact that this image plays a crucial role in WHRDs’ choice of Canada as a place of refuge, it is all the more important to align Canadian practices to the country’s ambitions.

Analysis of the WHRDs Interviews and Storytelling

While it is common to refer to human rights defenders as men and women who, due to their advocacy commitments, express their opinions in the public sphere, the reality of most WHRDs, especially the ones in exile, often remains invisible. As racialized women, their pain and suffering tend to be overlooked and minimized. Including a section of storytelling based on the testimony of the WHRDs interviewed in this report is therefore essential in order to adequately represent the difficulties they experience. As a matter of fact, storytelling is not only a means of defending human rights by relating situations that give rise to human rights violations, but it also provides a space for women to be heard. Through the stories of WHRDs in exile in this country, the weaknesses of Canadian policies regarding their integration and protection can be much better illustrated than through any other type of reporting.

Although every interviewed WHRD's experience of exile in Canada is unique, some issues or remarks were common, meaning they were brought up by several women coming from very different parts of the world and having immigrated to different areas of Canada.

I. Who are the WHRDs who were interviewed?

The following section is a collection of short portraits of the WHRDs who were interviewed. These portraits have been included in the hope of giving a better sense of who these women are and what actions they have taken. In order to protect the anonymity of the participants, all names have been changed.

Mathilde

Mathilde is a journalist activist who wrote about the defence of human rights and against her government. She was targeted by the government because of her stand, and threatened of being kidnapped. She was forced to quit her job and left her country of origin with her child, seeking safety for them. Joining her partner in Canada with a tourist visa, she later obtained permanent residency. She met people from Match Fund and Sisters Trust Canada. She is still seeking to go back to her career as a journalist and hopes to return to her country of origin one day. However, she will not do so before having been granted Canadian citizenship, as she believes a Canadian passport is the only thing that will protect her against her government, at least against forced disappearance and torture.

Jenna

Jenna is a university professor who started defending women's rights while she was working on her PhD, which focused on the question of gender and poverty. She then participated in the creation of an organization which defends women's rights. She taught social sciences in a Canadian university, which she could not do in her home country where social sciences are considered dangerous. She is now a retired professor in Canada, but still works on academic papers, and continues her feminist activism. She will never be able to go back to her home country.

Helen

Helen is an author and poet who had always been engaged in the defence of human rights through her art rather than by more 'direct' means. This changed when her government took actions that were unconstitutional. Helen saw people demonstrating, but noticed they were all men, whereas the government's actions concerned everyone. She thus organized demonstrations for women, in a country where women do not have a place on the political scene. When her and her family's lives were directly threatened by the government, she had to leave the country with her children. They obtained refugee status in Canada where she now lives and works for an organization defending

women's rights. She left her country of origin thinking that she would be back at one point and going home is, until today, her ultimate goal.

Valérie

Valérie had to leave her home country as a young adult because she belonged to a persecuted religious minority. She had been expelled from her university after refusing to abandon her own faith for the one imposed by the government, and then decided to leave. Her journey to Canada was very hard at the time, but she persevered and eventually obtained Canadian citizenship and the opportunity to study at a university. She now works as a biotech researcher while volunteering for humanitarian organizations. Considering everything that happened to her back home, she does not desire to go back.

Rebecca

Rebecca was involved in politics in her home country during an electoral campaign. While she was out of the country, she was informed that her country's government was looking for her because of her political opinions, and that other people involved in the campaign had disappeared. It was thus unsafe for her to go back home. She now lives in Canada, where she was granted refugee status and started working in different employment sectors with the hope of continuing the career she had before arriving in Canada.

Solange

Solange is an academic who joined a pacifist movement against the government of her home country. She was threatened by the government after publicly inviting academics to use their influence by joining a general strike and participating in civil disobedience. She and her husband decided to relocate to Canada, seeking safety and better professional opportunities. After facing many obstacles, she eventually had the chance to return to the academic field she feels she belongs in. As her family stayed in her home country, she is eager to go back to visit them. However, she is prevented from doing so since the immigration process is not yet completed.

Anita

Anita started to protest peacefully against the government's restrictive policy towards students' rights. She kept participating in protests until being banned from her university, then arrested and sentenced to several years of imprisonment. After two years in prison she was finally released, and sought exile in Canada. Since then she has obtained permanent residency, but still has trouble finding a job and feeling at home. She continues her activism by working on campaigns for several NGOs. Going back home is not a possibility, since she would expose herself to being arrested.

Lucy

Lucy started her actions as a human rights defender when members of her family were imprisoned for taking part in peaceful demonstrations against the government. After speaking out in their defence, she had to leave her country and sought safety in Canada. She continued her activism after her arrival by organizing feminist campaigns and working for NGOs. She now helps women refugees and indigenous women, organizing support groups where both groups can share their stories. Due to safety reasons, she will not be able to go back to her country.

Marianne

Marianne has been involved in humanitarian organizations since her young age, animated by a sense of justice. She participated in campaigns and demonstrations against the government of her home country. When her life started to be directly threatened by the government, she moved to Canada, where she continues her work as a human rights defender. She is very involved and stresses the importance of contributing to one's community. She is currently waiting to receive her Canadian passport in order to be able to travel to her home country, but will not go back if the political climate does not change.

II. Immigration Process

The immigration process is a first difficult hurdle for anyone fleeing persecution and this is no different for WHRDs.

A. Length of the Immigration Procedure

All the women who had applied for an immigration status in Canada had something to say about the length of the procedure. For WHRDs who are threatened in their country of origin, time is crucial. Indeed, there is a correlation between the length of the process and the safety of WHRDs because, while waiting for an answer or a document that can help them to obtain the desired immigration status in Canada, they continue to face threats in their home country due to their activities as WHRD. In addition to this, they experience the stress of not feeling safe, no matter where they are.

For human rights defenders, there is no specific path for them and there is no..., also to expedite their file. Because you know when we arrived here, so we have a high profile or we are public figures in our country or on an international level, but when we arrived here there is no element that helped to expedite our file, to get the residency, permanent residency and all that stuff. So this is what is very important to be considered, as a recommendation for the government.⁴⁴

One participant mentioned that having a Canadian passport made her feel safe, because she knew that if the authorities of her country of origin would find and arrest her, her conditions of detention would be different now that she was a Canadian. Another participant said that having a legal status in Canada reassured her. She thought that if something had happened to her while her application was being processed, Canada would not have investigated, as no one would have known who she was.

⁴⁴ The interview excerpts in this report have not been redacted in order to reflect the women's actual words. In some cases, slight adjustments were made to enhance their readability.

There is a lot of work in terms of papers, in terms of hearing, court decision, all this application that we need to do as an asylum seeker. And waiting, just like, if you want to define what asylum is for people here, it's just like waiting. Forget the time, because it takes a lot of time.

The fact that the refugee process compels asylum seekers to hand their passport to the Canadian authorities is heartbreaking for many. In addition to that, they have to wait several years before obtaining a Canadian passport, which keeps them in a state of limbo for a long period of time. This has an important psychological impact, but also a very practical one, because it restricts their freedom of movement. Consequently, it keeps them from reuniting with their families, and limits what they can do as human rights defenders.

Être sans patrie ça fait toujours mal [...] Et puis des fois il y a une frustration parce qu'avec le titre de voyage, il y a des pays qui ne l'acceptent pas et tu ne peux pas entrer, donc tu n'es pas libre, quoi, parce que tu n'as pas de pays, tu n'as pas de patrie, alors tu ne peux pas voyager comme tu veux. Et des fois ça limite l'action en tant que défenseure.

J'ai dû avec beaucoup beaucoup de mal faire ma demande d'asile, j'ai déposé ma demande au mois d'octobre. C'était terrible pour moi, émotionnellement, d'ailleurs lorsque vous faites votre demande vous devez donner votre passeport, on garde votre passeport, et je me rappelle que le jour où on est parti je pleurais tout le long du chemin, puisque vous savez lorsque vous donnez votre passeport c'est comme si vous n'aviez plus d'identité, c'est comme si on vous ôtait votre nationalité. [...] j'ai fait ma demande officielle avec les filles, on a remis nos passeports, et on est devenues des « asylum seekers » voilà, au mois d'octobre.

In terms of human right defender, there is no fast track or legal path to them to be resettled. [...] Even in immigration, there is like many programs, but none of them is specified for human rights defenders. Which is I know, for my story and my friends and my colleagues, like human right defenders sometimes, they passed like in a very crucial time, they need to be far away for a time, not even for a permanent time.

B. Discriminatory Behaviour from Government Agents

The discrimination faced by WHRDs is intersectional: it combines different grounds – such as race, gender, country of origin, immigration status, human rights advocacy and others – that cannot

be considered separately. It is the combination of these different characteristics that makes them the subject of a particular kind of discrimination.⁴⁵

Some immigration agents have shown racist behaviour towards WHRDs at the Canadian border.

In other cases, governmental agents have made inappropriate comments and have adopted discriminatory attitudes towards women refugees or asylum seekers, demonstrating a poor comprehension of the situation of WHRDs forced to flee to Canada.

Il y avait une femme qui m'a dit : « Oh mais vous avez l'air bien habillée, vous êtes sûre que vous êtes réfugiée ? Comment est-ce que vous survivez au Canada ? Do you have a boyfriend that is giving you money? » Non vraiment, c'était vraiment terrible, terrible, terrible, et moi qui suis d'habitude vraiment très stoïque et dure, je l'ai regardée, et j'avais les larmes qui coulaient sur mon visage, je lui ai dit : « Si vous saviez pourquoi je suis ici, j'ai un chez-moi, j'ai mon pays, je ne serais pas ici en train de demander de l'aide, j'avais un travail, j'ai toujours été indépendante, si je suis ici c'est que j'en ai vraiment besoin, quoi. »

And you should have seen the border security person. She was something, she kept me for like 4 hours. [...] she said: listen, I'm sending you back home. You're not entering Canada. I think she just didn't like me. There was nothing wrong with my papers. Nothing wrong. [...] there is absolutely no reason for what she did. [...] She opened my computer, she went through all my personal emails, you know, the whole thing. She didn't leave a piece of clothing in my bag that she didn't check, the whole thing. So yeah. After I sold anything I had, after I left my home [...] and I'm running and, and yeah.

C. Lack of Information and Guidance During the Immigration Procedure

Newly arrived women tend not to have access to information on how to apply for immigration status. A new judicial system and a new country are complicated to navigate, especially after an often long and difficult journey to Canada. Arriving in Canada with only a few belongings, some women do not have access to a computer, a phone, or other resources to obtain this kind of information.

⁴⁵ See Lajoie, *supra* note 9, especially at p 119-20.

Je ne savais pas où aller, je ne connaissais pas les endroits. [...] C'est là que moi, pendant le temps que j'étais perdue parce que je n'avais même pas mon cellulaire. [...] J'étais restée au métro en attendant, j'empruntais le cellulaire aux passants, au début deux personnes m'avaient prêté le cellulaire.

On a atterri au mois de septembre. Et encore une fois – je suis vraiment là complètement perdue, je suis consciente que les enfants doivent recommencer l'école, mais je ne sais pas quoi faire, où est-ce que je vis, où est-ce que je suis, tout ça c'est complètement flou.

When I came to Canada, I did not know anyone. It was only 11 months after I was released from prison, I had a severe depression and anxiety (I still have). Nobody helped me or guided me what should I do. Even the NWI staff. Remembering those days is still suffering me. My English was not very well. I was in BC. I asked the government for financial help. The behaviour of the officer was awful! She asked me to show a signed letter from my family. My family should promise the government of Canada, they will not help me anymore financially! I told her I do not want the government of Canada's help anymore. I remember for 8 days I do not have anything to eat.

III. Professional Life - Continuing the Defence of Human Rights

For the majority of the women interviewed, professional life and activism are inseparable. Some women defended human rights through volunteering, while having another full-time job. Many of the participants had to give up their human rights advocacy upon arrival in Canada, because their priority was finding a paying job to survive. One way or the other, they have experienced difficulty in finding employment.

A. The Requirement of Canadian Experience

Finding employment as a newly arrived WHRD seems to be almost impossible. In fact, in spite of their extensive work experience, their endless applications and numerous actions taken, they are rarely given the opportunity to show what they are capable of. According to a 2018 study from Statistics Canada, immigrant women face the highest unemployment rate of all social groups, and

the gap is even more alarming for newcomers.⁴⁶ Discrimination in employment is a widespread phenomenon, and it has been shown by several studies that with the same work experience, candidates with “foreign names” are more likely to be rejected than other candidates.⁴⁷ A recent investigation conducted by the Business Development Bank of Canada has found that only 18% of small and medium-sized enterprises agree to hire immigrant employees, despite the work force shortage.⁴⁸

Many WHRDs pointed out the paradox of the requirement for Canadian experience preventing immigrants from finding employment in Canada.

How do you expect newcomers to have Canadian experience if you don't give them the chance to work? Like how can I add the Canadian experience to my resume if you wouldn't hire me because I don't have Canadian experience. Canada is always saying: We need skilled workers, we need people with skills and with experience and we'll hire you, [...] then you come here and you're jobless because they want Canadian experience.

Je postulais à beaucoup de positions, même une position d'« advocacy » pour les réfugiés qui avait l'air d'être vraiment faite exactement pour moi. Mais on ne vous prend pas quand vous n'avez pas d'expérience canadienne et qu'on ne vous connaît pas. Donc ce n'est uniquement lorsque j'ai commencé, quand je suis arrivée je me suis connectée, grâce aux connections que j'avais encore en [continent], je me suis connectée par exemple à [organisation] et d'autres organisations et j'ai commencé à parler beaucoup du cas [pays d'origine] dans plusieurs forums. J'ai fait beaucoup de panels, présentations, et c'est comme ça un petit peu que les gens ont commencé à me connaître et après on m'a offert une position. Mais, ce n'est que comme ça. Sinon j'avais fait..., c'est incroyable parce que j'avais beaucoup de demandes et personne ne m'avait jamais rappelé, même une seule fois. Donc, voilà. Et ça, je pense c'est ce que vivent beaucoup, beaucoup de défenseuses.

Oui je continue toujours! Tu envoies des CV, des CV mais.... [...] C'est pas du tout facile quand tu n'as pas de connexions, d'expérience canadienne. Ce n'est pas facile, vraiment pas facile !

⁴⁶ Statistics Canada, *The Canadian Immigrant Labour Market: Recent Trends from 2006 to 2017*, Lahouaria Yssaad and Andrew Fields, Catalogue no 71-606-X, Ottawa, 2018, at p 12.

⁴⁷ Paul Eid with Meisson Azzaria and Marion Quérat, *Mesurer la discrimination à l'embauche subie par les minorités racisées : résultats d'un « testing » mené dans le grand Montréal*, Commission des droits de la personne et des droits de la jeunesse, 2012, at p 45; Jean-Philippe Beauregard, *Discrimination par le nom à Québec : une embauche hiérarchisée selon le genre et l'origine ethnique*, Université de Laval, 2018, online : <<https://www.cride.chaire.ulaval.ca/sites/cride.chaire.ulaval.ca/files/Beauregard.pdf> >

⁴⁸ Business Development Bank of Canada, *Pénurie de main-d'œuvre : un problème tenace*, Michael Cocolaki-Wormstall, dir, 2018, at p 11.

This causes an additional frustration among the WHRDs who were used to having a determining role in their communities. This element is underlined by many.

I want to have a job. I want to be integrated in the Canadian society.

Also, what came out of the different testimonies is that WHRDs are very active women who have a deep desire to work and make a difference. They want to be financially independent as soon as possible and contribute to society. When asked if she had any recommendations to improve the living conditions of WHRDs, one participant said, about WHRDs:

C'est surtout les aider à ne pas dépendre de l'aide. Les aider à trouver du travail. Parce que là au Canada, c'est souvent les connexions. Les connecter à des employeurs parce que ça pourrait aussi rehausser leur dignité.

B. Discrimination based on Immigration Status, Race and Gender

WHRDs are often not taken seriously as they do not fit the traditional model of human rights defenders. Thus, they are often underestimated when it comes to performing human rights advocacy.⁴⁹ WHRDs have to face the challenges associated with finding a job as an immigrant, and additionally, those associated with being a woman. Once they are finally able to find employment, the struggle does not end here, as they continue to face discrimination on multiple grounds.

As a woman, you are always treated as inferior. When you're part of a marginalized group, it stays with you forever. [...] It becomes part of the fabric of your being.

Je suis défenseuse, c'est-à-dire que je vis l'expérience des défenseurs, je suis réfugiée, j'ai une expérience de réfugiée, je suis femme, je suis maman et je suis mère seule. Donc il y a tellement d'expériences différentes qui se regroupent qu'on vit en même temps.

⁴⁹ "Women defenders and their contributions are often made invisible, including within human rights movements." (Situation of women human rights defenders, *supra* note 1 at para 103.)

Et en tant que femmes nous sommes les premières, en fait, à subir les conséquences d'un conflit armé. C'est-à-dire que les femmes de mon pays connaissent les conséquences de la guerre mieux que personne puisque nous sommes les premières affectées non seulement par les violences sexuelles, mais nous payons les pots cassés, c'est nous qui payons les conséquences économiques, les conséquences lorsque les familles se déplacent. Lorsque les enfants non plus ne peuvent plus se faire soigner. Donc lorsque l'on regarde un conflit en général, il est vécu par la femme différemment, d'une manière beaucoup plus forte. Et donc cela donne à la femme une position particulière pour pouvoir expliquer ce que c'est les conséquences d'un conflit, mais aussi la femme se sent souvent, [...] beaucoup plus interpellée à prévenir le conflit. Parce que justement elle connaît intimement ses conséquences.

One woman described the abuse from her employer who hired her as an undeclared employee – not in human rights defence. He refused to give her the necessary documents for her to declare her taxes. He would not let her have any vacation, while he would grant those benefits to the workers of the company who had a permanent resident status.

Y a un employeur qui, je sais pas si c'était moi personnel ou si c'était au niveau des réfugiés, mais il nous traitait pas bien. [...] Pendant ces 3 premiers mois j'avais pas accès à mon T4. [...] et pour déclarer mes taxes de 2017, il voulait pas me donner le T4, il voulait pas. [...] ce que j'ai remarqué de bizarre, c'est que quand j'ai décidé de partir, y avait comme des collègues qui avaient des frais de vacances et autres, et moi non. [...] Même un autre employeur récemment qui m'avait menacé, parce qu'il avait reçu mes papiers. Donc quand on reçoit tes papiers, c'est comme si on connaît déjà un peu ta vie [...] Quand je lui ai dit je vais partir avec les autres employés qui sont partis, il m'a menacée en parole. Il a même prononcé « n'oublies pas que j'ai tous tes documents ». Je sentais ça comme une menace.

Being a WHRD carries its specific additional pressures. In some of the countries of origin of the participants, the idea that a woman defends human rights is hardly accepted. For some WHRDs, one of the most difficult obstacles to overcome were sexist comments. In contrast to men, who never hear these kinds of comments, people tend to judge WHRDs choices regarding activism in relation to motherhood.

[...] mais il faut comprendre aussi les subtilités qui arrivent, ce qui arrive aux femmes défenseuses même au sein de leurs propres communautés. C'est-à-dire que ce que je fais défie un peu les normes traditionnelles de ce que les femmes font, donc cela a des conséquences de la manière dont je suis traitée même par ma propre communauté.

On est doublement isolées. [...] Et même au niveau, comme je le disais, au niveau de la culture, moi les plus grosses oppositions que j'ai senties, les choses qui m'ont, en tout cas, blessées ou qui mon fait mal, sont venues des gens qui étaient très proches de moi, qui me disaient : Mais pourquoi tu prends tant de risques ? Tu ne penses pas à tes enfants, tu es une mère irresponsable pour t'exposer comme ça. Ou qu'est-ce qu'il y a, tu cherches à avoir plus d'attention ?

Je pense que si j'avais été un homme, pour être franchement complètement honnête, si j'avais été un homme et ce que j'ai fait dans mon pays, j'aurai eu une expérience complètement différente. Parce qu'il y a des hommes défenseurs des droits humains de mon pays, [...] qui n'ont même pas osé, qui ont appelé les gens à manifester dans la rue, qui n'ont même pas osé descendre dans la rue eux-mêmes, qui n'ont pas osé faire ça parce qu'ils ont eu peur pour leur vie. Moi j'étais au-devant, complètement au-devant, je me suis même agenouillée devant un canon militaire. Et eux sont considérés aujourd'hui un peu comme les héros, ils sont accueillis partout, dans toutes les délégations partout, partout où ils vont, ils ont un soutien financier qui leur permet de continuer à faire leur travail et à continuer à faire du plaidoyer de là où ils sont. La reconnaissance est complètement différente. Parce qu'aussi même au niveau des organisations internationales de la défense des droits humains, on reste un petit peu dans cette mentalité un petit peu patriarcale, c'est-à-dire que les chefs eux-mêmes sont des hommes, puis un grand prestige qu'on donne tout de suite à ces défenseurs qui sont hommes. Ils ont une autre, une toute autre place. Et puis au sein de la communauté, c'est différent. Ils sont aussi mieux acceptés et plus, beaucoup plus respectés. Tandis que les femmes comme moi, on est, on a quand même du respect pour nous, mais on est un peu celles qui dérangent, vous voyez, plutôt celles qui dérangent plutôt que celles qui imposent le respect... Donc ces autres défenseurs qui sont hommes ont beaucoup plus de soutien et de la communauté et des pays étrangers et des organisations étrangères.

Simultaneously, some women also experienced discrimination based on race or religion, whether in their country of origin, or in Canada. For instance, according to one woman:

Being [of a religious minority] is even worse than being a woman.

C. Consequences of Exile on Lack of Recent Work Experiences

Another obstacle faced by WHRDs is that their resumes may contain gaps. This may be due to the time required to arrive in Canada, as several women have stayed in different countries, often adjacent to their home country, before coming to Canada. In other cases, the gaps correspond to a time when they needed to stay off the grid as their life was directly and repeatedly threatened by

their governments. Employers often do not understand how normal it is for a WHRD in exile to have been unable to work for a certain period of time.

For instance, one woman recounted the hard time she had finding a job as a university professor in Canada, even if she was competent and experienced. This was partly due to her lack of network, but mainly because of significant gaps in her resume as she had been unable to teach and do research while escaping her country.

It has been terrible for me to find a job in Canada. [...] each [job agency] told me: the problem is your resume. No one could guide me about how and where I can find a job. How should I start? How I can work as a human rights defender or journalist in Canada with my 12 years experience. [...] Still financial problems put a lot of stress on me. [...]

D. Continuing the Defence of Human Rights in Canada

One of the most important difficulties encountered by WHRDs in Canada is experiencing how their activism is impacted by their exile. Upon their arrival in Canada, they have lost all their network and have to start from zero. As a result, they feel useless, since they are prevented from helping people and defending human rights, which is a part of who they are.

Parce que quand on arrive, on tombe dans l'anonymat. On tombe vraiment dans l'anonymat. On doit se débrouiller. On ne sait même pas si on est protégées comme il faut. Et il y a aussi un problème par rapport à l'intégration, par rapport à l'emploi.

I was very afraid about how I can start from zero.

A difficulty that was mentioned in several interviews is the need for recognition. This issue is interrelated with many other issues and, according to the women interviewed, would help them integrate faster, find jobs that suit their qualifications and experience as well as tackle the feeling of uselessness.

Et puis ouais voilà, je pense il y en a beaucoup qui tombent complètement dans l'oubli, je pense qu'il faut aussi une reconnaissance quelque part. Une reconnaissance de ces femmes qui ont tout bravé et qui vivent des conditions particulières.

Outside, we need to create this pathway to relocate the human rights defenders, but inside Canada for activists and human rights defenders, they need recognition. To be connected with Canadian civil society, with the activist here.

Although continuing to defend human rights is essential for WHRDs, some of them encounter difficulties in reconciling their activism with a full-time job they need to provide for their basic needs. One woman spoke of how she had to ask to be on leave from her “regular job”, to take time to participate as an expert in conferences and panels about her country of origin.

Another woman was running a campaign with a well-known international NGO, while working 8-hour-long night shifts in a fast-food restaurant every night for 6 months, until she had to quit because of mental health issues.

Even if balancing a career and activism is challenging, the way the defence of human rights is intertwined with every single aspect of their life was often brought up by the participants. When talking about being an academic feminist, one participant expressed this interconnection as:

Your life is wrapped around these issues. [...] Feminism has been part of every minute of my life. [...] Feminism was not part of like a 9 to 5 job. It's part of me.

Along the same line, another woman explained how, in the case of WHRDs, the advocacy is truly vocational. As she volunteers for aid programs for veterans, she states:

In everything I do, I try to bring attention to voices that are generally not heard.

Their desire to help and to be involved in society is very strong and follows them to their exile in Canada. One of the interviewees devotes her time to the creation of an NGO which will contribute to the empowerment of refugees. They dedicate a great part of their time to volunteer work, even when they have not been able to find a paying job. WHRDs volunteer on a regular basis:

I feel that what I received of care, safety, I'm now giving back to society in Canada [...] We are not only refugees; we are also an added value for our new society.

Elle [ma vie sociale] est très active. Très, très active parce que je m'occupe de ma communauté, au Canada. J'ai même eu un prix de la Ville [...] comme ambassadrice de la communauté.

[...] I mean I didn't know this at the time, but all cost has a prize. You know I didn't have much a life outside the academia and my activism. Not much time for theater and cinema and music and all that, but we all have to make choices.

Finally, WHRDs have acquired extensive knowledge in the field of human rights, and could be beneficial for Canadian communities.

Human rights defenders, they are not only refugees: they are also an added value for their new society. [...] They carry on with them a lot of experience, a big experience, that could help another country.

Dans les organisations comme Amnistie internationale, on pourrait donner notre expertise. Et vraiment, renforcer l'action du gouvernement ou bien des ONG au niveau de la défense des droits humains, des droits en particulier des femmes, des enfants.

IV. Mental Health and Psychological Help

All of the WHRDs shared their experience on how they went through hard times, for several reasons, including but not limited to: being far from their family without being allowed to contact or visit, feeling isolated and worthless in Canada. It is also documented that refugees and asylum seekers in Canada experience pre-migratory traumatic events, which may contribute to refugees developing “a constellation of mental health issues such as depression, anxiety, adjustment disorders and trauma-based illnesses including Post Traumatic Disorder (PTSD)”.⁵⁰

Je pense que ça - non seulement pour moi mais pour beaucoup d'autres défenseuses - ça c'est une période qui peut être très difficile, le défi de santé mentale, parce qu'on est seules, on a vécu des choses terribles, et en même temps on est frustrées parce qu'on ne peut plus faire ce qu'on faisait avant, on peut plus agir de la même manière. [...] on n'a plus la capacité de faire ce que l'on faisait, et on est complètement isolées.

Il y a eu plein de difficultés rencontrées, plein de difficultés d'intégration, c'était vraiment difficile. J'essayais, je me battais, mais parfois je passais vraiment mon temps à pleurer. [...] Et puis y a le calvaire émotionnel aussi... [...] c'est pas facile à gérer.

⁵⁰ Julian Gojer and Adam Ellis, *Research Paper No. 270 Post-Traumatic Stress Disorder and the Refugee Determination Process in Canada: Starting the discourse*, The UN Refugee Agency Policy Development and Evaluation Service, 2014, at p 5.

Parce que quand on est réfugiée, on perd sa dignité. [...] Donc, on se sent diminuée quand tu as les tiens qui n'ont même pas à manger et que tu ne peux même pas aider.

The feeling of uselessness, as mentioned in the previous section, is common among WHRDs when they leave their country of origin. These women have dedicated their lives to a cause.

Our social life was our activism. Which made life, of course. Basically, you had a double job. So it wasn't easy, so many of us were also burnt out.

It is immensely harrowing for WHRDs to have to leave their home country because, although they have braved many dangers, fleeing feels like surrendering. Many felt distress caused by the feeling of being useless and not being able to continue the fight.

For a while I felt like [...] I am nothing, I am useless. I'm only good back home. [...] this is just my only value, yell and shout. So for the longest time I actually felt, well until now, to be honest with you, I feel useless.

Une des choses qui tue c'est le fait de se sentir inutile, et se sentir inutile alors qu'on est capable de tellement.

Ah oui ! Ça [en parlant du travail dans une ONG et de conférences données] a changé ma vie. Je considère que ça a changé ma vie. Parce que j'étais misérable. Vraiment, j'étais misérable. [...] Jusqu' à maintenant, je suis un peu misérable parce que le travail pour moi c'est le plus important dans ma vie, et de trouver ma place, c'est très important pour moi.

Some women have been able to discuss mental health issues with peers or loved-ones, but unfortunately, only a few have had access to professional psychological help.

I guess my main problem in Canada has been my mental health. [...] When I came to Canada, I did not know anyone. It was only 11 months after I was released from prison, I had a severe depression and anxiety, I still have. Nobody helped me with what should I do or guided me.

One woman who was able to speak to a psychologist explained how helpful it had been to deal with the survivor syndrome, and to alleviate the guilt of being here in Canada while her family was still living in difficult conditions and human rights violations in her home country.

I get the emotion of the survival guilt: why am I here while a lot of my family is suffering? [...] They were literally eating water and sugar. When you have safety and security, this is very important, [...] but when you got it you have the emotion of "and others?" [...] I was afraid of the question of if I'm in Canada I will forget [country], forget my people who are suffering.

A number of participants have expressed how having to care for their family while in exile was difficult. Women also tend to be in charge of children, which makes them fear even more for their safety. As they need more money to fulfill their children's needs and ensure their future, they also tend to work more and neglect other aspects of their life, like mental health.

I'm a single mom, (...) I didn't have what we call backup.

Moi je veux juste arriver à gérer le quotidien. On ne se permet pas puisqu'on a des enfants (...) to breakdown un peu.

Other participants had to come to Canada alone, and experienced other difficulties related to loneliness. Even when coming with children or a partner, loneliness is a common feeling among women human right defenders. Moreover, talking about mental health can be even more difficult for WHRDs who come from countries where psychological issues are a taboo.

V. Integration as WHRDs in Canada

A. Lack of Network

Another obstacle to the advocacy of human rights abroad is the lack of a WHRDs network in Canada. A new social and professional network is difficult to build in a foreign country, especially after having experienced traumatic events and a complicated journey. While some participants were able to find NGOs to help them out, some were left completely alone, and struggled to meet other women in a situation similar to theirs, or simply people who could help. However, the desire to connect with other WHRDs was expressed by many:

[It] would be great if there was a network where people can find each other and share their experience.

It requires that you know people; it's not about sending out for CVs. It's about knowing the right people in the right places [...] So, I don't know the right people, I don't know anyone at all. And there isn't a network that you can contact there isn't anyone you can speak to and so, at the end of the day [...] I'm not integrated in the Canadian society. And that's a big problem, I want to. I want to be part of this society I want to have a job in Canada, I want to know people around here. I'm actually completely isolated. Completely. If not for my husband and my kid I would have been truly, truly alone.

A woman who managed to connect with such organizations through people she knew pointed out that it should not be the only way, because not everybody comes to Canada with personal connections. For those people, the help from organizations is essential.

A woman expressing the need to connect with other women who are in a similar situation insisted on how meeting other WHRDs could help her escape loneliness and advance her projects through which she continues to defend human rights:

Je pense que les organismes qui ont accès à nos informations ou à notre situation personnelle, eux ils peuvent, ils ont moyen de nous réunir et puis peut-être de nous regrouper [...] pour qu'on sorte de cette situation, pour qu'on sorte de la solitude, pour qu'on puisse réaliser nos objectifs.

In addition, one participant mentioned how she also wanted to be connected with well-established Canadians, who could help her understand the work market and integrate the human rights field.

The importance of integration was demonstrated by one woman who testified on how being included in a network was necessary and beneficial. This allowed her to truly thrive.

I feel super integrated because I try all the time to attend all events, all social gatherings in the country. That's giving me the power and the ability to transfer this power to others.

Dans d'autres pays, ils ont par exemple des systèmes où on accueille des défenseurs ou des défenseuses des droits humains dans des programmes particuliers dans des universités [...] il y a des programmes en tous cas d'accueil qui leur permettent de continuer à faire leur travail, mais aussi en étant dans un environnement particulier.

B. Housing

Some participants were able to be hosted by Canadian families through their personal contacts, and some were able to find housing through organizations who provide accommodation for homeless women, or for migrant women. However, for economic reasons, it has been very difficult for the participants to find housing without the help of organizations for WHRDs, which justifies the need for such organizations. Also, housing can be very expensive, especially for women who are alone and do not have access to subsidized housing. It is even more difficult for women with children to find a decent home for their family.

C'est difficile quand on est seule, c'est difficile d'avoir un logement subventionné. On a vécu (à trois) dans une minuscule pièce pendant 1 an.

C. Safety

Even though all the issues mentioned are difficult to prioritize, safety was probably the most cited concern within the study. Because of their advocacy, WHRDs are personally targeted in their home countries and their lives were/are still threatened by their governments. Even though some women reported having a feeling of safety in Canada, others said they did not feel properly protected.

Je regardais toujours derrière moi, juste pour être sûre.

Au début, dans les 6 premiers mois, je n'avais même pas envie de me présenter dans un groupe. Déjà que je ne connaissais pas, je craignais encore pour ma sécurité.

In the absence of a specific protection program for WHRDs, the women remain at risk. One of the participants mentioned that in the shelter where she was living with her children, there were other people from her country of origin. She felt unsafe as she had been specifically targeted and known in her home country as being against the current government and worried that she could be threatened by her compatriots who lived in the same shelter. Since the specificity of WHRDs journey to safety is not acknowledged, the protection they receive is not adapted to their reality and many of them felt unsafe for these reasons.

Et ne pas reconnaître la situation particulière d'une défenseuse des droits humains présente qui vit dans un shelter, pour moi c'est quelque chose que je ne comprends pas. D'abord, on a des risques de sécurité particuliers. Deuxièmement, s'il pouvait même ne fusse qu'y avoir un shelter pour les..., où uniquement les défenseuses des droits de l'homme peuvent trouver refuge, parce qu'encore une fois, l'isolement est terrible, on a besoin d'être connectées l'une à l'autre parce qu'on a vécu des expériences similaires et on peut s'entraider.

Parce qu'en fait lorsque vous arrivez, lorsque vous devenez réfugiée, l'immigration canadienne, lorsque vous passez votre « hearing », même si on vous donne le statut de réfugiée parce que vous êtes activiste, etc., l'immigration canadienne ou le gouvernement canadien ne vous différencient pas d'un autre réfugié. Ça veut dire qu'il n'y aura pas de mesure de protection particulière pour vous qu'on va prendre, vous n'êtes pas considérée en fait – pour moi ça c'est un des grands défis pour tout défenseur des droits humains ici au Canada, c'est que vous arrivez, et une fois que vous avez votre statut de réfugié, vous êtes un réfugié comme tant d'autres – on ne distingue pas votre parcours, et les risques particuliers, ou les défis particuliers auxquels vous faites face.

WHRDs face different threats than male human rights defenders, such as sexual assault, threats to the life of their children, and intimidation for speaking out because they are a woman.

The first thing they threaten you with is rape. There's something they call the welcome party once you get in the detention centre, [...] which means you're gonna get raped.

Recommendations

1. Giving Effect to a Distinctive Interpretation of the Legal “Refugee” Status

Gaps

The previous part of this report is centred on WHRDs who legally live in exile in Canada. However, there are many others who are not allowed to stay: their asylum claim is refused by the IRB, despite the fact that Canada has the legal tools to ensure the proper recognition and protection of WHRDs. As human rights defenders, they are specifically included within the “particular social group” category created by the 1951 *Refugee Convention* and reproduced in the *IRPA*.⁵¹ As women, they are ensured a comprehensive understanding of all the grounds for protection through the *Chairperson Guidelines 4*. Nevertheless, this report shows that, in many cases, perceptions of WHRD prevent them from being recognised as human rights defenders, and therefore from falling within the “particular social group” category. Moreover, the *de facto* application of the *Chairperson Guidelines 4* is not in line with the intersectional principles it promotes: considering them as *nothing more* than women reduces their multi-faceted identity.

Solutions

In order to adequately protect WHRDs, the legal category of “refugee” should receive a favorable interpretation. Instructions to that end could be added to the *Chairperson Guidelines 4*. This interpretive distinction would aim at taking into consideration the realities lived by WHRDs, in particular with respect to the burden of proof of the persecution element required, and by being mindful of the threats to the security of the person in light of her being a WHRD. Moreover, the *Chairperson Guidelines 4* and the definition adopted in the *Ward* decision by the SCS should be used in a complementary manner. To that end, intersectional guidelines specific to those who fulfil the criteria of both – that is, WHRDs – might be needed.

⁵¹ *Ward*, *supra* note 32 at p 739.

For their part, the existing *HRD Guidelines* need revising in order to facilitate WHRDs' processing at the Canadian borders. To a similar end, Canadian mission staff abroad should receive specific training in relation to the application of the *HRD Guidelines*, thus allowing them to be better equipped to implement them in conflict and post-conflict countries where WHRDs are especially at risk.

Together, these measures could be the basis for a special welcoming program for WHRDs. Such a program would meet their specific safety needs within Canada, in accordance with the 2014 *Guidelines on the Protection of Human Rights Defenders* adopted under the auspices of the Organization for Security and Co-operation in Europe [OSCE]⁵². These guidelines articulate States' responsibilities regarding human rights defenders' domestic safety and their protection abroad. In order to meet their requirements, Canada's international assistance to human rights defenders abroad is not sufficient. Canada must do more domestically to welcome them.

2. Monitoring the implementation of the Canadian Guidelines

Gaps

The legal overview in the first part of this report identifies major flaws in the application of the *Chairperson Guidelines 4* by IRB members. It is difficult to evaluate whether similar flaws exist in the implementation of the *HRD Guidelines* concerned with human rights defenders abroad, which makes it all the more crucial to set up safeguards for their effectiveness.

Solutions

An institutionalized mechanism should be created to monitor the implementation of the *HRD Guidelines* at the policy level (for instance, through the Senate Standing Committee on Human Rights). In making such changes, Canada could emerge as an international leader in the defence

⁵² OSCE, *Guidelines on the Protection of Human Rights Defenders* (2014), online: <<https://www.osce.org/odihr/guidelines-on-the-protection-of-human-rights-defenders?download=true>>. The OSCE is not formed exclusively of European states; Canada is a member.

of those who defend human rights, thus ensuring itself a key role in the diplomatic community for the protection of human rights defenders, and especially WHRDs.

3. Creation of a Fast-Track for WHRDs Immigration

Gaps

A fast-track for emergency immigration already exists in Canada for cases referred by the UNHCR and requiring urgent protection. The Urgent Protection and Refugee Resettlement program offered 200 places in 2019 and UNHCR confirmed that all of them were used 2019. WHRDs are generally in need of urgent protection and would benefit from a better and wider access to such a program, but their immigration process, even if successful, is often long and hazardous. The *HRD Guidelines* provide a list of NGOs that can provide human rights defenders with immediate assistance, but it is quite short and not widely publicized⁵³. It should also be noted that community resources are very limited and not effective enough to take care of WHRDs' basic or long-term needs.

Solutions

Improving the accessibility of the aforementioned fast-track procedure and adjusting its implementation criteria would allow for more effective protection, including that of WHRDs.

The temporary visa issued to human rights defenders by some countries within the European Union could be an alternative model. Through a mechanism especially dedicated to their protection, human rights defenders may claim immediate emergency support through a phone or Skype call. They may also benefit from relocation grants, thus allowing them to continue their work in a more secure setting for themselves and their family.⁵⁴ Providing WHRDs in exile with immediate assistance when they arrive in Canada should be the State's responsibility. Missions could provide practical assistance for temporary resettlement, within the limits of the law and available resources.

⁵³ *Voices at risk*, *supra* note 20 at p 19.

⁵⁴ See Protect Defenders, *Au côté des défenseurs des droits de l'Homme du monde entier*, online: <ProtectDefenders.eu>.

Moreover, the Shelter City initiative by the Justice and Peace Netherlands program is an interesting initiative, considering that it combines temporary relocation and security training, although the support it provides is not appropriate in cases of emergency.⁵⁵ It empowers human rights defenders to better take care of themselves and their communities, a goal common to the WHRDs interviewed for the report and promoted at the international level.⁵⁶ Shelter City was founded in The Hague in 2012; it now counts eleven Dutch cities and three international hubs. Given that several Canadian cities proclaim themselves as “sanctuary cities” for immigrants, the Shelter City model could very well be adopted here. There are many other initiatives that share the same spirit, for example the International Cities of Refuge Network (ICORN)⁵⁷, which is mentioned in the *HRD Guidelines* but has no Canadian city participating⁵⁸.

4. Improvement of Socio-professional Integration

Gaps

One of the most common and recurrent difficulties faced by WHRDs in exile is socio-professional integration. WHRDs cannot find jobs related to human rights advocacy and, as consequence, cannot continue their activism, which is not only an important part of their life and identity, but a ray of hope for the victims who are in need of defending. Moreover, these women’s international experience and profound knowledge of key regions and conflicts around the world would be a particularly valuable asset to Canada. From within Canada, WHRDs could advocate for human rights abroad by integrating existent organizations, collaborating in the elaboration of new human rights projects, and advising the Canadian government on human rights related foreign policies. If given the opportunity, they could be a driving force in their new communities.

⁵⁵ See Shelter city, online : < <https://sheltercity.nl/>>.

⁵⁶ See *Report of the Special Rapporteur on the situation of human rights defenders*, UNGAOR, 31st Sess, UN Doc A/HRC/31/55 (2016); *Situation of women human rights defenders*, *supra* note 1 at para 99-100.

⁵⁷ <https://www.icorn.org/>.

⁵⁸ *Voices at risk*, *supra* note 20 at p 19.

Solutions

WHRDs should be given a proactive role in the reshaping of the policies and initiatives that concern them directly and/or that concern topics they have a profound knowledge of. In other words, Canada should implement *at home* the measures it says are implemented abroad:

Global Affairs Canada works with human rights defenders and local, regional and international human rights organizations through its officials at Headquarters and at its missions abroad. This active cooperation helps to inform Canada's human rights policies, priorities and activities internationally.⁵⁹

A good start in that direction would be for the federal government's Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development [SDIR] to more closely collaborate with WHRDs in exile. While the Subcommittee's recent study on WHRDs⁶⁰ is commendable, it should to be noted that none of the women called to testify was a WHRD living in Canada.

Allowing WHRDs in exile to take an active part in their new communities would enable them to participate in their own socio-professional integration, which is coherent with the quest for empowerment they once lead through human rights activism.

Another notable initiative is the "Scholars at risk" program which is in place in many universities across Canada and worldwide. This program provides:

sanctuary and assistance to [...] scholars worldwide, [...] [it] protects scholars suffering grave threats to their lives, liberty and well-being by arranging temporary research and teaching positions at institutions in [the] network as well as by providing advisory and referral services.⁶¹

While this initiative and others must be applauded, they offer relief to a certain elite of well-educated academics and leave behind many WHRDs facing similar threats and in need of this kind of help, since their professional activities make them targets. A similar approach, aimed at other

⁵⁹ *Voices at risk*, *supra* note 19 at p 7.

⁶⁰ House of Commons, Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development, *Women Human Rights Defenders* (April 2019) 42nd Parl, 1st Sess, (2015), online: <<http://www.ourcommons.ca/Committees/en/SDIR/StudyActivity?studyActivityId=10449862>>.

⁶¹ See Scholars at risk online: <<https://www.scholarsatrisk.org/>>. UQAM is a participating university in this network.

professions, would broaden the spectrum of people being welcomed into Canada on the basis of the risks associated with their profession. To that end, female-dominated activities (social work, nursing, etc.) and professions in which WHRDs face particular risks (journalists, lawyers, etc.)⁶² should be considered a priority.

5. Cultivation of public awareness

Gaps

Abroad, “Canada understands the value of recognizing the vital work of human rights defenders”.⁶³ For instance, it honours their international achievements through the John Diefenbaker Defender of Human Rights and Freedom Award, which is coherent with the *HRD Guidelines* that put forward the importance of increasing the visibility of human rights defenders⁶⁴. When those same human rights defenders (and especially WHRDs) present themselves at our borders to ask for help, they are sometimes met with racist and/or condescending comments about their appearance, origin and religion by State employees, as documented above.

This goes to showing that Canada’s involvement in raising awareness for the situation of WHRDs varies significantly depending on where it takes place. Though the aforementioned study on WHRDs undertaken by the SDIR is a step in the right direction, it was a short-lived project, compared to other studies undertaken by the same committee.⁶⁵

Solutions

Better awareness, in Canadian communities, of the realities of WHRDs and of their fight for human rights in their home countries and in Canada, would significantly facilitate their social integration. To that end, grants should be given to projects working towards the dissemination and promotion of these women’s work and knowledge. For instance, collaborations with artists and writers could

⁶² See *Situation of women human rights defenders*, *supra* note 1 at para 67.

⁶³ *Voices at risk*, *supra* note 20.

⁶⁴ *Ibid*, at p 15.

⁶⁵ The study lasted less than four months, while other studies from the same Subcommittee go on for up to two years.

lead to the creation and publication of works which present a narrative of these women's experiences, for examples through documentaries, articles, theatrical performances, social media campaigns and so on.

6. Streamlining of Social and Immigration Services Across Canada

Gaps

The interviews conducted showed that WHRDs' integration can be very different from one province to another. During the process, the same woman may go through several social assistance programs, depending of her Canadian journey. Although this added burden is partly inevitable due to Canada's federalist structure, it is possible to reduce its negative impacts on women.

Solutions

Firstly, the federal government should be more outspoken in expressing its concern with and support for WHRDs. In so doing, provincial governments are incentivised to look into the administrative treatment of these women. Secondly, funds should be allocated for the development of local and community resources for refugees, especially WHRDs. In that regard, the London Cross Cultural Learner Center (CCLC)⁶⁶ in Ontario was cited as an example by one of the interviewees. The CCLC is a community organization that promotes intercultural awareness by providing immigrants with personalized help in relation to administrative procedures as well as with housing, health care services, social welfare, etc. To create a network of centres of that kind would ensure a certain uniformity, if not of the services needed by WHRDs in exile, at least of the help and information available regarding those services. Funding from the federal government can be provided even if the services as such fall under provincial jurisdiction.

⁶⁶ <https://www.lcclc.org/>.

7. More WHRDs Organizations

Gaps

Sisters Trust Canada is the sole organization putting WHRDs in exile in Canada in contact with one another and working for their integration. It can only help a limited number of WHRDs and its reach is limited outside the province of Ontario, though to a lesser extent in the province of Quebec.

Solutions

The participants repeatedly expressed that they do not wish to be taken in charge but, rather, that they want to acquire tools which would allow them to be empowered in their own integration. It would therefore be beneficial to have more Canadian organizations working to help WHRDs to integrate and continue their human rights advocacy. This would both complement the services offered by Sisters Trust Canada and allow for more dialogue between Canadian human rights activists and WHRDs in exile. Moreover, civil society organizations based in Canada and abroad should be engaging in the protection of WHRDs seeking exile in Canada, in order to facilitate their removal from the country in which they might be at risk. Once again, this would give effect to Canada's *HRD Guidelines* concerning human rights defenders abroad:

Canadian representatives should proactively pursue opportunities to help human rights organizations and defenders to work together more effectively to respond to situations where human rights defenders are at risk. Canadian missions can play an important role in fostering the development of effective support networks that can include diplomatic missions, journalists, academics, government authorities and other stakeholders.⁶⁷

Ultimately, the goal could be for those organizations to become part of a larger network of WHRDs, in order to promote human rights awareness and solidarity across geographical divides. Partnerships of that sort are not only a means to empower WHRDs and fight their isolation⁶⁸, but can also contribute to making the voices of the persons whose rights they defend be heard.

⁶⁷ *Voices at risk*, *supra* note 20.

⁶⁸ *Situation of women human rights defenders*, *supra* note 1 at paras 90-92.

8. Psychological Care and Family Support

Gaps

The WHRDs who spoke up for the purposes of this report went through very traumatic experiences. Some are in need of psychological care that is not duly provided. Some of them are separated from their families, which amplifies their mental health difficulties: not only do they suffer from social isolation, but they may also experience linguistic challenges that may add to their anxiety.

Solutions

Psychological help should be made available to all WHRDs in exile in Canada. In order to do so, the Canadian immigrant integration programs must take into account that, for these women, reaching for psychological help can be seen as something not necessarily desirable. They might not seek it directly or they might not know it exists. Therefore, programs should be actively brought to their attention and promoted in order to deconstruct prejudices and point out long-term benefits. Such a comprehensive approach links psychological and mental health to physical safety in a way that focuses on the “holistic security” of newly arrived human rights defenders.⁶⁹ In that sense, it aligns with the obligations Canada has undertaken towards human rights defenders’ safety.

Linking mental health support to Canada’s international obligations may also encourage a certain cooperation between the provincial and federal governments in this area. Moreover, information regarding mental health programs could be made available through the community centres discussed in the fifth recommendation.

Finally, Canadian missions abroad could contribute to the well-being of WHRDs in exile by helping them to stay in touch with their loved ones who stayed back home. Keeping human rights defenders in contact with their families and the diplomatic mission are strategies that are included

⁶⁹ *Ibid* at para 100.

in the *HRD Guidelines*⁷⁰. Ways could be found for family members and friends to exchange information outside regular channels, in order to keep all parties safe.

⁷⁰ *Voices at risk*, *supra* note 20.