



ER: Sister Quentin with her (Open) certificate. See page photograph by Sarah King.

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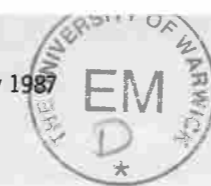
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Tamils: the Jews of the eighties

The moral and political dilemma raised by the 58 Tamil refugees seeking sanctuary in this country will not go away once their individual fates have been decided. The hapless Tamils, whom the government is seeking to deport, are among a growing wave of asylum-seekers, dubbed the "new refugees."

Unlike their predecessors—displaced Jews from Nazi Germany, post-1956 Hungarians, or Russian dissidents—these refugees are mainly fleeing from undeveloped countries, like Uganda, Vietnam, Afghanistan, and now Sri Lanka. They don't have central or eastern European accents and western ways. They are fleeing countries which often seem volatile and baffling to the west. Moreover, while there were jobs galore for postwar refugees, there are precious few for the "new" ones.

The government's fear is of being "swamped" with exiles. In 1985, for example, Britain was approached by 5,000 asylum-seekers—2,000 of them Tamils. Six years before, only 1,500 people had applied to us for refugee status. Should a sensible and humane government raise or lower the draw-bridge? This government, after accepting the

first influx of Tamils, decided to force subsequent asylum-seekers to obtain entry visas in their own country—a laborious, potentially dangerous process which would deter many. It was for circumventing this obstacle that these 58 Tamils incurred the government's wrath, suspicion and deportation order.

All Tamils, after the early few, have had to prove, individually, that they deserve asylum. The overwhelming majority—907 out of 978 whose applications were dealt with in 1985—were refused refugee status, but were granted leave to remain here on exceptional grounds. This means temporary asylum and expires after twelve months though even this temporary refuge has been denied the 58.

Is it all a matter of government whim? Amid a maze of definitions, the 1951 United Nations convention states clearly that a refugee is: "A person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion is outside the country of his nationality and is unable or unwilling to avail himself of the protection of his country." The government's

role is to decide whether someone seeking asylum meets this criterion.

Before attempting to deport anyone, the government should bring in the independent immigrant advisory service. Instead, it tried to deprive the Tamils of this right. Later the government tried other ruses, like conning them into boarding a plane bound for Bangladesh, knowing full well that the Bangladeshis would promptly hand them over to the Sri Lankan government. The justification seemed to be: the Tamils tried to trick their way into the country with false papers, so why play straight with them?

The only real question should be: do these Tamils genuinely face persecution in Sri Lanka? "Persecution" covers treatment ranging from discrimination to genocide—though, of course, one may lead to another. In the late thirties, when Jews were being pushed to leave Germany, and were being squeezed out of business, this country failed to acknowledge what lay in store for them. Many were refused admission and left to face the "final solution." In deciding the authenticity of today's refugees, the government must avoid repeating that fatal scepticism. ■

Saving the unborn

The latest twist in the abortion debate, highlighted by the case of the Oxford University couple this week, has focused attention once again on the ambiguities in the Infant Life Preservation Act, 1929.

An unborn child is not a legal person in English law, so it has no legal rights. But people feel uneasy about this. The Infant Life Preservation Act was an early attempt to give the foetus some protection, by making it a crime to bring about its death if it were "capable of being born alive." This is defined in the act as being over 28 weeks' gestation.

The difficulties arise in deciding what "capable of being born alive" means. Most doctors have interpreted it as meaning "viable"—that is, capable of surviving independently of its mother. With the best care that medical technology can provide, some foetuses of only 23 weeks' gestation (but not less) have survived. But in this week's court hearing, counsel for the father, who was seeking to stop the abortion, argued that "capable of being born alive" had a narrower meaning: that if the foetus were delivered "its limbs would be moving and its heart beating," even though it had no chance of survival.

This meaning does not accord with the current medical consensus. It is generally accepted that, in this narrow sense, an aborted foetus may be "born alive," but be "pre-viable". Such foetuses are incapable of surviving, even with all modern technical and scientific aids.

It is further accepted that such "living" foetuses may be used for research. In 1972, a

DHSS committee chaired by Sir John Peel concluded that research was permissible, on dead foetuses and pre-viable ones, subject to a strict code of practice.

If it's all right to experiment on a pre-viable foetus of 20 weeks or more, it must be all right to abort it. But the moral position is confused. The Warnock Committee proposed, for instance, that research should be allowed on embryos up to 14 days old. The limit was chosen to fall well short of the point where the embryo might have any kind of rudimentary awareness. So why does this principle not apply in the case of a 20 week old foetus?

This week's appeal court decision leaves the moral and legislative chaos as it was. In an election year, the government may be reluctant to get involved in sorting it out. But the job cannot be put off for long. ■

The files cover up

Archie Kirkwood's Personal Files bill, which provides access rights to certain categories of personal information in written records, will have a rough ride through the committee stage even though it merely extends the principle of freedom of information as determined in the Data Protection Act, 1984. Because this act only covered computer material, a data base could legally keep a secret written file containing sensitive and potentially damaging information.

The bill's clauses on housing, education, and social work—files on which are kept by local government—are likely to go through. However, David Waddington, the home office minister, will veto public access to central government files, covering employment,

credit and immigration. Kirkwood's campaigners fear that the government, in line with the wishes of the British Medical Association, will also exclude medical records from the final act.

Both the government and the BMA oppose areas of the bill on the grounds of increased labour costs. Rather improbably, the government claims an army of 3,000 permanent civil servants would be needed to reorder Whitehall files. A spokesman for the BMA described the prospect of rewriting doctors' files as "quite terrifying."

But doctors' records need improving. A survey in 1981 of 1,500 general practice records in the Leicester area found that 1.4 per cent of the files either failed to mention the sex of the patient, or had recorded it wrongly. And 5.8 per cent of cases had also omitted, or recorded incorrectly, the patient's date of birth. David Metcalfe, Professor of General Practice at the University of Manchester, says that most medical records are a disgrace.

Undoubtedly ethical problems arise over disclosing upsetting or alarming medical information, whether it's fact or speculative diagnosis. However, adult patients have a right to know what doctors write about them, and the risk of disclosure must be balanced against the risk of distrust between doctor and patient caused by secrecy.

The BMA stands almost alone. The Kirkwood bill is supported by a large number of paramedical organisations, including the Royal College of Nurses, the Health Visitors Association, and the Scottish section of the British Association of Social Workers. Why are doctors so secretive? ■