We believed that the current piece of legislation is seriously and fatally flawed. We hoped that through the public hearing process before the committee those changes would have had a chance to survive. As it is, today we are at third reading stage and we are still asking the Government one last time, in an eleventh hour plea, to make changes in those three areas. It should allow other people a place to stand and provide inspiration or satisfaction to the community serving refugees that some of its concerns have been heeded, considered, and implemented.

This piece of legislation was drafted in the Department, and at third reading stage it is largely in the same vein. Those individual Canadians are asking themselves what real democratic input and persuasion they were able to exercise, and the answer is an obvious one.

Aside from these three major issues, there are a number of other elements of concern. They were tabled before the committee and before the House. For example, in the area of legal representation a claim must be heard within 72 hours. Therefore, the suggestion is that unless the claimant obtains a lawyer within 72 hours the Government would appoint legal counsel for the individual. Many legal experts suggested that this would fly in the face of the Charter, in that every Canadian or other individual has the right to seek legal advice. A claimant who may wish to hire a lawyer who may be busy in Vancouver on another claim, may not have a chance within 72 hours to obtain the proper solicitor for himself in order to defend his claim for refugee status. It would be quite inappropriate for a government sponsored lawyer to be defending the individual against the Government.

We have suggested—and it was suggested by the court, the Canadian Bar Association, and others—that there be more flexibility so as to allow the claimant the full opportunity and option to select counsel of his or her choice rather than to throw in a rookie counsel or an individual who may not be immersed in the refugee law to defend an individual who in fact is fighting for his life.

Another area of concern was indicated by the National Association of Women and the Law which presented the committee with a forceful presentation on how the refugee phenomenon affected women. It was simply amazing to note from its presentation and statistics that over 80 per cent of all refugees in the world were women and young girls. That staggering figure brings with it a number of very serious questions and issues. The association had another extremely valuable statistic in terms of trying to understand the phenomenon. It indicated that 50 per cent of refugee women arriving in Canada had been harassed or sexually assaulted in the process of either fleeing their country or arriving in Canada.

When we couple those two very alarming statistics, we realize that the presentation on behalf of the National Association of Women and the Law made a moving and compelling argument that we needed to focus on the dilemma being faced by women, a dilemma which is not faced by men. Women have been moved to be refugees as a result of sexual harassment and the fact that many of them have tried, in various parts of the world, to stand up for women's rights and individual rights. In certain parts of the globe that is seen as an offence against the state and therefore they suffer persecution.

Someone standing up for his or her dignity in our country—and in this case it is a woman—is not regarded as an affront to the state or to our way of life. However, in many parts of the world women must flee because of sexual persecution; they must pick up their bags and leave. Yet it is not recognized in the Geneva Convention as a reason for legitimate refugee status.

We must consider that 50 per cent of refugee women who come to this country have already faced sexual harassment and assault. Since most of the refugees selected from refugee camps are men and boys, there is something wrong within the refugee process. Given those statistics and the very compelling arguments made in committee, we owe it to refugees, and specifically women refugees, to re-evaluate our regulations governing the selection of refugees.

• (1540)

We suggested that if the Government wants to have a prescreening provision and use the safe country concept to deport someone, the United Nations High Commission for Refugees should be alerted so that it may play a role in the process. If a person is to be deported to a country in which he may face the danger of torture, harassment or persecution, we suggested that as a last-ditch attempt, the United Nations High Commission for Refugees could intervene to find that individual a safe home. That proposition was turned down.

The Government had to decide if it wanted the refugee board to play an adversarial role or a non-adversarial role. We suggest that it pretends to be non-adversarial. The legislation currently provides that an immigration counsel may question and challenge the authenticity of a refugee's claim and that information may be obtained at the very beginning of the process through the prescreening. We suggest that if the Government is trying to sell the legislation as being non-adversarial, it should follow this up in law and remove from the refugee board the very adversarial immigration counsel.

The Government was reluctant to make a provision for written transcripts of the first interview of the prescreening stage for appeal purposes. The Government suggested that the interview would be tape-recorded, but we suggested that it would be a very small price to pay to have those interviews officially transcribed. It should not be left up to the claimant or his lawyer to take from an interview what he wants to take and then have its authenticity challenged by the Federal Court of Appeal. We suggested that CPP disability hearings and workers' compensation hearings be officially transcribed and decisions in those forums made in writing so that an appeal