

# MIGRATIONS:

A GLOBAL WELFARE CHALLENGE. POLICIES,  
PRACTICES AND CONTEMPORARY  
VULNERABILITIES



#### Compiladores:

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# INTRODUCTION

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Seyla Benhabib (2005) wrote a very interesting book called *The right of others: Aliens, residents and citizens*. On this book, Benhabib discusses about *no human is illegal*; and offers us a singular view about the phenomena arguing about free human mobility. When we think about mobility and rights we can remember that when Democracy or Republic was an elemental thinking to Plato and others, we surely have in mind that foreigners did not have political rights (or no one at all), they were not considered citizens (and also women and children too, as well as slaves). Plato developed some political thoughts by 354 BC, but Thales of Miletus had already spoken about sovereignty and frontiers when the Persian threat by 6<sup>th</sup> century BC was targeting Greek. Nowadays (im)migration, refugee and asylum seeker have a direct link to the Greek thoughts about foreigners – protecting something (a property) from the Other (the enemy).

Actually, we face a very conservative political wave around Western world, with conservatives parties on main governments positions with a conservative agenda on refugees, (im)migration and asylum seekers. In USA, President Trump won national elections with a hard discourse closing USA frontiers to “illegal” immigration and he already forbidden immigrants from some Eastern nations like: Iran, Iraq, Syria, Libya, Sudan and Yemen, arguing that national security is more important now and that those coun-



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tries could have some terrorists born there having as referee that 09/11 attacks. But, most people on those seven countries are Muslims – targeting as “born” terrorists. Problem is that those seven countries did not took part in any “terrorist” attack on USA, but was on a schedule since Obama’s government about countries that are “dangerous” to USA relations. Otherwise, countries like Pakistan, for example, who had citizens that attacked USA are allowed to enter. Why? The national security is just political relations, and political relations also are power relations and economic relations too (Lissardy, 2017). Trump, affirms Lissardy, has business with countries that did not go to the seven countries schedule because of his (Trump) personal interests. Also, Painter and Eisen affirm that:

The president continues to receive payments and benefits from foreign governments (emoluments) in violation of the Constitution, and Congress has done nothing to stop him. Trump also says “the president can’t have a conflict of interest”, a statement that’s simply not true. Meanwhile, the cesspool of campaign finance bubbles unabated with the longtime general in the war against campaign-finance reform, Don McGahn, having been installed as White House counsel. (Painter & Eisen, 2017)<sup>1</sup>

In France national elections the anti-immigrants discourse is a fundamental tool to conservative parties – as Marine Le Pen, from National Front (NF), that promised to “protect France” suspending immigration: ‘Marine Le Pen has claimed she will “protect France” with a vow to suspend immigration and defend the country against the threat of “savage globalization” (Dearden, 2017). She also said that “We are not a free country if we cannot control our territory”, plus “With the serious terror threat that weighs on us, we have to be able to control who enters to be able to expel those who represent a danger” (Dearden, 2017)<sup>2</sup>.

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1 To read more, please go to: [https://www.washingtonpost.com/politics/us-attorney-asked-to-investigate-trump-for-alleged-constitutional-violation/2017/03/08/845f51a8-0390-11e7-b1e9-a05d3c21f7cf\\_story.html?utm\\_term=.620bf3750440](https://www.washingtonpost.com/politics/us-attorney-asked-to-investigate-trump-for-alleged-constitutional-violation/2017/03/08/845f51a8-0390-11e7-b1e9-a05d3c21f7cf_story.html?utm_term=.620bf3750440)

2 To read more, please go to: <https://www.ft.com/content/9854f5e4-ebc3-11e6-930f-061b01e23655> and <http://www.euronews.com/2017/02/09/what-do-we-know-about-marine-le-pen-s-policies>

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Also, Theresa May, actual United Kingdom Prime Minister, said in a conference in 2015 for Conservative Party that "There are millions of people in poorer countries who would love to live in Britain, and there is a limit to the amount of immigration any country can and should take". Plus "When immigration is too high, when the pace of change is too fast, it's impossible to build a cohesive society". On her speech, immigration is responsible for social problems: "Not all of the consequences can be managed, and doing so for many of them comes at a high price. We need to build 210,000 new homes every year to deal with rising demand. We need to find 900,000 new school places by 2024. And there are thousands of people who have been forced out of the labour market, still unable to find a job". And forgetting how Britain was formed, she also said that "While there are benefits of selective and controlled immigration, at best the net economic and fiscal effect of high immigration is close to zero. So there is no case, in the national interest, for immigration of the scale we have experienced over the last decade" (May, 2015).

Those thoughts and speeches can lead us to think about how Descartes (apud Cunha & Cardoso, 2004) on his Second Meditations argued about how every little thing he saw wasn't true and then give us some thinking tools to put in doubt those conservative discourses about (im)migrants:

I suppose, then, that all the things that I see are false; I persuade myself that nothing has ever existed of all that my fallacious memory represents to me. I consider that I possess no senses; I imagine that body, figure, extension, movement and place are but the fictions of my mind. What, then, can be esteemed as true? Perhaps nothing at all, unless that there is nothing in the world that is certain (p.257).

What is being trying to be explained or put as a subject to thinking is that the construction of immigrants and immigration/refugees and asylum seekers is something that fit onto some specific stereotypes that facilitates a conservative discourse against this natural human mobility right (the Descartes' thinks that we see and is not true, that lead us to make mistakes, that appeal to a fallacious memory. Human social construction is not natural,

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which means that as Descartes said before nothing is certain in this world). And these construction is subject or some chapters of this book which intends to offer more thinking tools to understand the nature of human mobility and why states needs to rethink about their conservative rights targeting it.

The first chapter argues about a critical overview about a politico-philosophical discourse(s) on refugee politics, from Florian Grosser, bringing inclusion and alterity as elements about the forced migration criticizing individualist bias to put in check the dangerous relations between a human necessity and political powers that regulate migrations that can be seen by some governments as "masse de manoeuvre". The author also proposes a different way of thinking this urgent social problem integrating born citizens and migrants and refugees to live in harmony.

The second chapter, by Ignazia Bartholini, discusses about asylum seeker policies in Italy on the institutional discourses of EU on security, arguing about the rejection about the economic migrants becoming victims of labor exploitation or became beggars or homeless once they had no ways to turn back home. This chapter shows the mechanism of selection based on government interests to concede the asylum. The paper describes some aspects of phenomenon of refugees/asylum seekers that cannot be brought into a positive and coherent interpretation of the "doing Europe". Furthermore, she outlines and discusses the strategies of "first asylum" provided at the Hotspot to all the asylum-seekers who show signs of physical violence or beatings.

Then, she puts in parallel the attention by the "Hotspot System in Italy" in the separation of refugees from "economic migrants" with the lack of attention to all signs of violence in the bodies of all those migrants –mainly women and girls but also men– who are been victims of inhumane violence during their desperate journey and before their arrival in Italy.

The author also describes the result of qualitative research that she carried out between December 2015 and August 2016 in two phases: a partici-

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pant observation in Hotspot of Trapani-Milo and a qualitative survey with 30 migrants (7 women and 23 men) who had been hospited at the Hotspot of Trapani (in Sicily).

She underlines as it is necessary to increase the “legal conscious” of their rights (no matter their condition of migrant or refugee) for the immigrants. The author also points out that it is necessary that the “hotspot system” be reconsidered by the European Community in order to have a better and more warm welcome of economic migrant or migrants victims of violence that will never come in their Countries of origin for the same economic reasons that EU does not consider valid.

The third chapter - wrote by Claude Shema, brings us a different perspective leading with asylum seekers, refugees, immigrants and mental health, working with the psychological problems that those minorities face while in human mobility condition, and how traumatizing it can be as well as other kind of experiences lived by this group.

The fourth chapter - wrote by Cathryn A. Morriss, is about how Australia has been worked with its 2001 Pacific Resolution targeting refugees and asylum seekers. The authoress examines the structural violence as a policy strategy on the detention centers, plus sexual abuse, assaults, intimidation and etc that happen on this kind of place. She worked analyzing structural, direct and social violence in the Manus Island and Nauru detention centers.

The firth chapter - wrote by Hector Vega discusses the *Yoéme* conflict in Mexico frontiers. The author analysis the 19<sup>th</sup> century war conflict that expelled Pasqua Yaki people from Sonora to Arizona and its consequences to their living nowadays once that they are now two indigenou nations living in different countries with different rights.

The sixth chapter - wrote by Ana Cláudia D. C. de Oliveira, Marco Antonio Hams Dias and Emidio C. de Oliveira, is focused on a gender approach to explain women’s perception of migration and the socio-cultural meanings of female bodies on this migration flow using as a background the contemporary Haitian migration to Brazil, reflecting on female experiences while

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moving and living in a new country. Also the authors and authoress worked with 600 interviews on Santa Catarina state, and they found that those Haitian women migrating had low level of education and difficulties with integration.

The seventh chapter - wrote by Fernanda P. Amaral discusses about some political aspects that concern to (im)migration and refugee, asking for free human mobility, once that illegal (im)migration is deny human mobility. To show this, the authoresses used the recent Roma expelled people from Italy as an example of what is an (im)migrant desired or not by governments. Plus, it is showed fragments of terrorism by a gender perspective and how it influences on human mobility, and argue about the *Other* as the (potential) enemy as one of the reasons for denying human mobility.

The last chapter of this first section - wrote by Roberta Di Rosa, shows how current national policies are almost exclusively focused on entry and security issues. At the same time, the integration of regular immigrants is seen as a secondary investment by the government. The scholar follows an analysis of the welfare policies currently in Italy to highlight how the current social services system has only partially taken into account the needs of immigrants and their families. It is therefore a "regionalized welfare" with profound discrepancy between the different areas of the Italian state.

The second part of this book is a photographic project with interviews made with male and female immigrants in Barranquilla - Colombia bringing their experiences living this mobility as an empirical perspective of all that was worked on this book.

And, we finish with a chapter about educational model in a global context, its educational systems under the pressure of migratory movement linking with a migratory phenomenum at school, wrote by Astelio Silvera Sarmiento, Maribel Molina Correa, Alba Corredor Gómez y Mariangélica Pineda Carreño.

This book had to underline as Solidarities within European boundaries and with the rest of the world form a key aspect of democratic societies.

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Therefore these solidarities must be investigated in relation to the main issues of migrants, but also to all rights that the States could recognize to migrants as persons and legal subject, but don't currently recognize.

We hope that this reading can bring new perspectives to the issue of (im)migration, refugee and asylum seeker on the contemporary world.

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# **POLITICO-PHILOSOPHICAL DISCOURSES ON REFUGEE POLITICS: A CRITICAL OVERVIEW**

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## **ABSTRACT**

This article gives an overview of differing paradigms at the center of contemporary politico-philosophical discourses on forced migration. Focusing on two predominant approaches to refugee politics that revolve around the paradigms of inclusion and of alterity respectively, it reconstructs and, subsequently, critically assesses key assumptions and concepts these approaches build on as well as political positions they lead to and concrete policies they justify. In particular, the critique concentrates on their individualist bias, which is reflected in the emphasis of inclusion theories on the citizen as the essential, sovereign political subject and of alterity theories on the host as the essential, sovereign ethical subject. It will be argued that, as a consequence of this bias, the inclusion and alterity approaches run the risk of, among other things, reproducing and reinforcing asymmetrical relationships of power promoted by existing politico-legal regimes that regulate forced migration; regimes that tend to take refugees, both in terms of their (political and moral) consideration and their (political and legal) treatment, as a *masse de manoeuvre*. It is against the background of this problematization that the final section of the article outlines an alternative way of thinking about refugee politics: Shifting to a communal angle, it points to possibilities of conceptually grasping modes of encounter, co-existence, and interaction between the long-established (i.e., citizens) and the new arrivals (i.e., refugees) - between 'strangers' who do not have a common political, ideological, or religious, historical, cultural, or ethnic ground *ab initio*. Based on a modified concept of solidarity - understood as synergetic, i.e. as a bond that emerges in common endeavors of 'world-building' - it thus suggests a reconceptualization of democratic citizenship and civil community consistent with present phenomena of migration.

### **Key words:**

Forced migration, Political refugees, Interaction, Coexistence.

### **I. How to think about refugees, or: Two registers of hospitality**

After almost 400 refugees, on their way to Europe from the Libyan city of Misrata, had drowned off the coast of the island of Lampedusa on October 3, 2013, the Italian government decided to posthumously naturalize the victims. The government's decision, staged as an act of reverence to those who had been killed in the accident, coincided with the adoption of legal measures against all adults who had survived the catastrophe: Based on a set of highly restrictive immigration laws passed in 2002, their names were put on the list of 'illegal immigrants'. Far from receiving European Union resident permits, let alone passports, the survivors were threatened with incarceration and deportation. Soon after, the Spanish newspaper *El País* captured what seemed to have been the decision logic of Italy's political leaders in a laconic headline: *Solo los muertos pueden quedarse* – only the dead can stay.

To bracket out, for a moment, the absurdity and cynicism of the decisions and measures taken by the Italian government, this treatment of refugees – the admission of the dead and the expulsion of the living – must at the very least be described as inconsistent. However, the inconsistency in the reactions to the deadly event seems to exemplarily indicate the profound confusion characteristic of the way in which Europe, as represented by its politico-legal institutions, deals with the question of how to treat 'outsiders' as represented by migrants and, especially, refugees: On the one hand, by giving citizenship, albeit only to the those who can no longer make use of their full membership, it is acknowledged that individual European states and the European Union as whole do have certain political and moral responsibilities and obligations towards those who seek to enter; on the other hand, however, in denying the survivors the status of membership with or without qualifications (i.e., the status of 'surrogate' or 'full members') and in carrying out their expulsion such responsibilities are unequivocally repudiated. Thus, the mere fact of their having crossed the territorial borders that control movement does not translate into their overcoming of the civic boundaries that control membership.

Inconsistency and confusion as to whether Europe and its 'insiders' owe

anything to 'outsiders' and whether, therefore, existing states and societies should open up were also reflected in the 2015 'refugee crisis' where, both on the political and the societal level, acts of benevolent, generous welcome often ran parallel to acts of resolute, even violent resistance: The (temporary and exceptional) suspension of the *Dublin Regulations* alternated with the (temporary and exceptional) reintroduction of border controls within the European Union; and donations of goods that, in some cases, exceeded the available storing capacities were interspersed with attacks on facilities meant to accommodate the arriving refugees.

One possible way of making (some) sense of what, at first sight, must strike one as an improbable synchronicity of acceptance and rejection of refugees is provided by Jacques Derrida's reflections on hospitality. On Derrida's account, the disorientation expressed in the reactions to the arrival of people in need, of people looking for aid and refuge, mirrors the very constitution of hospitality itself: In being part of two differing, yet intertwined politico-ethical registers – the register of unconditional, unlimited openness towards strangers and, respectively, the register of conditional, limited acceptance – the idea of hospitality is traversed by a simultaneous willingness and unwillingness to give and to share. The latter register is guided and shaped by the concern that an unconditional openness, that an unlimited offer of support to 'outsiders' will result in the receiving political community's overstraining and, ultimately, in its dispossession and self-abandonment.<sup>1</sup> Derrida thus argues that communities, latently or acutely wary of this threat posed by their 'visitors' and 'guests', 'aporetically' and 'paradoxically' oscillate between hospitality and hostility when confronted with the

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1 This risk, approached and evaluated in widely divergent ways in a number of relevant contributions to the philosophical debate on refugees, is made particularly explicit by Garrett Hardin and Peter Singer: Hardin, in his 'life boat ethics' (a metaphor particularly out of place in light of the EU's failure to render assistance to refugee boats in the Mediterranean), argues that there is no moral obligation to help refugees (or, more generally, 'the poor') because the admission of additional people will eventually lead to the collapse of the receiving states, even if they are affluent (cf. Hardin, 1974). Singer, though assessing the risk similarly, in a recent statement suggests the opposite course of action: States and societies 'have a responsibility to take refugees' until a breaking or turning point is reached at which the cost to the receiving state and its residents exceeds the benefits to the newcomers (cf. Singer, 2015).

expectations, the claims, and the mere physical proximity and presence of newcomers (cf. Derrida, 2000, 2005).

Taking seriously Derrida's hint as to the peculiar interwovenness of being a *host* and being *hostile* and of the underlying registers of the unconditional and the conditional, it is not only the mixed response of European politics and societies with respect to the latest movement of migration that can be understood in a modified way.<sup>2</sup> Instead, it also sheds new light upon the discourses of modern and contemporary political and moral philosophy that thematize questions of hospitality or, more generally, questions pertaining to the relations between a political community and its outside, between its members and nonmembers. For instance, the tension between Immanuel Kant's moral universalist commitments and his pragmatic, strategic political limitation of 'the right to hospitality' which does not comprise any rightful claims as to permanent residence in countries other than one's own – often perceived and criticized as inconsistent (cf. Benhabib, 2004, 2006; Carens, 1987, 2013; Cole, 2000, 2014) – becomes legible as an effect of the '(im-)possibility' of hospitality: Whereas Kant's overarching idea of a 'cosmopolitan right', a 'right to world-citizenship' operates within the order of the unconditional, its specification, i.e. its narrowing to an 'imperfect moral duty', in emphasizing the necessity of drawing lines, of restricting admission and preventing participation, bears on the order of the conditional.<sup>3</sup>

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2 As Guy Goodwin-Gill's and Itamar Mann's descriptions of the history or, rather, 'the making' of the refugee (and of the regimes designed to handle this challenging liminal figure) since the end of World War I illustrate, neither this latest movement nor the responses to it are 'unprecedented' as is often claimed by politicians and journalists. With regard to the specific politico-legal measures taken – most importantly, the United Nations' 1951 *Convention Regarding the Status of Refugees* and the subsequent 1967 *Protocol* – as well as with regard to the common politico-ethical imagination informing individual responses, the constant uneasy shifting between the orders of the unconditional and the conditional – or, in practical terms, between the inclusion and exclusion of refugees – appears as this history's most characteristic feature (cf. Goodwin-Gill, 1996 and Mann, 2011).

3 Even though the 'right to world-citizenship' serves as an essential point of reference in philosophical debates on the politics and ethics of migration, Kant expounds the idea in the third Definitive Article of *Toward Perpetual Peace* with issues other than refugees seeking admission in affluent countries in mind. In the historical context of the late 18<sup>th</sup> century, Kant, in arguing that the earth is *res nullius* (i.e., not object of any specific right claims) and in limiting 'cosmopolitan right' to 'conditions of universal hospitality', aims at delegitimizing European colonial practices of conquering, occupying, and exploiting land around the globe and of, thereby, 'counting the inhabitants for nothing'.

Further, Derrida's considerations on the twofold order of hospitality allow for a fresh perspective on predominant ways in which the encounter of 'insiders' and 'outsiders', 'members' and 'non-members', citizens and aliens as well as the urgent theoretical and practical problems related to it are approached in contemporary philosophical debates: Instead of describing the relation between, on the one hand, politico-ethical theories that have *inclusion* for their central 'aspirational' (D. Estlund) or normatively productive element and, on the other, politico-ethical theories that revolve around the concept of *alterity* in terms of rivalry, competition, and, eventually, irreconcilability, these strands of thought can be reconceived as situated on the volatile, yet common thematic terrain provided by the double-register of hospitality: They can be reconceived as engaged in the shared endeavor of determining points of balance between limited and limitless duties or responsibilities of 'natives', between limited and limitless rights or demands of 'foreigners' to be welcomed, aided, and integrated.

Against the backdrop of this being situated and engaged, it is obvious that neither approach, in its attempt to determine the appropriate ratio between a community's welcoming and protecting, recognizing and integrating of 'others' and the securing and preserving of its 'own' (order, resources, practices, etc.), can be unreservedly associated with or neatly mapped onto one or the other register. Although certain concepts central to the inclusion approach – such as, for instance, personal or political autonomy, individual or collective self-interest and self-determination, popular or state sovereignty – suggest a prioritization of self-regarding (politically speaking, statist) concerns, a variety of other-regarding (politically, speaking cosmopolitan) positions can be found under its umbrella that work in the opposed direction. And although certain notions crucial to the alterity approach – such as, for instance, affectedness and external determination, self-relativization and de-identification – testify to its inclination towards the 'other', positions developed under the same paradigm run counter to this tendency in emphasizing aspects of self-assertion and self-assurance linked to the encounter.

Drawing on the works of selected thinkers who represent the inclusion

and, respectively, the alterity approach to refugee politics, it is my aim to (a) provide an overview of significant theoretical positions; to (b) individually reconstruct and assess such exemplary positions in their ambivalent oscillations between unrestricted and unrestricted hospitality; and to (c) to bring these predominant approaches into conversation about the 'refugee problem'. Thereby, the conversation between the theorists of inclusion and of alterity will mainly center around the following questions: 1) How are the new arrivals, with their heterogeneous origins and stories, beliefs and preferences, hopes and expectations to be reacted to and to be treated by the comparatively homogeneous socio-political collective in the 'host' country and, respectively, by the individuals that belong to it?; 2) How do specific modes of reaction and treatment described or prescribed by inclusion and alterity thinkers affect those involved in the encounter – i.e., how do these modes bear on those in exile and those at home?; and, 3), how does this encounter of 'strangers' operate on, how does it challenge and maybe even reshape existing configurations and conceptions of communality?

As I will argue, it is the third question to which the thinkers of inclusion and alterity, despite the plethora of suggestions they offer with regard to the other two questions, have surprisingly little to say. It is their relative silence or neglect that indicates the necessity to further reflect upon possibilities for the emergence of new, up to now unfamiliar, uncommon forms of community given rise to by the encounters and the subsequent interrelations between hosts and refugees – forms beyond or, at least, less dependent on sharp distinctions between 'inside' and 'outside', 'own' and 'foreign', 'self' and 'other'. Building on some of the results of the critical exploration of both the inclusion and alterity approach and taking seriously current empirical phenomena that point toward possible re-formations of communal interaction and coexistence, I want to suggest an alternative way of thinking about the social and political dynamics that unfold when 'perfect strangers' meet. In comparison to the perspectives assumed by inclusion and alterity theorists, I will therefore divert my attention: Rather than focusing primarily

on the narrow zones and brief instances of first contact,<sup>4</sup> the plain observation that refugees are not always en route or just arriving to then be received or sent away will serve as my point of departure. Instead, they are already – and, often enough, not only transitorily, but for extended, open-ended periods – present amidst a particular local and social context that is not their own, thus confronting the locals with a situation characterized by an ‘urgency of proximity’ (Santner, 2005).

It is on this basis that I want to explore forms of community (re-)formation which are made possible, initiated, or even necessitated by the experience, shared by members and nonmembers of the ‘hosting’ political order alike, of *concernedness* – i.e., of *being concerned* by this urgency, of being exposed to and challenged by it. Further, I want to examine whether and in what way this (‘sym-pathic’) being concerned by can be converted into a (‘syn-ergetic’) form of *solidarity* so as to manifest itself in a shared commitment to facing and confronting this urgency and, thus, to what Hannah Arendt calls ‘world-building’. Before expounding the contours of the solidarity approach, conceived as an alternative way of thinking about refugee politics, in greater detail in the final section of the following remarks, however, I will sketch out central positions and features, problems and limitations of the legitimacy and alterity approaches.

## II. Refugee politics from the vantage point of inclusion

Regardless of their specific commitments – to statism or cosmopolitanism, to contractarianism or contractualism, to distributive justice or discourse ethics, to procedures or substantive values – theorists of inclusion coincide with regard to the conviction that the existence and exercise of political order and, especially, of political authority can only be considered legitimate if it is rooted in the rational consent of its members. In the tradition of liberal political thought, they conceive legitimacy as a quality of

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<sup>4</sup> Whereas the former, first and foremost, concentrate on the issue of how to organize legitimate border regimes in order to regulate matters of inclusion/exclusion, the latter place particular emphasis on the momentary character of the encounter in which recognition is either granted or withheld.

institutions (paradigmatically, the institutions governing and administering a state) and insist that moral obligations of the governed (paradigmatically, the citizens of a state) to respect and obey such political authority can only arise if, based on being good reasons for its existence and exercise, they agree to the corresponding structural limitation of their individual autonomy. Under this umbrella, one finds a wide range of positions that, in ranging from (strong) *statism* to (strong) *cosmopolitanism*, revolve around the questions whether and in what way the idea of political legitimacy is also to be applied beyond the exemplary internal constellation between a state and its citizens – i.e., with regard to the inclusion/exclusion of new arrivals such as migrants and refugees.

The position of *strong statist* thinkers is guided by the Hobbesian idea that morality only comes into existence with the creation of the state. Correspondingly, the only relationship of moral relevance is the reciprocal relationship between state and citizen. On this account, states do not have any obligations to outsiders because the relationship (or, rather, the non-relationship) to them equals the a-moral scenario described in Hobbes's 'state of nature'. Seen from the individual citizen's perspective, the self-interest of having her rights (especially, 'the right not to be obliged') protected by her state (a protection based on which she has consented), is jeopardized the very moment her state decides to admit newcomers such as refugees and, thus, to 'burden' itself and its members "with the obligation to act as the protecting agent to whom all [the newcomers<sup>5</sup>] future claims will be addressed" (Blake, 2014, p.532).

Further along the continuum of theories spanning between statism and cosmopolitanism and set apart from the position of 'strong statism', other thinkers – following Kant's emphasis on conditional hospitality and taking seriously his (political) concern with state sovereignty – develop '*weak(er)*' *statist standpoints* that relativize the rigid and far-reaching 'right to exclude' endorsed by 'realist' descendants of Hobbes. In their endeavor to open up the

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5 Florian Grosser's note.



rather narrow framework of John Rawls's theory of political legitimacy and to apply it to issues of inclusion/exclusion,<sup>6</sup> these thinkers acknowledge that the space outside the state is no morality-free zone. Although they agree on an understanding of this space as a normative order that allows for obligations towards and for rights claims of non-citizens, they disagree on its appropriate content (as exceeding humanitarian requirements or not) and on the manner of the establishment and enforcement ('involuntary imposition' or 'voluntary agreement') of such obligations and claims (cf. Nagel, 2005). Further disagreement among 'weak statist' theorists pertains to the precise scope of people included in considerations of legitimacy: While some argue that a state only has to justify the exercise of its authority with regard to non-citizens in front of those who are on its territory or 'at its door', i.e. at its borders (cf. Miller, 2013a, 2013b), others hold that this limitation is arbitrary and, thus, morally indefensible. Instead, they insist on obligations on the part of the state that are independent of the refugees' location – obligations met, most importantly, by contributing to the establishment of a supra-national institutions of refugeehood functioning as a what David Owen calls 'legitimacy repair mechanisms' that act 'in loco civitatis' (cf. Owen, 2013).

The question of who exactly has to take part in deliberative processes and to express consent to political authority as it manifests itself in border regimes is also addressed by theorists who favor a 'popular sovereignty' over a 'state sovereignty view'. Rejecting, inter alia, communitarian claims as to a polity's right to unilaterally control its borders – a right presented by some communitarians as the 'deepest meaning' of self-determination – and to remain 'irresponsive' to the claims and demands of outsiders (cf. Walzer, 1983; Etzioni, 1996), such theorists scrutinize the meaning of political com-

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6 Rawls explicitly limits the range of subjects to which his account of political legitimacy and his conception of justice apply to those who have the status of full citizen-members. For him, this limitation rests on key features of what he calls 'the political relationship', a relationship that can only emerge within "the special domain of the political" (Rawls, 1989/1999, p. 482). This domain, for him, is essentially 'closed' and 'complete' as "we do not, and indeed cannot, enter or leave it voluntarily" (ibid.). Consequently, birth is the only recognized possibility to enter into a society (and death the only recognized form to exit from it). Confirming his pronounced statist commitments, Rawls thus insists on a democratic people's 'qualified right to limit immigration' independently (cf. Rawls, 1999).

munity and peopleness. Under the headings of the 'boundary problem' or the '*demos* problem', two interrelated issues are discussed which challenge the prevalent idea that the scope and composition of the people can be defined with recourse to criteria such as, most importantly, birth, legal membership status, and territorial borders: Who belongs to the *demos*? And who can rightfully be excluded? For instance, political theorist Arash Abizadeh (2008) argues that in democratic states and societies, the *demos* is 'in principle unbounded'. It follows from that that every person who is 'subjected to', i.e. directly exposed to a state's 'coercive acts' and 'coercive threats' deserves actual (in contrast to merely hypothetical) 'democratic justification', 'participatory standing' and, thus, inclusion in the discourse on the legitimacy of the existing border regime – and the criterion of being 'subjected to' evidently on applies to both members and non-members (cf. Abizadeh, 2008).<sup>7</sup>

Taking seriously Kant's moral universalist commitments and, thus, emphasizing unconditional hospitality, cosmopolitan theorists conceive the global space beyond the state as an inherently normative order and, consequently, challenge both the practices and the theoretical foundations of closed border regimes in more or less radical ways. Following Jürgen Habermas's reflections on the law as the central (in fact, the only functional) integrative instrument in today's world, a number of '*weak* cosmopolitan theories' turn to legal mechanisms in order to find solutions for the problems raised by migration and refugeehood. Thereby, such theories promote the transfer of politico-legal instruments that ensure legitimacy on the state level to the supra-state level. It is through such 'democratic iterations' that the legitimacy of existing institutions in the international arena as well as the creation of additional institutions to further work out and implement norms

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7 As against the 'all-subjected principle' (i.e., subjected to a state's political authority), theorists like, e.g., David Held (cf. Held, 2005), argue for a wider scope of a democratic state's obligations and, therefore, advocate the more encompassing 'all-affected principle' (i.e., by a state's political authority). While recognizing the 'diagnostic' value of the latter principle, Sofia Näsström points to its limitations in terms of 'generating' and 'justifying' the boundaries of political community and peopleness (cf. Näsström, 2011).

beyond the individual states' immediate reach is to be achieved. On this view, the *EU Charter of Fundamental Rights in Immigration and Asylum Law* or the *Geneva Convention Regarding the Status of Refugees* are interpreted as precisely such iterations: Their legitimacy in regulating matters of migration is understood as analogous to, e.g., the legitimacy of the *World Trade Union* in regulating economic matters – i.e., it is understood as derived from rational deliberation in the international public sphere that leads to consent. According to this picture, competing rights claims concerning inclusion/exclusion are therefore no longer to be settled at the sole discretion of states but, instead, in the world of institutionalized 'global politics' (cf. Benhabib, 2004, 2006; Cohen/Sabel, 2006).<sup>8</sup>

According to thinkers advocating positions of '*strong*' cosmopolitanism, however, any right to close borders and to exclude migrants seeking admission is inconsistent with a genuine commitment to moral universalism, i.e. incompatible with the concept of equal moral worth – no matter whether such a right is claimed and exercised by institutions on the national or international level. Any form of exclusion of those who freely and rationally choose' to join a state is tantamount to this state's failure in fulfilling its obligations: For open border theorists, a political order and the boundaries which circumscribe it can therefore only be considered as legitimate if "membership is open to all who wish to join" (Carens, 1987, p.270) – i.e., if the principles of cosmopolitan egalitarianism are implemented politically by granting unrestricted freedom of movement (cf. Carens, 1987, 2013; Cole, 2000, 2014; Kukathas, 2012). Yet, while insisting on transferring political authority from the state to the supra-state level and on inclusion as a matter of individual choice respectively in order to critically analyze and (further) legitimize present *arrangements* of border regimes, 'weak' cosmopolitan thinkers like Benhabib (2004; 2006) and Pogge (1997) as well as 'strong' cos-

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8 Taking their cue from Rawls' reflections on the 'natural lottery' (i.e., on contingent starting positions that bring with them unequal life-prospects) and transposing them from the national to the international sphere, other cosmopolitan thinkers take a similar stance in arguing against an individual state's right to unilaterally exclude and in advocating supra-nationally governed 'porous' border regimes (cf. Pogge, 1997).

mopolitan thinkers Carens (1987; 2013) and Cole (2014) do not question the *existence* of borders as such. Instead, they concede that borders can and do play a relevant instrumental role.

Despite the considerable variations on the leading theme of political legitimacy, the statist and cosmopolitan positions depicted in the above – positions situated within the framework of rightful inclusion/exclusion – reveal certain characteristic inclinations and features that I thematically want to problematize in what follows.

Besides unrestrictedly identifying politics with the operations of state institutions (or of intra- and supra-state institutions such as, e.g., courts or standing commissions that are essentially derived from and modeled on the inner workings of the state), proponents of statism attribute a privileged role to citizens. It is entirely from their perspective that questions of political legitimacy and inclusion are raised and discussed as they arise in relation to forced migration. According to this logic, a state's legitimacy is impaired if it 'burdens' its citizens and, thereby, jeopardizes the immaterial and material goods they enjoy (and based on which they consent) by admitting foreigners.<sup>9</sup> The privileging of the state leads to a marginalization of activities that evolve independent of its sphere of influence and, nevertheless, are central in the context of refugee politics: The *Sans Papiers* movement or the *European Caravan for the Rights of Refugees and Migrants* are but two examples for the way in which spontaneous initiatives and social movements can emerge and reshape both practical and theoretical discourses on matters of forced migration. More problematically, the privileging of the citizen often amounts to a narrow, exclusivist understanding of political subjectivity and agency: Statist theorists tend to conceive refugees not as political subjects but, rather, as an indistinct mass to be dealt with based on state-centered

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9 This logic also underlies positions which make recourse to human rights: Arguments are repeatedly framed in such a way that it is not human rights violations against refugees per se that matter but, instead, the significance of such violations for the relation between the citizen and her state. In other words, the guiding question is not 'What obligations does a democratic state have towards refugees?' but 'What obligations does a democratic state have towards its citizens in dealing with refugees?'

criteria which, typically, take on an economic ('costs' as to a state's 'wealth'), a cultural ('excessive demands' as to a state's 'integrative capacity'), or a political ('undermining' as to a state's sovereign 'right to exclude') form. Thus, instead of providing a critical standard for the refugee policies pursued by states, they mirror the prevailing imagination, often expressed in a logistical ('managing', 'distributing', 'removing') or naturalizing ('flood', 'wave', 'swarm') rhetoric; an imagination and rhetoric with objectifying undertones in which refugees only appear as contoured individuals in the roles of 'victim' or of 'criminal', 'infiltrator', and 'terrorist' and, as a consequence, 'a case' for either the police or aid agencies (cf. Agamben, 1995; Balibar, 2003; Mann, 2011).<sup>10</sup>

On the other hand, advocates of cosmopolitanism tend to neglect the fact – prominently emphasized by Hannah Arendt in her reflections on the necessity of 'a right to have rights' (cf. Arendt, 1944/1994) – that having and asserting rights on the supra-state level, more often than not, is contingent on a person's having legal standing in a specific state. This neglect illustrates the general optimism they display as to the problem-solving, inherently progressive capacities of (especially, international) law and institutions; an optimism that rests on disputed empirical and metaphysical, historical and history-philosophical grounds. Drawing heavily on (intra-state) analogies – e.g., the emancipation of women in democratic countries or the emancipation of minorities such as African Americans in the United States – they insinuate the repeatability of such 'success stories' in the case of refugees and the future expansibility of their rights through the continued advancement of democratic mechanisms and procedures. Thereby, they do not only leave

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<sup>10</sup> Implicitly referring to the common practice of Refugee Status Determination interviews, Miller compares this critical procedure to criminal cases (cf. Miller, 2013a, 15ff.). He thereby confirms Hannah Arendt's observation that refugees are perceived and treated simultaneously as 'prospective citizens' and 'enemy aliens' (cf. Arendt, 1944/2004, p.112): From the very beginning of the procedure, the applicant is required to defend herself and her motives for having left her country of origin. Besides having to prove her 'well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion', Miller requires the applicant to further prove that (a) the return to her country of origin constitutes a 'substantial risk' and that (b) there is no 'reasonable range alternatives of alternatives – hard to specify precisely' (Miller, 2013a, p.9) for the person trying to find refuge in a specific country.

unaddressed strong historical evidence as to the possibility of setbacks in processes of legally founded emancipation; they also fail to take into consideration and critically assess empirical evidence that contemporary politico-legal refugee regimes constitute 'emergency' rather than 'democratic iterations': Discussing the revocation of alien suffrage and, with it, the suspension of the idea of 'co-residency' in Canada in 1917-18, Bonnie Honig points to one such setback (cf. Honig, 2006); discussing the practice of *Refugee Status Determination Interviews*, developed on the basis of the Geneva Refugee Convention, Itamar Mann illustrates that and to what extent this practice, even though grounded in international law, largely operates without reference to or compliance with general, dependable norms, thus leaving enormous flexibility to states in their decision-making concerning the admission/rejection of refugees (cf. Mann, 2011).

### **III. Refugee politics from the vantage point of alterity**

In contrast to inclusion theories it is a common feature of alterity theories to focus on the specificity or 'singularity' of those who, without originally belonging to the same social context, encounter each other as strangers. Moreover, the attention is principally directed at the 'event' of the encounter as it occurs between persons whose reactions to this encounter and whose subsequent interactions are unmediated by institutions. In connection with refugee politics, two lines of thought under this paradigm are particularly relevant: On the one hand, a predominantly *political* strand of thought for which Hannah Arendt's seminal 1944 essay *We Refugees* serves a central point of departure; and, on the other hand, a primarily *ethical* strand of thought which is decisively influenced by the works of Emmanuel Levinas (1963/1990) in general and, in particular, by his remarks on 'persecuted people' in *Difficult Freedom*. In the following, I will briefly present two contemporary approaches that pick up on certain key concepts developed by Arendt (1958/1998, 2004) and Levinas whose original considerations on forced migration are essentially rooted in their personal experiences of being – or, rather, of being turned into – an 'outsider: The approaches of Giorgio Agam-

ben (1995, 1998, 1999) and of Zygmunt Baumann (1993, 2004) who, unlike other relevant alterity theorists, explicitly thematize the specific situation of refugees to which they both attribute central importance.

Two aspects of Arendt's description of the 'outsider's' inside perspective on the lived experience of being precariously situated, qua refugee, as 'prospective citizens' and 'enemy alien' – i.e., in the interspace between membership and non-membership – are decisive for Agamben political re-appropriation of Arendt: Her observation that refugees, having lost their politico-legal and social standing in their countries of origin and not having gained any other status to compensate that loss, are 'nothing but human beings'; and the insight, concluding her remarks, that despite (or precisely because of) that, refugees constitute a political 'vanguard'. Agamben endeavors to integrate both aspects in order to demonstrate the unique, uniquely paradoxical situation of refugees: Falling under the category of *homines sacri* 'destined to die', they testify to the operating modes and effects of state sovereignty that is not only characteristic of totalitarian regimes but also of democratic political systems; yet, it is precisely as 'sacred men' – as banned, as isolated, as killable by anybody – that they indicate the 'messianic' occasion to undermine and suspend this sovereignty. This suspension or subversion is tantamount to the triumph of what he refers to as 'the non-state' or as 'humanity' which, for Agamben, represent 'the political' (alternatively, a 'pure' or a 'coming politics') as opposed to 'the state' with its 'bio-' and 'thanatopolitical' agenda. On this reading, refugees – portrayed as radically different and other in relation to all those who are subjected to the (mere) politics of the state – simultaneously indicate the greatest dangers for humans in today's world as well as the possibility of deliverance from oppressive, violent state politics. They are thus understood as the (potential) site of fundamental revolutionary transformation (cf. Agamben, 1995, 1998, 1999).

In his attempt to develop a 'postmodern ethics' of alterity, Baumann takes up Levinas's portrayal of 'the persecuted' who are held in detention camps, who are forced into being something 'subhuman', something that is

'no longer part of the world', and who, ultimately, are debased into 'a gang of apes' (cf. Levinas, 1963/1990). Reformulating Levinas's thoughts under the conditions of the late-capitalism, Baumann describes refugees as the superfluous byproducts of globalization, as the 'waste' generated by it. Instead of accepting their (and other dispossessed groups) being perceived and treated as mere objects of the general politico-economic 'waste disposal industry', he adopts the notions of attunement and responsiveness towards the (human) other at the center of Levinasian thought: What is required from all those who are not dispossessed by political, economic, and cultural globalization – i.e., all those members of affluent societies who, in Baumann's terminology, are not 'vagabonds' but 'tourists' in the contemporary world – is an ethical 'decision' or 'choice' to recognize and stand up against the continued production of 'useless' groups of people.<sup>11</sup> This choice finds its expression in an act of 'assigning the right' to be responsible (or, rather, 'to make oneself responsible') with regard to refugees who, on Baumann's reading, represent a paradigmatic instance of alterity to be 'affirmed' (cf. Baumann, 1993, 2004).

Examining Agamben's and Baumann's positions as to the questions of how to react to and how to interact with refugees, how such reactions and interactions affect both refugees and their 'hosts', and, especially, what forms of community these reactions and interactions (might) give rise to, a number of problematic tendencies stand out which I briefly want to indicate in the remainder of this section.

Both alterity approaches lean towards propagating versions of what Bonnie Honig (2013) aptly describes as a 'politics of lamentation' that, more often than not, amounts to a questionable 'lamentation of politics' – i.e., an attitude that, in the final analysis, shies away from engaging in emancipa-

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11 Despite the numerous references Baumann makes to Levinasian thought, his considerations on 'choosing' and 'deciding' to be 'responsive' to and 'responsible' for the other considerably modify and even distort the way in which the ethical subject is conceived in Levinas's works: Baumann largely neglects, at times even outright contradicts the emphasis Levinas puts on the idea that the ethical subject is *not* free to *choose* responsibility and *affirm* the other, but, rather, is 'summoned' or 'held hostage' by the other.



tory conflicts (cf. Honig, 2013). As reflected in Agamben's thematization of refugees, it is evident that, for him, genuine counter-sovereign solutions can only be found in distance to and, ultimately, against the 'mere', the allegedly inevitably deficient politics of the state. The idea that refugees constitute a 'vanguard' that stands for a such an anti-politics in the name of 'the political' takes two forms: With regard to presently ongoing struggles over membership, they are assigned the role of 'disruptors' that radically refuse to engage in dialogue with persons and institutions associated with the order of state politics;<sup>12</sup> and with regard to future configurations of the political sphere, they are given the role of representatives of the 'messianic' possibility of overcoming and replacing all exiting politics by a politics 'to come' that dissolves, that renders obsolete the very institution of the state. Both roles, it seems, leave little to no common ground between refugees and 'hosts' – common ground on which concrete encounters and sustained interactions can take place that allow for a 'mosaic' working through of differences, disagreements, and conflicts,<sup>13</sup> for concerted agency in shaping further forms of coexistence, and, thus, for the emergence of communal bonds.

Similarly, an inquiry into communality is absent from Baumann's considerations on the meeting of 'self' and 'other', host and refugee. Their extra-political character crystallizes in the idea, suggestive of a particularly pronounced individualist bias, that in 'choosing' responsibility and in 'affirming' otherness, subjects who assume the role of hosts primarily, if not exclusively work on themselves. Despite heroic appeals as to the 'sacrifice' this ethical choice brings with it, such acting upon oneself seems to remain largely impotent in that it has no tangible effects beyond the ethical subject's – a

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12 This tendency, implied rather than made explicit in Agamben's own writings, becomes particularly apparent in the works of authors who, follow him on the trajectory of anti-politics, attempt to spell out its implications more concretely. Thereby, they emphasize what they perceive to be the genuinely disruptive role of hunger-strikes or occupations carried out by refugees, in which, they argue, established forms of political agency and conduct are productively contradicted.

13 It remains unclear how Agamben's idea of 'reciprocal extraterritoriality', meant to overcome the 'old trinity of state/nation/territory' (cf. Agamben, 1995), can be realized when the dimension of politics Michael Walzer (1983) refers to as 'mosaic' is bracketed out entirely – i.e., the dimension of everyday struggles over generating majorities, finding compromise, achieving consensus, and so forth.

subject structurally privileged due to the prerogative to sovereignly 'choose' and 'affirm' – inner sphere: Neither do such choices and affirmations manifest themselves beneficially on the specific 'other' responded to nor do they have a recognizable positive influence on the wider social, political realm of inter-subjectivity where one is constantly confronted with the problem of 'the third' or the problem of 'another other' (cf. Levinas, 1991/1998).

In both the cases of Agamben and Baumann, the characterization of refugees as radical counter-figures – as *homines sacri* and as 'waste' respectively – to all modes of subjectivity connected to established forms of political membership seems to shut rather than to open up ways to think about possibilities as to how alterity can lead to sociality, as to how relationships of communality can emerge between refugees and 'hosts'.

#### **IV. Refugee politics from the vantage points of solidarity**

Before expounding, albeit roughly and in outline, an alternative to the predominant approaches to refugee politics in contemporary politico-philosophical and ethical discourses, let me recapitulate what I perceive to be major shortcomings of the paradigms of inclusion and alterity discussed above: Inclusion theories, independent of their specific post-Hobbesian statist or post-Kantian cosmopolitan commitments, place the *citizen* – her interests, but also her 'anxieties, resentments, and prejudices' (Miller, 2016, p.159) – in the privileged position of unilaterally determining whether her state's treatment of 'non-members' such as refugees affects its legitimacy. Similarly, alterity theories, independent of their specific particularist or universalist commitments, place the *host* in the privileged position of unilaterally choosing to respond to or to recognize refugees as instantiations of 'otherness'. Therefore, according to both approaches, the relation fundamentally hinges upon the 'insider's' acceptance of the 'outsider' who, within the scope of these conceptualizations, does not have the status of full, independent (politico-ethical) subjectivity and agency. Consequently, the inclusion and alterity approaches run the risk of reproducing and reinforcing problematically asymmetrical relationships of power that are already in

place and that are promoted by existing politico-legal regimes that regulate forced migration; regimes that tend to take refugees, both in terms of their (political and moral) consideration and their (political and legal) treatment, as a *masse de manœuvre*.

It is against the background of these approaches and with their limitations in mind – their narrow understanding of politics (legalistic in the case of inclusion theories, ethicist in the case of alterity theories); their short-term bias reflected in the prioritization of moments and zones of first contact (border regimes in the case of inclusion theories, the ‘event’ of the encounter of ‘self’ and ‘other’ in the case of alterity theories); finally, their individualist bias and the corresponding disregard as to how the encounter of ‘strangers’ impacts (re-)configurations of communality – that I want to propose an alternative way to think about refugee politics. Although this alternative philosophical approach to refugee politics proposed here does not attempt to render obsolete or replace traditional conceptions of democratic civil community and corresponding categories such as, e.g., ‘citizen-member’, it aims at preventing the absolutization of such categories that, in primarily thematizing differences between ‘insiders’ and ‘outsiders’, emphasize difficulties with respect to the possibility of communal bonds between them.<sup>14</sup> In shifting to a communal angle, it aims at disclosing new, ‘uncommon’ forms and conceptions of community that allow for non-violent political and societal transformation in a globalized world characterized by large-scale migratory movements and ubiquitous encounters between ‘strangers’ – thus providing a standard for critique of current discourses in political practice and theory. For this purpose, I draw on contemporary *theories* I take to be conducive to re-framing and re-conceptualizing refugee politics as well as on contemporary *phenomena* that offer hints and insights with respect to how communal relationships, how the bond that brings and holds together people who do not always already share commonalities takes shape and operates in prac-

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14 As to its status, the alternative suggested here is super-ergatory and heuristic as it does not aim at prescriptive statements.

tice. In the following paragraphs, I want to give a brief account of intuitions and ideas that are central for an approach to refugee politics from the vantage point of solidarity.

In a first step, such an alternative approach seeks to take seriously contemporary phenomena of community (re-)formation that are essentially triggered by migration. For instance, *Prendocasa*, a housing initiative in Italy, serves as one empirical indicator for 'weak' (i.e., precarious, temporally and locally limited) communities between citizens and refugees that – beyond providing protection and beyond specific problem-solving – are nevertheless capable of collective political agency. Such phenomenal indicators suggest that 'natives' and 'aliens', 'citizens' and 'refugees' are initially referred to one another or brought together by experiences of *concernedness*. Concernedness – understood in the sense of being 'concerned by', not 'concerned with' or 'concerned about' – thereby refers to the experience of an unchosen, a befalling co-presence with 'others' within the same spatio-temporal horizon of problems, challenges, and tasks regardless of one's particular legal and political status, of one's belief and value system, of one's 'comprehensive doctrine' and 'life plan' (J. Rawls). It is this experience of 'unwilled' (J. Butler) and, at the same time, 'urgent proximity' (E. Santner), shared by citizens and refugees alike, that leads to the emergence of basal communal bonds between 'strangers'. Besides taking its cues from such phenomena, an alternative approach also takes up selected politico-philosophical discourses in which – with or without explicit reference to 'concernedness' – the privileged status as well as the theoretical foundations of the sovereign nation-state and its citizens are challenged.<sup>15</sup>

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<sup>15</sup> In order to define the terms at the center of an alternative to the inclusion and alterity approach, these terms must be put in the systematic context of contemporary debates. Thus, 'concernedness' is to be discussed in relation to, e.g., considerations on 'affected', 'touched', or 'pathic' subjectivity by thinkers like Jacques Derrida. Additionally, the conceptual history of these terms must be traced. Consequently, the discourse on 'concernedness' as an under-determined, yet substantial ethical and politico-legal principle is to be reconstructed with recourse to, inter alia, Roman Law (where one relevant formula reads *quod omnibus tangit, a omnibus tractari et approbari debet*), to considerations on 'concern' and 'concernedness' in Jeremy Bentham's and John Stuart Mill's utilitarian ethics, and to reflections on *Rechtsbetroffenheit* in Habermas's social theory. Also, the abovementioned discourse on the 'boundary problem' in democratic theory and, especially, the debate between proponents of the 'all-affected' and 'all-subjected' principles concerning the adequate politico-moral scope of *demoi* serve as important points of reference.

In a second step, this alternative approach seeks to examine how mere, accidental co-presence or 'cohabitation' (cf. Butler, 2015, 99ff.) can develop into more contoured forms of co-existence, how being co-concerned in a basal sense can transform into concerted action. In again drawing on both phenomena and theories, the moment of *response* is to be grasped and spelled out conceptually. Thereby, response refers to the experience of collectively being pressed for answers in light of shared problems, challenges, or tasks and of communicatively and co-actively taking on accountability in dealing with them: This experience of 'situated' and 'creative co-response' (B. Waldenfels), again shared by citizens and refugees alike, solidifies communal bonds between 'strangers'. Beyond referring strangers to one another and revealing *that* they form an 'uncommon community', it also necessitates their taking a stance as to *how* to deal with this being referred to one another and as to how to structure their communal existence: Addressed by the questions produced by the situation of proximity to 'others' they find themselves in – a situation which the co-concerned have not chosen in an autonomous, sovereign manner – they are pressed to come up with answers and, thus, to take on the role of co-respondents. Confronted by concrete problems pertaining to the organization of their co-existence – e.g., to matters like housing or education – they form 'coalitions of the concerned'; coalitions that become operative once the urgency of such problems, once the intolerability of the conditions they create is recognized.<sup>16</sup> Co-concerned by

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16 The expression 'coalition of the concerned' has gained currency in recent years in both theoretical and practical political discourses. Among other things, it refers to transnational enterprises like the *Global Water Solidarity* initiative which, coordinated by the United Nations and carried out by heterogeneous state and non-state actors, aims at making accessible clean drinking water across the Southern hemisphere. Exemplary cases of such coalitions that 'pop up' spontaneously are *Prendocasa*, a housing initiative Italy, and *Chiron University*, a transnational education initiative. It is two characteristic features that make these initiatives particularly relevant: On the one hand, the fact that both locals and migrants get to participate in 'world-building' projects independent of their politico-legal status; and, on the other, the fact that these initiatives do not assume an attitude of a mere anti-politics but, instead, work together with a broad range of actors from civil society, the private, and also the public sector. Besides cutting across established distinctions between 'insiders' and 'outsiders', they avoid privileging or exclusive attributions of political subjectivity and agency. *Sanctuary Cities*, a relevant factor in matters of immigration policy in the United States, provide another important example that similarly undermines such distinctions and divisions.

this intolerability, they endeavor to co-responsively invent and develop fitting solutions, thus engaging in processes directed at what Arendt describes as 'world-building', i.e., at meaningfully shaping the communal sphere of human interaction.

Finally, this alternative approach suggests that the attitude and practice that emerge if (co-)response takes the form of concerted action toward 'world-building' is best described in terms of *solidarity*. Solidarity, here, is not conceived as preexisting likeness, familiarity, or togetherness. Instead, it is understood as *out-group* oriented, i.e. as extending beyond the realm of those with whom one has antecedent bonds (of, e.g., interest, value, or tradition). Further, it is understood as *synergetic*, i.e. as performatively realized in the shared engagement in processes of 'world-building'. This kind of synergetic heterosolidarity is thus defined against historically dominant understandings of the term, which significantly inform its usage in contemporary political thought and practice. The first objective is to distinguish this concept of solidarity from the way it is employed in, e.g., Marxian or communitarian theory: For according to these strands of thought, solidarity is thought to exclusively occur and be meaningful within groups whose members already share commonalities as to their social status, their cultural or political belonging. The second objective is to contrast this alternative concept of solidarity with approaches that – like, e.g., Adam Smith in his reflections on 'fellow-feeling', Jean-Jacques Rousseau in his considerations on 'pity', or Peter Kropotkin in his observations on 'mutual aid' – describe it as grounded in the anthropological feature of sympathy.

Once the shape and modus operandi of such communal affiliations between citizens and refugees, of such 'uncommon communities' capable of political agency – made possible by (in the original sense of the word, 'sym-pathic') concernedness, articulated and stabilized in (in the original sense of the word, 'syn-ergetic') solidarity – are indicated, it is to be considered whether and to what extent loose, heterogeneous communities of this kind can satisfy normative demands put forth by inclusion and alterity theories: Most importantly, demands concerning liberty and equality, sin-

gularity and plurality. To point to some anticipated outcomes in closing, an egalitarian moment of 'uncommon communities' is reflected in the waiving of demanding preconditions for participation such as, e.g., having legal standing (as official 'citizen-member') or assuming a certain attitude (of 'dis-identification' with prior communal affiliations); a pluralizing moment of community thus understood is reflected in the approval to the existence of (and in the endorsement of the individuals' involvement in) a variety of collectivities, thus making possible 'singularity without interiority' (Levinas).

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# **HOTSPOT SYSTEM IN ITALY: POLITICS OF REFUSAL AGAINST THE ECONOMIC MIGRANTS AND THEIR EFFECTS**

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## **ABSTRACT**

The purpose of this paper is to describe the aporias in the institutional discourse regarding the strategies of reception-refoulement of asylum seekers in Italy.

First, it will analyze the evolution of the institutional discourse on security in recent years through a reflection on some aspects of the Schengen Treaty and the Dublin Convention of 1985 (Dublin I, II and III) and "Regimes of Mobility" (Glick Schiller & Salazar, 2013).

Secondly, we will try to show that economic migrants, who are rejected according to "Hotspot system" and now to the decree "Minniti", are often found themselves in severe distress conditions and in absolute inability to return to their countries of origin. These migrants, the fact circumvent the controls and remain in Italy, become victims from market of labor exploitation by pimps or become beggars and homeless people who live in the margins. It seems evident as the identification and selection mechanisms in place within the "crisis points" (hotspots) confirms how the latter are based on preventive exclusion criteria for many refugees and asylum seekers from system of international protection. Exclusion facilitated more and more often from asylum seekers' fear regarding the Organizations and Institutions that are legitimately operating in the EU.

Migrants that are been rejected as refugees and asylum seekers, are often associated to homeless and deviant people. This mixture among different categories of people does not favor a correct and coherent perception of phenomenon. In common perception, migrants haven't any difference among them: they are a real threat to public order and tranquility of a citizen who prefers to attend crowded places rather than solitary where it is easier to help to police; to avoid stopping in dangerous places such as the railway, municipal gardens and little lit streets.

The paper describes three aspects of phenomenon of refugees/asylum seekers cannot be reconciled in a coherent analysis of "doing Europe" and a unique interpretation. Furthermore, it outlines and discusses the strategies of "first asylum" provided at the Hotspot, especially when migrants show signs of physical violence or beatings.

### **Keywords:**

Migrants, Refugees, Hotspots, Regimes of mobility, Sexual violence.

### **1. Migrants, refugees and asylum seekers**

Against a background of huge worldwide displacement, the EU is currently facing the massive surge in the number of people arriving in search of international protection. In recent years Europe has received a number of refugees so large, that has never occurred from seventies years. According to IOM report (Ventevogel et al., 2015), a unprecedented number of individuals and families, including increasing numbers of children, from the Middle East, Africa and Central Asia, have crossed the Mediterranean and Aegean seas in an attempt to reach safety and security in Europe. In 2015, more than 3,500 people are dead or missing. The countries of southern Europe are the most involved by these migratory flows; also these countries are pushing for obtaining a more support from Europe to promote hospitality and a better comprehensive approach to migration management (Glick Schiller, 2010).

In the last years, the temporary and exceptional suspension of the Dublin Regulations is been alternated with the reintroduction of border controls within the European Union and with postmodern facilities - the hotspot - meant to accommodate the arriving refugees. In May 2015, the European Agenda on migration has created the so-called "hotspot system" (Decree Law, 142/2015), to better deal the "crisis of refugees". The hotspots that in official EU documents are significantly translated as "crisis points", identify not only the creation of new institutions, but the formal and substantial evolution of a more comprehensive system of acceptance and rejection of migrants, yet introduced in 1998 under the immigration Act 298.

The legislative Decree 142 of 2015 provides hospitality in three steps, the first of which to be carried out precisely in the hotspots, where the migrants are channeled immediately after their landing in Italy, for receiving the first aid and assistance. Then they are identified and separated, as asylum seekers, from all those other migrants, who have not entitled to remain in Europe.

Italian Hotspots are currently located in Taranto (400 seats) and in Sicily at premises Pozzallo (300 seats), Porto Empedocle (300 seats), Trapani (400

seats), Lampedusa (500 seats), Augusta (300 seats). Inside these connected premises, the migrants stay for a maximum of five days, and in this short period all migrants persecuted by war (refugee and asylum seekers) are separated from all other economic migrants.

Yesterday Decree "Minniti" 3142 is been approved, which provides for the increase in the number of hotspots. In place of the old Cie will be created in every region of the holding centers for repatriation (CPR), 1.600 places in total, preferably outside urban centers and close to transport infrastructure. These facilities will house the migrants to be sent back to their homeland. The denial of refugee status becomes only be appealed to the Supreme Court. The decree also provides for the promotion of employment of asylum seekers in public works and volunteers free utility, by the prefects, in consultation with municipalities and regions.

According to data of the Italian Ministry of Internal Affairs, between 2015 and 2016, 154719 migrants disembarked in Italy, of which 82136 asylum seekers. From January to March 2016, 9307 migrants are disembarked in Italy. Currently, most of migrants come from Gambia, Senegal, Mali, Guinea, Ivory Coast, Morocco, Somalia, Sudan and Cameroon.

In January 2016, the asylum seekers were in Italy 7.505, mostly from Pakistan (1510), Nigeria (1306), Afghanistan (665) and Gambia (625). Among these, 6739 were men, 766 women, 292 unaccompanied minors and 199 minors. 6507 requests were reviewed so far with the following outcomes: 190 people (3 %) were granted the refugee status, 698 (11 %) obtained a subsidiary permit, 1352 (21 %) were granted with a humanitarian protection and 4266 (66 %) were denied (Source: Italian Ministry of Internal Affairs, 2015).

Only in the last 12 months, from the Hotspot Trapani-Milo in Sicily, managed by "Badia Grande NGO", have transited 21.478 refugees/asylum seekers (Source: Ministry of Interior, 2015), with 21 different nationalities. These include 16,010 men, 3177 women, 2291 children divided in 1787 males and 504 females.

This article outlines and discusses the strategies of "first asylum" pro-

vided at the Hotspot especially when migrants show signs of physical violence or beatings. In addition, it focuses on the effective use of forced repatriation expected in Italy Decree "Minniti" and the consequences resulting therefrom. Also it puts in parallel the attention given for the immediate separation of refugees from economic migrants with the lack of attention to all signs of violence and beatings on the bodies of those migrants – mainly women and girls but also men and boys – who are victims before their arrival in Italy – whether they are refugees/asylum seekers or economic migrants.

In Italy, preventive measures are often not in place. As for hotspots, the number of people reaching the Italian coast on a daily basis is so high (and constantly on the rise) that it is very difficult to sort them into women (and children) and men, and to guarantee suitable means of transport to transfer them from hotspots to reception centres; the practicalities of doing this with respect to families (containing both men and women) should also be noted.

In determining within the Hotspots, the repatriation of migrants, no account is taken of those – women and girls but also men and boys – who suffer violence before and during their journey to Italy.

In fact, the victims of gender violence and sexual violence, therefore without any reasons related to wars in their countries of origin should be associated to the category of migrants for political reasons – the refugees/asylum seekers.

## **2. Regimes of mobility and Italians hotspot a year after its establishment**

Some Nation-states participate in the formation and legitimation of globe-spanning regimes of mobility by imposing barriers on the emigration and immigration of some individuals and facilitating the movement of others and by using national identities and nationalist ideologies to justify the exclusion or inclusion of those who cross state borders (Salasar, 2013). The term 'regime' reflects a notion of governmentality and hegemony in which there are constant struggles to understand, query, embody, celebrate and



transform categories of similarity, difference, belonging and strangeness (Burchel, 1991).

A regimes-of-mobility approach must look the movement as an aspect of new confinements and modes of exploitation (Salazar & Smart, 2011). Refugees and asylum-seekers are forced to flee and yet, when granted some form of legal status, may find themselves restricted or if become meanwhile 'illegals', living or working without documents, their mobility is denied or compelled (Bloch et al., 2009). In this situation, mobility produces furtive journeys in which they are exposed to many and different violences.

One possible way of making (some) sense of acceptance and rejection of refugees is provided by Jacques Derrida's reflections on hospitality. In the Derrida's reflexions (2000; 2005), the disorientation expressed in the reactions to the arrival of people in need, of people looking for aid and refuge in being part of two differing, yet intertwined politico-ethical registers – the register of unconditional, openness towards strangers and the register of conditional, acceptance – “the idea of hospitality is traversed by a simultaneous willingness and unwillingness to give and to share”.

In Italy it, in order to cope with the increase of migration flows, had set up the First Aid and Reception Centers (CPSA) insiders first responders rescue, Reception Centers for Asylum Seekers (CARA) aimed at identifying and ultimately, the Centers for Identification and Expulsion (CIE) in charge of administrative detention.

In particular, in the CIE, migrants are held for administrative offenses rather than criminal offenses, because “formally, it is not a punishment for having committed a crime; it is not established at the end of a process, doesn't require a ruling by a judge, nor regards an ordinary criminal system, but pertains to the administrative jurisdiction” (Colombo, 2012). This system, however, had the “recludere function for six months” a clandestine who “doesn't committee any crime, except that of illegal immigration” (Saitta, 2011, p.110). This confirms that “the segregation and exclusion of migrants makes use of institutional power” (Bartholini, 2007, p.27). Hotspots mark

the watershed between what migrants may or may not have on their arrival in Europe. They can receive provisions (first aid material goods), but hardly more may have entitlements (access rights and protective measures).

The institutional violence has not only concerned a preventive exclusion process to consider, more than ever today, as many migrants without a legitimate reason to free circulation and, as such, as “potential deviants” to be rejected, but also in imposing precise obligations within the Regimes of Mobility (Glick Schiller & Salazar, 2013). A foreigner who arrives illegally in Italy is conducted “for relief needs and immediate assistance” to designate ‘crisis point’: here take place the photo detecting fingerprints and signaling operations. The “hotspot system” has also increased the number of refusals to requests for international protection, by increasing the number “of third countries that are currently deemed safe” (Glick Schiller & Salazar, 2013, p.184).

Italian Hotspots are structures aimed at the identification and expulsion and according to official rhetoric, which in turn criminalize or victimize contemporary migrations (Palidda, 1999), they end up reaffirming the so-called “tautology of fear” (Dal Lago, 1999). The “persistent refusal” to undergo the detection already configured as “escape risk” for the purpose of detention in the centers. The latter undermines the “bailout” policy, put in place in the past by the Navy, which provided for the rescue migrants near the Libyan waters and their transport on the South Coast of Europe, where most of those the migrants reached other European countries without being identified.

The hotspots are the product of the recent transformations concerning the immigration policies from the EU, which go hand in hand with the development of international relations and agreements between Europe and the countries of transit for the migrants. On the background, however, economic forces and war strategies have an even more important role, encouraging an emergency approach to the management of “exceptional migration” (Robinson & Reeve, 2006); fomenting while the moral panic in populations

of host countries, and justifying, in this way, the repressive policies adopted by European states (Palidda, 2011) in the last years.

The rejection policies are the effect of a more general punitive populism (Curbet, 2006), that is favoring the accentuation of a symbolic and procedural violence against migrants, and is moving the concept of "incarceration ex post" in "incarceration ex ante". This is a selection tool that through "illegalization" of migrants - considered as bearers of risks and threats to collective security - makes them "appropriate enemies" (Christie, 1994) of the European States.

The Humanity "redundant", coming from "elsewhere" and "useless" because excluded from any production process, constitutes a collective threat, from which it is necessary to immunize through specific laws.

CPT, CIE, CIET, CPA, CPSA, DEAR, Hub, Hotspots and today CPR are just a few of the acronyms and different names over the years, have designated confinement centers for migrants. These abbreviations and Acronyms indicate all that the detention of migrants currently constitutes the core governmental apparatus, besides manages and controls of the transnational mobility.

Hotspots are detention centers similar to the "total institutions", such as mental hospitals or prisons described by Goffman (1961).

Recently in hotspot of Lampedusa, Eritrean migrants have protested for two consecutive days

for the inability to express preferences among destination countries, and the enormous difficulties that the migrants themselves have in requesting the reunification of family that after the aid has been transferred into a different structure, or that already lives in Europe. (Camarone, 2016)

### **3. Risk and vulnerability during the different stages of migration**

One aspect of this massive movement of people that is beginning to come under the spotlight is its gender dimension. Men and women are ex-

posed to different types of risk and vulnerability during the different stages of migration. Due to their status in society and their sex, women and girls are particularly subject to discrimination and sexual and gender-based violence and have specific protection risks and needs that may be overlooked in reception procedures. In addition, failure to take due account of gender issues in asylum systems and integration measures may lead to discriminatory outcomes. Other factors, including age and sexual orientation, also affect vulnerability and needs.

Among the many problems and needs that these people bring with them, the mental and psychological health and psychiatric problems are among the most important and they need more attention and proper care and treatment.

As we already know:

Refugees and migrants who come to Europe often faced war, persecution and extreme hardships in their countries of origin. Many experienced displacement and hardship in transit countries and embarked on dangerous travels. Lack of information, uncertainty about immigration status, potential hostility, changing policies, undignified and protracted detention all add additional stress. Forced migration erodes pre-migration protective supports – like those provided by extended family – and may challenge cultural, religious and gender identities. (Ventevogel et al., 2015, p.3)

Qualification Directive 2011/95/ EU8 clarifies that gender – based persecution and persecution by non – state actors are valid grounds for refugee status and that gender, including gender identity and sexual orientation should be considered when defining a particular social group (recital 30).

Children, young and women are more vulnerable and at risk of violence, abuse, exploitation, intimidation, retaliation and related consequences in terms of physical and mental health. Therefore, they need special protection measures and the way people can receive and how protection and assistance is provided become very important.

Forced migration requires multiple adaptations in short period of time. People – especially but not only – women and girls, become more vulnerable to abuse and neglect.

The UN Refugee Agency (UNHCR), the UN Population Fund (UNFPA) and the Commission for Refugee Women (WRC) express strong concern about the serious risks faced by refugee women and migrants in transit in Europe.

As of January 15, 2016, just over 55 % of those arriving are women and children, compared to 27 % in June 2015. Reception and transit facilities are overcrowded because of the restrictions placed by governments and for this reason have become dangerous for women and girls (Ministero dell'Interno, 2015).

In November 2015, UNHCR, UNFPA and WRC have jointly conducted a field assessment regarding possible risks faced by refugee and/or migrant women and girls travelling to and arriving in Europe. According to the report, women traveling alone or with children, pregnant women, nursing mothers, teenage girls, unaccompanied girls, girls victims of early marriages, people with disabilities and the elderly, are among the people most at risk and require a coordinated response and adequate protection (UNHCR, UNFPA & WRC, 2015).

Women, men, children and boys are exposed to different types of risk and vulnerability during the different stages of migration. Due to their status in society and their sex, women and girls are particularly subject to discrimination and sexual and gender - based violence – which may of themselves be grounds for flight – and have specific protection risks and needs that may be overlooked in reception procedures. In addition, failure to take due account of gender issues in asylum systems and integration measures may lead to discriminatory outcomes. Other factors, including age and sexual orientation, also affect vulnerability and needs.

Many women and young girls, but also children and men belonging to national, ethnic or religious minorities or sexual minorities (LGBT) – all ref-

ugees and asylum seekers – have already been exposed to various forms of sexual violence both in their countries of origin than during the journey to Europe. Furthermore, some of the women interviewed have told they have been forced to prostitution for can pay the travel documents or the whole cost of their journey to Italy. Some women and girls in order not to have to postpone their journey and that one of their families, refuse to denounce the violence suffered or to seek medical help. Moreover, an increasing number of men and minor signs of violence on arrival at hotspots. Some of them have subsequently reported to are been misused before to journey, by other men, with the promise to arrive safely off the coasts of Sicily.

The European humanitarian policy has set as a priority to introduce activities of sexual and gender violence prevention in humanitarian policies. The ability to prevent, identify and respond appropriately, depends, however, mainly on the will and capacity of individual Member States and European Union agencies, which have to assume this responsibility and take the necessary measures<sup>1</sup>.

A recent field assessment of risks for refugee and migrant women and girls identified instances of sexual and gender-based violence, including early and forced marriage, transactional sex, domestic violence, rape, sexual harassment and physical assault in the country of origin and during the journey to Europe. It is also necessary stressed that an increasing number of men and minor shows signs of sexual violence on their arrival at hotspots of Sicily.

Sexual, gender based violence (against women) and, more in general, proximity violence (children and sexual minorities) is identified as both a reason why refugees/asylum-seekers and migrants are leaving countries of origin and first asylum, and a reality for women and girls along the refugee and migration route. The report concludes that as the response to the Euro-

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1 Initial Assessment Report: Protection Risks for Women and Girls in the European Refugee and Migrant Crisis, UNHCR-UNFPA-WRC, 2015 and Report warns refugee women on the move in Europe are at risk of sexual and gender-based violence, UNHCR-UNFPA-WRC, 2016

pean refugee and migrant crisis is currently not able to prevent or respond to survivors of sexual and gender-based violence in any meaningful way.

The European Women's Lobby (EWL) also published a report indicating as "women and girls fleeing conflicts and travelling to or settling in Europe are at higher risk of suffering from male violence" (EWL, 2016, parr. 2<sup>o</sup>)<sup>2</sup>. The report calls for gender-sensitive asylum policies and procedures to help women and girls to escape or denounce male violence and access to their full human rights.

Despite this evidence, there is an alarming lack of data at the national level on the extent of violence against migrant, refugee and asylum seekers who newly arrived or are in need of international protection. This lack of data may fuel the perception that violence against women is not a major feature of this crisis. In addition, as the UNHCR, UNFPA and WRC report underlines, women and girls are also vulnerable to gender-based violence at reception centres and other facilities once they arrive in the EU. The capacity to prevent, identify and respond adequately depends largely on individual states and European Union agencies assuming responsibility and taking appropriate actions.

Article 18(4) of the Reception Directive obliges Member States to take measures for the prevention of assault and gender-based violence at reception and accommodation centres.

In some Member States, migrant victims of gender-based violence may have difficulty accessing women's shelters due to legal and administrative barriers: e.g. In Sweden, some women's shelters only accept victims referred by the social services. However, adult asylum applicants who are victims of gender-based violence are assisted by the Swedish Migration Agency, not by the social services. There is no standardized procedure in place for the authorities to follow in cases involving violence. The competent authorities

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<sup>2</sup> <http://www.womenlobby.org/Time-for-EU-action-to-implement-gender-sensitive-humanitarian-response-say?lang=en>

are not set up to respond to the need to provide protection for women at short notice in such cases.

#### **4. The qualitative research**

Hotspot of Trapani-Milo in Sicily is a landing place and a place of transit for large migrant groups and countless people including possible refugees from West African countries and the Mediterranean area as Eritrea, Somalia, Egypt, Nigeria, Ethiopia and Sudan, Syria.

The research took place between December 2015 and August 2016. It was made up of two phases: a participant observation in Hotspot of Trapani-Milo and a qualitative survey to migrants who had been at the Hotspot for at least 5 days and to whom was refused asylum. For qualitative research were conducted 30 in depth interviews realized to some migrants, to whom had been rejected the permit of asylum, and that had been escorted from Hotspot of Trapani-Milo to station. For the in depth interviews we took advantage of linguistic mediators' collaboration, who previously met in the Hotspot. In the days and months following, some of the migrants were still in the area near the station, and with the collaboration of volunteers linguistic mediators, they have agreed to be interviewed by us. Some of them, however, had found lodging with the help of compatriots in the country and in neighboring countries. With the help of their countrymen, we interviewed 7 women and 23 men, arrived in Sicily in 2015, Nigerians, Senegals, Tunisians and Egyptians, all without residence permits who were, too, transited through Hotspot of Trapani-Milo in Sicily. The approach used in this study is intersectional (Yuval-Davis, 2011; Grabham, Cooper, Krishnadas, Herman, 2008; Crenshaw, 2011), crossing over to the categories of gender and age of the interviewees belonging to the same cohort. Two principles have underpinned the fieldwork: informed consent and anonymity.

Before any interview took place all potential respondents were provided with a full explanation of the research, given the opportunity to ask questions and be made aware of their right to withdraw from the study at



any time. Consent was revisited on completion of each interview to allow individuals to reflect on what they wanted to share and respondents chose a pseudonym. All migrants received a little money as a thank you for their participation. Experienced and appropriate interpreters were used as requested by respondents.

Due to the hidden nature of the topic under exploration, the study utilized a qualitative approach. A range of ethnographic outreach techniques were utilized to negotiate access to, and build trust with, potential respondents. A purposive, non-random sampling strategy was used to identify the migrants in Hotspot. The sample covered a diverse range of statuses including, asylum seekers, refused asylum seekers, individuals granted humanitarian protection status, discretionary leave to remain and refugee status. Twenty-four among respondents had claimed asylum. A further six became irregular migrants.

The sample included 7 women and 23 men, all between 21 and 38 years old.

The structure of the interviews, consisting of about 22 items divided into five thematic categories: 1) Reasons that accompanied the departure and the arrival in Italy; 2) The experience of the journey and the difficulties on the way; 3) The violence suffered before and during the journey; 4) The experience of landing and arrival at the Hotspot and the first impressions; 5) Life in Italy as a clandestine. In this article it will be described the thematic areas 3 and 5.

#### ***4.1. The violence suffered before and during the journey***

Female refugees and asylum seekers are exposed to violence throughout their the journey to Italy (women who pay smugglers to take them out of their country, often find themselves in dangerous or degrading situations and they often fall victim to sexual violence, especially if they are travelling alone and they are solely responsible for the family burden). According to evidence gathered, the concept of suffering and violence seem to be a "nec-

essary evil" to the survival (Sayad, 1999), the detachment and the separation between families a temporary condition that strengthens bonds rather than dissolve them.

For twelve months, I have been the "servant - even sexual" of a trafficker ... 12 months that I will never remember. Then he made me embark with a man she did not know and told me "this is your husband in all directions and you have to obey him. It will take you to Italy. But in Italy it never arrived, thankfully, he died during the journey, drowned. (Amina, 22 years old, from Egypt)

Among the psychological torture that migrants suffer, there are also the blackmail to induce their families to pay more money. When illegal immigrants do not have enough money to leave, they are forced to wait in cote Libyan working, waiting for someone of his relatives money bring in more, or pay themselves working for free for months or years.

"Those who did not pay the" ransom "the risk of being killed by having their organs harvested for resale on the black market. I worked I free 18 months, 16 hours a day to pay suit the amount needed to get to Italy. But nobody in Italy has asked me anything at a hotspot. Nobody wanted to know what condition I was forced to come and what risks and threats I suffered for eight months in Libya". (Ndulu, 27 years old, from Gambia )

I've heard that those who did not pay the fee for the trip was likely the removal of organs before leaving. (Zwanga, 31 years old, from Senegal)

Women's and men's exposure to the risk of violence is stronger by the increasing difficulty of entering a host country's territory to apply for protection as they might be left in precarious and dangerous life's conditions. To control irregular immigration, the Hotspots impose strict controls on individuals who do not have proper documentation.

The public system of refugee reception is organized just in based of their "refugee category" forgetting their vulnerable situations in relation to their gender, age, legal status, ethnic, familiar, economic, physiologic, mo-

ment of arrival or migrant condition. In the hotspot it is impossible to recognize gender violence on women as well as any other form of violence suffered by migrant and asylum seekers (forced marriage, mutilations, forced sexual intercourse, etc.).

During the medical examination, they are not made in-depth analyzes and registers the absence of a gynecologist. In the case of pregnant women, they are carried to the hospital for a check-up only in cases of special need. Furthermore, it seeks to solve health-related problems of temporary guest in hotspot, without going into the causes – including relational and experiential causes as a sexual violence – that led to that particular problem of physical nature. The migrant, mostly women and child, in addition to suffer violence from their couples and from their families, they suffer it as well from non-familiar people.

In addition, migrant people who suffer violence are afraid to tell what happened them. It make harder to track their needs and disease. In particular, any attention is given on gynecological level according to their age and their sexual practices (even more when they have suffered violence at the symbolic and at the physical and sexual level). As well as any attention is gave to the social and health need related to unwanted pregnancy.

The percentage of violence situations not reported is higher in migrant population because of the vulnerable situation in which they live related the higher insulation and absence of social and familiar network, or the difficulties of having information and help from the public and private institutions.

I arrived from Egypt. I did not have all the money needed to get to Italy and the traffickers raped me for a year before I embark. Hotspot I got pregnant. Nobody asked me who was my husband. (Khanysha, 25 years old, from Niger).

If migrants have bruises, burns, signs of physical violence in the body, the medical staff will only provide some health dressing. There are complaints against third parties within the hotspots against compatriots or fellow travelers.

#### ***4.2. The structured destitution of refused asylum seekers and "irregular" migrants***

The enforced deportation of refused asylum seekers distinguished the current immigration policy of Hotspot. However, at times, the EU authorities are unable to return individuals whose asylum claim has been refused to their country of origin. Additionally, Italian authorities lose track of a significant and unknown number of asylum seekers who, on receipt of a refusal notice disappear into the shadows of Italian society rather than face the prospect of returning to their country of origin. Nineteen of 30 migrants spoke of their claim for asylum been refused at some point, with destitution a widespread outcome.

"We are going to make an arrangement for your deportation", I went to the train station, I sleep there. It was November, and I didn't know what to do. What to do. To return back, I think, war is the worst, it will kill me anyway, even be tortured badly. Better to drink something to die. (Samir, 32 years old, from Ethiopia)

I have no family, nobody. If I wear different dirty trouser, I wear different top, I don't comb my hair sometimes and people laugh... I came over, I have one problem, other problem, one problem, other problem, I have no support. I can't come back. (Angel, 36 years old, from Tunisian)

Like Angel, others also forced many into accepting highly exploitative work as a non-negotiable necessity. For those who were homeless, their survival depends upon the charitable support from fellow migrants.

Respondents stated that their rejection of refugee status in Europe was intrinsically linked to their lack of basic rights.

Poverty in Africa kills as war. If you say to European that you are been an asylum seeker, but that the Italian institutions have denied your request and have considered you as a simple "economic migrant", they don't look at you like a normal person. You are savage, you are nothing like a human, they are not going to speak even with you. (Wambua, 29 years old, from Senegal).

Current policy encourages the criminalization of migrants economic and stimulates an environment in which fraudulent papers, fake identities and shared national insurance numbers are used by some.

Wambua's story provides insight into the dilemmas individuals had to resolve when deciding to remain in Italy without permission. From the outset of his asylum claim, Wambua found reliance on asylum support problematic.

He refused to steal, viewing it was morally wrong, but was not prepared to starve and decided to work without valid papers; a decision he justified as fair because it was the only remaining viable alternative.

I go to work in the countryside when the bosses want me to pick olives or oranges or grapes, throughout the summer and the winter. When I don't work, and I have no money, I sleep at the station. I have no alternative. If I had a permit to stay, maybe I would not be in this precarious situation. (Zaim, 31 years old, from Sudan)

Most migrants, whose claim for asylum is ultimately been rejected, continue to face formidable, and well-documented barriers when attempting of survive.

I do not go back in Ghana, even if I'm not allowed to stay here, I will stay in Italy. Maybe I will go to Germany, but will not return to Ghana. I cannot, I will not. I faced many difficulties to get here. Do not come back. Hotspot they were refused permission to stay. But I remain anyway. (Tawonga, 35 years old, from Ghana)

They looked at my body? I was full of bruises and burns. They had been beaten and made to work for free for a year. Sixteen hours a day. And many blows. But when they kicked me out from Hotspot, no one asked me why I had such burns. (Selassie, 26 years old, from Tunisian)

Socio-legal status and the denial of rights it determines, it provides terms and conditions of life that are unacceptable unbearable but these, but these inhumane conditions do not constitute a deterrent to stay in Italy by migrants. The employers deliberately use immigration status for imposing

substandard working conditions or to deny improvements or to withhold pay.

### **5. Conclusion: the double weakness of the “system Hotspot” in Sicily**

In fact, Hotspots attesting a separation between those who “have the right” and those who, as economic migrants, “have no right to remain” between living spaces without spaces (Osti & Ventura, 2012), between time as a contingency and time as *durée* (Bartholini, 2015). The strategies of migrant’ photo-reporting and identify, are followed to a punitive rather than rehabilitative control model (Gilbert, 2009). This division of migrants is implemented by the prefectures because Italy in the past has been repeatedly criticized by European partners for a certain “lightness” in identification procedures, which led to lose track of so many refugees.

The hotspot system, currently being frenzied experimentation, is configured so as a refusal mechanism of entry at the external borders of southern Europe and denial of any form of international protection for the greatest number of people possible. On the other hand, there are no procedures to ensure protection to all those women and children who are been victims of sexual and gender violence during the journey to Italy.

The same report denounces in fact that, despite the efforts of UNHCR and its partners to provide reception facilities with well-lit accommodations divided by gender, many still do not guarantee water services, private sanitary facilities and safe dormitories for women and children, constantly exposing them to the risk of violence, abuse, blackmail and revenge.

Furthemore, it very important to create a network of support among health and social assistance services, police and justice competent offices and non-profit organizations enabling this network to deal with migrant and refugee women victim of violence.

As we have tried to highlight in the reflections carried out so far, the institutional discourse on migrants passing through the policy orientations

that the European Union has gradually assumed, has a recent history that involves a broader “doing Europe” (Beck & Grande, 2004). It is based on a “mobility scheme that maintains high levels of inequality in a relatively homogenized world in terms of regulation” (Shamir, 2005, p.199). The “Westernization of critical thinking” (Latouche, 1995) is therefore likely to become a real “Western nationalism” that tends to separate and consider how subordinates the migrants and countries of the Mediterranean (Curbet, 2006). Italy and Greece, as border lands are strengthening our role of sentries for the effect of a “Western nationalism”.

Concretely, this means that the borders are reconstructed and consolidated by the practices of a regulatory pressure that acts as a counterweight to the equivalent value of the universal-recognition of the person salts rights.

The creation of Hotspots which are considered by the EU as an essential tool for the selection of migrants, is likely to produce increased preventive exclusion of certain categories of migrants, if not accompanied by an adequate apparatus actually protections.

The refoulement and containment policy is in effect a concerted approach between Member States to block migrants to pre-borders or to postpone them in Africa. The strategies put in place on the basis of the European directives therefore seem to have “converted” the theorem of “Fortress Besieged” in a procedural rationality that assumes –at times – the practice of violence of forced-repulsing minds like a normal required; transforms the positive law in denying the right, legalizing and standardizing practices until recently, it deemed illegal by the endorsement obtained from an specific protocols. Procedurally, the evidence uncovered mainly concern the recent application of the “Dublin” system that requires registration in the Eurodac database all irregular migrants and asylum seekers arriving in the Schengen area through the revision of the Schengen Borders Code (with the approval of Regulation 1051/2013).

To face the above mentioned vulnerabilities, it is necessary to train all professionals who come into personal contact with victims: they need

to receive appropriate initial and ongoing training for being able to identify victims and their needs and in order to deal with them in a respectful, sensitive, professional and non-discriminatory manner. Such training should be gender sensitive and focuses on victims with specific psychological needs.

It is also important to work closely with civil society, including recognized and active non-governmental organizations working with victims of violence, in particular in policymaking initiatives, information and awareness-raising campaigns, research and education programs and in training, as well as in monitoring and evaluating the impact of measures to support and protect victims of crime. For victims of crime to receive the proper degree of assistance, support and protection, public services should work in a coordinated manner and should be involved at all administrative levels – at the European, national, regional and local levels.

In many cases, reception facilities in Europe are not equipped to prevent and respond to gender violence or proximity gender-based violence and the humanitarian response has not been able to offer neither women and girls nor men and children, the protection and care they need.

Therefore it is necessary that reception and transit facilities are equipped to the prevention of violence against women and girls and the reception of the victims.

In order to better regulate the reintroduction of internal border controls, such application strengthens the role of control of hotspots places a sentinel of the inputs at the borders. One wonders then what type of protection policy can think in addition to that which governs the inputs and the rejections of asylum seekers.

The sequence of recovery measures of internal border controls through the crisis centers appears to raise reasonable doubts on the future of the Schengen and “the hotspot system” method for the emergency relocation of asylum protection. In the hotspot model will converge opposite paradigms of values – those of reception and those of refoulement; the protection and neglect – incompatible with each other, a sign of the chaos of this era.



Among economic migrants there are many victims of sexual violence and gender violence. Would be appropriate to increase the sensitivity of health, social welfare, enabling to recognize gender violence on women as well as any other form of violence suffered by migrant and asylum seekers (forced marriage, mutilations, forced sexual intercourse, etc.).

The social and environment factors are very significant, as well as the cultural notions about what violence means (patriarchal ideologies from their origin context). For this reason, it is necessary to understand their needs taking into account the multiple and simultaneous oppressions that many economic migrants - men and women - suffer. They are involved in a "violence circle" of insecurity, lack of help network, absence of perception of this problem from the public institutions. All these questions make them a group highly vulnerable to violence.

In consequence, it is necessary a triangulation of voices to understand this problem: to give voice not only to refugee/asylum seekers but also to economic migrants in particular health conditions. It is also necessary to increase the "legal conscious" of their rights (no matter their condition of migrant or refugee).

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# **ASYLUM SEEKERS, REFUGEES AND IMMIGRANTS IN WESTERN CULTURE: MENTAL HEALTH PERSPECTIVES**

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## **ABSTRACT**

Due to a variety of hardship issues, such as socio-economic problems like extreme poverty and civil wars in many countries, the beginning of 21st century has seen unprecedented mass exodus, where many immigrants leave their home countries often without anything along beside one pair of clothes they wear, to seek safety and better lives. In doing so, many immigrants endure unforgiving and harsh treatment by smugglers, or natural obstacles such as crossing hot desert in Africa, turbulent waves of oceans, not to mention some psychological, physical, sexual assault (rape) and emotional torture or other inhumane treatment committed against asylum seekers and immigrants by some boarder and security crews in some instances.

Through migration journey, many who attempted have lost their lives and still do during the borders crossing journey, whilst most survivors experience extreme and high level of post traumatic stress disorders (PTSD) that they will carry along way into their journey in the –to be– new home, not to mention anxiety associated with uncertainty of “unknown” outcomes at the end of their journey. This is one of the most traumatizing episodes of humankind that rarely get attention. This chapter shades lights on the facts of challenges and adverse experiences associated with different categories of immigrants, such as asylum seekers, refugees and other type of immigrants.

Moreover, this chapter also examines the risk factors associated with vulnerable groups such as women and gender perspective, children and youth in developmental perspective, single individuals who had left everything behind including family’s members, and mental health perspectives such psychological trauma and anxiety issues. The chapter encompasses situation of immigrants and refugees in different cultures and hosting countries including Australia (Oceania), Canada and USA (North America), Norway, Sweden, Denmark (Scandinavia), United Kingdom, Italy, France, Belgium (the rest of Europe), Germany and proposes some recommendations that would be useful for preventing major psychological breakdown among immigrants and refugees, as some of them, or at least majority of this group of people would be the future citizens of the hosting countries, hence preventing further mental health issues would be pivotal and solid foundation for effective societal integration, and smooth transition to adapt to a new culture.

### **Keywords:**

Refugees, Immigrants, Mental health, Gender, Transcultural psychiatry, Trans-cultural psychology.

### **Aims of this chapter**

Understanding psycho-socio-economic aspects associated with exodus and immigration process, and evidence based broader picture of potential gaps to be filled, through empirical analysis of individualized and tailored interventions that respond effectively to the needs of specific category of immigrants' groups, with more focus on vulnerable groups, gender and cultural perspectives.

### **Methods**

Content of this chapter is based on the evidence of statistics, and review from database of different countries who have received certain amount of asylum seekers, immigrants, and refugees. Empirical analysis of mental health issues among immigrants also was the key element to understand psychological issues associated with different groups and categories of immigrants. Furthermore, cultural perspective is taken into consideration as well, and its implication with psychological disorder issues. Moreover, due to high number of children and youth who seek asylum or immigrate along with their parents, given the high risk associated with developmental process of children and potential vulnerability due to issues intertwined with immigration process and possible trauma that comes along with it, children and youth groups are given more emphasis, to analyse different aspects including impacts of immigration process to children and youth behavior in psychological abnormalities or resilience perspective.

### **Outcome of review**

Migrants face challenges including rape, child molestation and kidnapping, human trafficking, intimidation, deaths especially by drowning, acculturation, discrimination, language barriers, family dysfunctionality and separation. Furthermore, the most vulnerable groups being women due to potential sexual assaults/violence or rape and associated subsequent adverse impacts, whilst children represent more than 50 % of global migrants statistically, and face more mental issues than others, due to the distur-



balance of early developmental process of their brain, which would also lead to negative impacts such as development of conduct disorder (juvenile delinquency), and associated disruptive behaviors.

### **Background**

Western hemisphere has long been a safe destination for those in need of better life, including asylum seekers, political refugees, or the so called "socioeconomic" migrants who are believers in dreamers of better tomorrow of their lives in the great countries, such as Canada, Australia, strong economic European countries such as United Kingdom, France, Germany, and United States of America, a nation believed to be a nation of immigrants from all over the world. In this chapter, migrant term includes:

1. **Asylum seekers:** Migrants who are fleeing their homes under threats or fear of persecution or other arbitrary inhumane treatment, based on sociopolitical systematic unfairness or malpractice and neglect of politicians.
2. **Refugees:** Migrants who obtained "refugee status" as defined by UN.
3. **Immigrants:** Any foreigner living in a foreign country (asylum seeker, refugee or voluntarily immigrated in a foreign country by choice).

Although all "immigrants" are perceived as one category of people (foreigners in a foreign country), often suffer from similar and ubiquitous segregation and discrimination of the same kind, Asylum seekers and refugees are the bottom of all migrant's people, as they face more challenges than economic immigrants do. Technically, economic migrants are the ones who decide to immigrate without any pressure, but a choice. Such as looking for jobs, investments or business of all types, marriage, studies or alike, whilst asylum seekers and refugees become immigrants as a way of saving their lives in jeopardy due to political issues and wars (Bloch, Galvin & Barbara, 2000).

Nevertheless, even though majority of migrants flee their home countries due to the negative impacts of politicians back home, often migrants face the ultimate flabbergasting intimidations from top leaders such as Pres-

ident Donald J. Trump's executive order to ban travelers originating from Libya, Yemen, Syria, Somalia, Iraq, Iran and Sudan. Although the Trump's administration rebuked the idea that the ban was aimed at targeting Muslim refugees, based on Trump presidential campaign slogan of building a wall and ban Muslim he [Donald Trump] figures out "*what the hell is going on*" (The Atlantic, 2015).

However, history shows that human species have always been moving from point A to point B, from one country to another for short period of time or for longer than anticipated. Factors associated with human migration are countless. From simple curiosity to adventure, seeking better land for cattle to haze. Or human's seeking the hidden treasure of "a promised land", and this human migration and exodus has existed since the creation of human kind, starting with Adam and Eve in the Garden of Eden (United Church of Christ, 2017), which makes most of human beings to be part of "immigrants" (Obama's Speech, 2014).

Majority of the migrant's groups originate from war torn countries such as Syria, Iraq, Democratic Republic of Congo, Sudan, Burundi, Somalia and more. However, a significant number of immigrants from other countries such as Eastern Europe, including Romania have been on rise as well, mainly due to what believed to be economic issues, or looking for better opportunities in countries with strong economy such as United Kingdom. Unfortunately, the negative perception of the massive influx of immigrants in the United Kingdom has been the driving factor to the success of the separation of UK and European Union, a socio-political phenomenon known as "*Brexit*" that shook the world, and left many Euro zone countries in visible political anxiety.

As culture and core beliefs differ from one to another, the presence of immigrants and some of their own behavior have ignited hostile reactions in some countries like German, where some cases of collective rape and sexual assaults by asylum seekers and or immigrants of Arab and east Indians origins were reported. Although it has been known that in many third world countries and some Arab regions women were (and still are) subject to rape

and sexual assaults or other sort of abuse, this type of behavior is extremely and conservatively sensitive in developed countries such as German, and culturally prohibited in many countries. Therefore, the sexual assault in German has angered many citizens, and increased negative perception and hostile view of immigrants of Arab and East Indian origins.

### **Unprecedented Anti-migrants, xenophobic political behaviors on rise**

Like any other type of conflict dynamic, the extent of anti-immigrant's sentiment has been seen as high as the level of xenophobia and associated stereotypes in some instances, not to mention that some politicians such as Donald J. Trump seized on these isolated cases to advance his ideology of nationalism and hostile stances against Muslims and Mexicans or other colored immigrants. Even more so, these isolated incidents generated political buzz in German itself, and has put at the edge the chancellor Angel Merkel who was more open to the refugees and immigrants, not to mention the same atmosphere that created tension between hardliner politicians in France, such as Marie Le Pen's rhetoric. Thus, politicians seized opportunity to play with citizens' mind and anxiety to advance their own political agenda.

Above all, the rise of extreme nationalists and white supremacists such as KKK also used some of asylum seekers behavior, sometimes rumors, unsubstantiated evidences and mass influx of immigrants to generate unfounded fear and anxiety of citizens, hence increasing psychological fear among citizens and hatred against minority groups in some countries, such as the case of United States.

As ISIS and allies kept their propaganda and terrorist activities in different countries, Islamophobia behavior increased as well, and more citizens become in one way another, distant from Muslims and Arab or alike individuals. However, although some extreme groups have demonstrated more heinous and extreme animosity towards immigrants due to fear of ISIS penetration along with them, there is no indication that this has been the case, beside one or two cases here and there, especially on European side.

Nevertheless, the sad fact is that majority of terrorists carry their unspeakable terror acts against innocent people in the name of "Islam" and "Allah", which complicate things and increase beliefs that Muslims are terrorists, or that Islam is a religion of "terror", which is completely false.

As a matter of example, stereotype aside, Rudolf Hitler waged war and his actions and beliefs took lives of millions and millions, including Jews people. But Hitler never been a Muslim, nor the 1995 Oklahoma City bomber was, or the Sandy Hook elementary school shooter who killed more than 26 people including school children, not to mention a white supremacist Dylan Roof who attacked black worshippers in Charleston, and killed 6 women and three men, simply because they were black (The Post and Courier, 2015).

### **Mental health among immigrants, asylum seekers and refugees**

#### ***1. Europe***

As it has been reported, migrants exhibit higher percentage of mental health issues compared to non-migrant population. In epidemiological study conducted in Europe on migrants in 1990 and 2000, included long lasting main migrants points such as United Kingdom, Italy, The Netherlands, Germany, Portugal, Ireland, Greece, Austria, Scandinavian region (Denmark, Sweden, Norway, Finland), Spain, France, Belgium, found high rate of some severe mental disorders such as schizophrenia, drug abuse disorders, anxiety and depression (Carta et al., 2005). However, analyses across board have shown that Scandinavian region in Europe to be the best place for migrants, especially those who fled their country under fear of persecution and other inhumane treatment, such as political oppression, and fear of their lives as they endured death threats due to their political view and ideology, sexual orientation, right of speech, color, religion or culture as stipulated in UN human universal and fundamental human rights.

#### ***2. North America***

North America, mainly in Canada and USA, is a home to many refugees and other migrants, mainly from Latin/South America, Caribbean, and of course from other regions (Zong & Batalova, 2016; UNICEF, 2016). Like any

other foreigner in a foreign country, immigrants face numerous challenges including language barrier in their first experience, racially discrimination, and cultural shock to some, that leads to self-isolation in some instances, thus causing some mental health issues such as severe stress among migrants in United States of America, as precipitating and perpetuating factors for the immigrants with previous exposure to severe traumas and political violence in their home countries (Berry, Kim, Minde & Mok, 1987), anxiety and depression. Nevertheless, the better and easier access to further success in all immigrants settling in North America belongs to those who possess some of the following abilities:

- a) Self "*commitment*" to learn new local languages to ease communication with locals.
- b) The ability to "*adapt*" to a new culture that is different to their home countries.
- c) The willingness to accept challenges associated with "*change*".
- d) Resilience, "*hope*", and perseverance.
- e) Tolerance and "*patience*".
- f) Ability to "*socialize*" with strangers who will eventually become new friends.

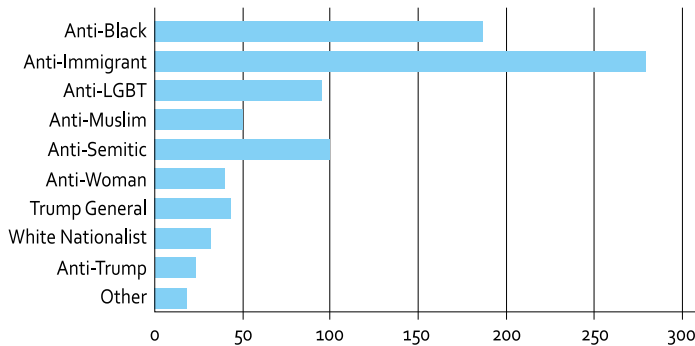
Those are fundamental pillars that not only prevent self isolation and ease the settlement process, but through commitment to learn, to adapt and accept change, will lead to hope for a better tomorrow, as migrants increase their patience and socialize with locals, lead also to preventing some mental health issues such as stress, severe anxiety, and depression disorders.

In terms of care and wellbeing of newcomers and other types of immigrants settling in North America, Canada has always been a choice for those who needed a warm welcoming environment, politically, economically, and socially, due to the Canadian long standing culture of peaceful and friendly atmosphere towards immigrants (Leotaud, 2016; National Observer, 2016).

### **Illegal immigrants? Or dehumanized & demonized human beings?**

Shortly after few days of his inauguration, the 45<sup>th</sup> president of USA,

Donald J. Trump, one of the most controversial president in American modern history, used his power of executive order as a US president, to ban “illegal” immigrants from 7 countries and more to be added on the list. On the same token, Trump also had the worst phone call of his presidential tenure in that time with the Prime Minister of Australia, due to the issue of “refugees” who were in Australia, waiting for vetting and triage so that they could embark into United states as conventional refugees under UN 1951 convention to which USA itself is a signatory. However, Trump chose to “demonize” them, as he always did, and called them “illegal immigrants”, which put them in a category of “criminal”. Needless to say, this political rhetoric and criminalization of asylum seekers, refugees, migrants and even immigrants who are legally and officially settled in the USA and other country, make them all look criminals and their entire personality is “demonized” through this kind of scapegoating language, thus some local citizens with some extreme view against immigrants in general become more alerted and hate crimes increased (BBC News, 2016), leading to potential severe anxiety and depression among immigrants and other minority as well.



*Figure 1. Hate crimes surge due to Trump effect*  
Source: Southern Poverty Law Center, 10 Days After Report (2016)

### **3. Australia**

Although all risk factors associated with high rate of some major psychological illness among asylum seekers in Australia remain elusive, the hypothesis suggests that most of the underlying issues are related to pre-ex-

isting conditions before entrance on Australian territory. However, like any other studies pertaining to mental health issues among migrants population have shown, the most underlying issues related to mental health problems among migrants population in Australia, is basically the lengthy detention process and transit shelters practice that subsequently escalate more anxiety and trigger deeper uncertainty that leads to depression and more psychiatric disorders (Silove, Steel & Watters, 2000). Unsurprisingly, children and adolescents are the most vulnerable group with high rate of increased psychiatric disorders due to the lengthy detention in transit migrants and asylum seekers' centers throughout Australia (Steel et al., 2013).

In a longitudinal study, Steel and colleagues (2013) findings suggest that uncertainty and distress among the migrants and asylum holders of temporary protection visas (TPVs) exhibited consistent pattern of higher level of mental health related issues in post-detention period in comparison to the migrant group with permanent protection visas (PPVs), thus concluding that some of the immigration policies lie detention of asylum seekers and migrants as they arrived to the new and unfamiliar country, has negative impact on mental health of migrants in different ways, from uncertainty, isolation, and acculturation aspects.

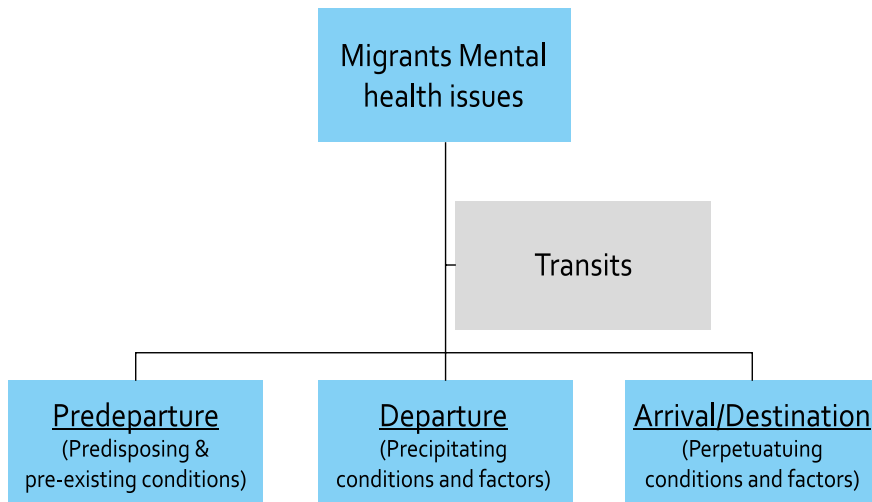


Figure 2. Illustration of mental health issues and migrants

### **Vulnerable groups**

Unquestionably, asylum seekers and migrant's groups or refugees are high risk population, due to the uncertainty and anxiety they face throughout the entire journey of their migration process. And more so, majority of them are victims of traumatism of different sorts, from their home countries through the departing arrangement and their first encounter with boarder security services or other unfamiliar authorities in unfamiliar country. However, the most vulnerable people are:

- I. Children
- II. Women
- III. Disabled
- IV. Single individuals
- V. Faith driven and cultural differences

#### ***I. Uprooted children***

The alarming numbers of "refugee children" from UNICEF (2016) suggest that children refugees are nearly 50 % of total world refugees, and at least 1 in 8 refugees is a child, whilst 17 million of them are at least internally displaced, and 1.000.000 children are asylum seekers in foreign countries, thus more than 50 millions of children are forcibly uprooted from their home and or separated from their biological parents, families and relatives including siblings, filled with tremendous psychological trauma, and physical abuse or sexual assaults in some cases. The factors associated with "uprooting" children into exile stem from various perspectives, such as violence such as in civil wars, poverty, child trafficking and more. As many as 28 million of children are forced to flee their homelands, and many also face challenges such as drowning in the deep seas (see Table 3), kidnapping and multiple rape cases or child molestation cases have been consistently reported (UNICEF, 2016; Thomas, Thomas, Nafees & Bhugra, 2004).

As they mostly leave their home countries behind, the children are also highly likely to be subject to cultural and identity loss as well. From developmental psychology perspective, this can affect children's behavior, social in-



teraction, social anxiety, cognition, concentration and highly at risk of future cascade of psychological trauma as well.

It is noteworthy to state that the journey to final destination and well-being of migrants/asylum seekers is characterised by three distinct but inter-related steps: pre-migration (life at native home), migration (journey itself from home to destination. Sometimes unknown), and post-migration (settlement/new life in new country) or the end of journey (Kirmayer et al., 2011). Through the journey into future countries, many children also encounter multiple temporally homes such as transit shelters, which are also completely unfamiliar and intimidating environment to them, thus increasing children's anxiety and fear, even worse if they experience any further trauma through their migration journey, not to mention any that any pre-existing conditions such as autism, learning disability can exacerbate children's well-being and possibly trigger some psychological crisis among many children and youth, such as selective mutism, disinhibition, attachment issues which can also translate into severe health problems in the future as well (Schuengel et al., 2009).

Mostly commonly known issues in children with a rough childhood path being juvenile delinquency, and associated conduct problems in children and adolescents in general, but it can be also prevalent among children and adolescents of refugee families, due to the disturbance of early childhood trauma, disturbed parenting, or total averted "normal" developmental process of child's brain during their journey into new unknown and unfamiliar environment (Comer, 2010).

### **Language barrier and unfamiliar culture**

Although it is common for refugees, asylum seekers, or other category of migrants to facing language barrier in a new and unfamiliar environment, intertwined with different and unfamiliar culture. It is possible that many children are naturally wired to be more resilient, with high neuroplasticity phenomenology than others, thus able to cope well despite all psychosocial challenges; others are more vulnerable to unfamiliar environment and

exhibit negative reactions to strangers or fell short to dealing with advert experiences such as unfamiliar terrain and unwelcoming atmosphere.

The following table illustrates most common risk factors associated with migrant children's mental health issues:

Table 1. *Most risk factors associated with mental health issues in children migrants*

Pre-migration	Migration	Post-migration
Age and developmental stage of a child	Separation or detachment from familiar caregiver	Stress (family's adaptation )
Disruption of education of a child	Exposure to violence or severe atrocities at early childhood	Language barrier issues in education settings
Separation (family or extended family, relatives, social network,	Exposure to harsh living conditions such as asylum and refugee camps or multiple shelters with inadequate nutrition. Anxiety and uncertainty about the future	Acculturation (identity and ethnic, religious, sex role conflicts) Discrimination (racial, religious, individuality or personality) Social exclusion (peers and classmates)

Source: Adopted from Kirmayer et al. (2011) Eg61

### **Specific psychopathologic disorders among migrant youth**

As mental health concerns, studies in migrant or refugee children and adolescent's mental health issues have shown that this group of people are highly to experience or exhibit posttraumatic stress disorders (PTSD), conduct disorder and associated disruptive behaviors and other comorbid psychiatric disorders, many in unaccompanied children.

### **II. Women**

Gender issues during organized and systematic conflict situations has largely been associated with a high likelihood women's rights violation in most instances, including but not limited to:

- a) Sexual violence and sexual assaults
- b) Sexual slavery
- c) Sexual exploitation
- d) Unwanted rape born children
- e) Women/human trafficking
- f) Female children sexual assaults and exploitation

All of the above issues are very common beside violence against women confined in domestic aspects of violence (Rehn & Johnosn-Sirleaf, 2002). It has also been reported that vast majority of women asylum seekers and migrants do not do so because of just political reasons, but societal accepted and collective systematic domestic violence rather (Seith, 1997), which cause subsequent psychological disorders such as PTSD, anxiety, and depression. Although few studies pertaining to mental health issues in women and immigration aspects were done thus far (Koffman, 1999), evidences suggest that women have always been one of the most vulnerable groups in migration journeys (Clawley, 2000). Due to number of reasons, such as culture aspects and upbringing with individual experiences and personality, fear, anxiety, and fear of the outcomes after disclosure, most of women victims of sexual violence find it hard to talk about it, and prefer to hold on to the "hot plate" in their hands, rather than unravelling the "invisible wounds" they may have endured during their life journey.

Some horrific practices against women in some 3<sup>rd</sup> world countries are unimaginable to explain, such as female genital mutilation, or honor killings that occur in many countries in the world. However, due to the cultural differences and potential lack of information or lack of awareness of these practices, many women do not feel comfortable to disclose the matter, and even if they did, it's hard for some to believe or to wrap their heads around the issues. Although, it has become more and more obvious that majority of women asylum seekers from certain region of the world are believed to fleeing from threats of practices related to inhumane treatment they face in their countries, and some legislations have made some steps to ensure their well-being (Freedman, 2008), such as the case of *Fauziya Kasinga* (Sinha, 2001) in United States, known as gender related persecution ground for asylum granting factor.

Few conventional western practice of counseling and psychotherapy such as probing methods that would start with "why-where-how-when-who-with what?" can also trigger or intimidate women, hence dieter the intended outcomes of therapy process. This is common to many cultures, where

women have no right to seek for help after abuse and shameful acts such as sexual violence and rape against them. Thus, their stories often go untold.

The silence behavior among women's past sexual or other types of violence among migrant's women has multiple factors, such as culture related, trust issues about who to tell what, to what extent, and unfamiliar of narrative counseling and psychotherapy approaches. Furthermore, many women migrant's victims of sexual and other sort of violence during their migration journey, fear dismissive response that often occurs, due to the lack of eye witness to confirm their dark ordeal, not to mention pride issues, and potential perceived stigma that comes along with sexually violated women in general (Ines, Vettenburg & Temmerman, 2012).

Another reason among others, many women in some cultures need to exhibit sense of a motherhood strength, so that their families mainly children can feel safe and less insecure about the future. Hence, internalizing their won sorrow to keep the rest of family and relatives secure and give them sense of hope. Sadly, evidence suggests that migrant women are more vulnerable to psychiatric and other mental health disorders such as post-partum depression at alarming percentage of 42% prevalence, in comparison to 10-15 % of post-natal depression prevalence among non-migrant women (Collins, Zimmerman & Howard, 2011).

In Canadian case studies (Kirmayer et al., 2011), women migrants and refugees are 2-3 times more likely to be diagnosed with post partum disorders and depression than non-migrants/refugee Canadian women. Once again, this exemplifies the vulnerability of women migrants and women refugees or women asylum seekers needs for individualized and conceptualized interventions to dealing humanely and efficiently responding to women migrants' special needs.

Furthermore, some of the psychological disorders considered as mental illness among migrant's women can be defined as manifestations of cultural aspects, an important element in considering working with migrants women as well, due to different perception of mental illness, and eventuality of home remedy habit such as use of "*Hypericum perforatum*" or other traditional and home remedies (Kirmayer et al., 2011 E963).

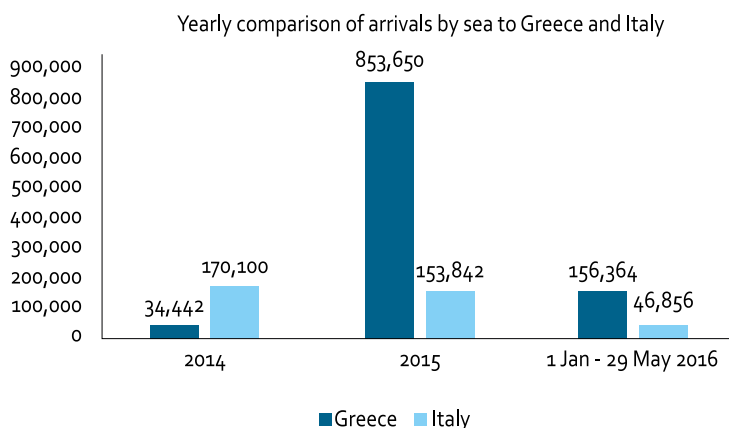


Figure 3. Migrants journey to Greece & Italy  
Source: IOM (International Organization for Migration) May 31<sup>st</sup> 2016

Total arrivals by sea and deaths in the Mediterranean 2015 and 2016						
1 Jan 29 May 2016				1 Jan 31 May 2015		
Country	Arrivals	Deaths		Arrivals	Deaths	
Greece	156,364			40,297		
Cyprus	28	376	(Eastern Med route)	269**	31	(Eastern Med route)
Italy	46,856	2,061	(Central Med route)	47,449	1,782	(Central Med route)
Spain	1,063*	6	(Western Med and Western African routes)	3,845**	15	(Western Med and Western African routes)
Estimated Total	<b>204,311</b>	<b>2,443</b>		91,860	<b>1,828</b>	

\* As of 31 March 2016  
\*\* Jan-Dec 2015

Figure 4. Arrival and deaths in Mediterranean sea ( 2015-2016)  
Source: IOM (International Organization for Migration) May 31<sup>st</sup> 2016

### III. Disabled, Single individuals, Faith driven or cultural differences

Beside women and children, disabled individuals or faith driven in deep cultural belief people can face challenges during their migration journey. People with disabilities have been subject of tougher challenges than others, even in some simple cases of conventional migration, through official application process for immigration procedure (Council of Canadians with Disabilities, 2011). As harsh as the migration journey can be, with potential

obstacles to overcome in way that require more abilities than in normal conditions, people with disabilities suffer as much as 3 times than people without disabilities.

In this regards, stakeholders involved in migration should give a specific attention to this group of people, as they often have been left behind due to stigma associated with perceptions against people with disabilities.

### **Conclusion and recommendations**

Asylum seekers, refugees, migrants group of people become so for a broader spider web of reasons. It could be socio-economic, safety, or health related factors. Whatever the reason may be, the central point is that asylum-refugees-migrants people leave their home land behind in most cases to save their lives. And more so, vast majority of them experience cruel treatment before finding exile, such as female genital mutilation, gang rape as a weapon of war in war ravaged zones like former Zaire (Democratic Republic of Congo), or honor killing in some Arab and some Muslim nations or elsewhere in the world. Children are uprooted from their families, sometimes run away to save their lives leaving parents and relatives all dead, as the sole survivors like the case of 1994 Rwanda genocide or Syria in 2014 and onwards. Unfortunately, most of asylum seekers and or refugee seeking individuals face many challenges including dismissive responses to their horrible ordeals by boarder security agents and immigration officers. Due to some possible psychological trauma associated with their past and present anxiety embodied with dear of uncertainty, most of these categories of people exhibit short memory issues, such as disconnecting from time and places, amnesia like syndrome that affects many of them.

Furthermore, cultural differences and perception can impede assessments of some mental health issues in migrants, as some psychological issues among them can be interpreted in different ways that could often lead to therapeutic issues. In transcultural psychiatry perspectives, many migrants patients have been found to be more fundamentally cultural and traditions driven, which can be a challenge for mental health professionals.

In sociopolitical aspects, history shows that many governments led by conservatives, or neo-nationalists are more likely to do harm to migrants as they often dismiss vast majority of migrants requests as they impose tougher migration policies. Moreover, political rhetoric of nationalist and conservatism based leaders have led and still will lead to damaging of migrants wellbeing or basic human rights, as the rest of population indiscriminately perceive migrants as criminals, and potentially increasing discriminatory behavior and stigmatization against migrants in all aspects of their lives including education, workplace and employment opportunities, marriage, or fully integration in community where many of migrants have experienced bullying and other discriminatorily behavior against them.

In some cases, on the other hand, there is an urgent need to help migrants themselves to understand the tolerance in interfaith and intercultural aspects of life, by admitting and accepting "other's" difference, rather than "imposing" our own belief to "others" as often has been the case. It should also be imperative to establish strong strategies in dealing with children migrants, by understanding what they may have been through such as traumas or precarious traumas through their migration journey or pre-migration period, so that their trauma healing process can be more substantive and sustainable. This would prevent escalation of severe mental disorders among them, thus prepare them to become the better citizens of the future successful, healthy, and peaceful nations.

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# **FORSAKING OUR MORAL COMPASS: THE TRAGEDY OF AUSTRALIA'S OFFSHORE DETENTION POLICY**

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## **ABSTRACT**

In recent years, successive Australian governments have seemingly forsaken their moral compass in regard to management of, and duty of care to, refugees and asylum seekers arriving by sea. Australia has increasingly become subject to stern criticism by the international community over policies judged to be in breach of international laws and conventions, inhumane in nature, and most disturbingly overtly abusive of those seeking protection. This chapter explores the context, practice and outcomes of offshore detention and processing under the Australian government's 2001 Pacific Solution, including the current government's border protection policy of offshore resettlement. It examines the presence of structural violence as a policy strategy, along with the concepts of moral obligation and an ethics of care in the context of their contribution to building sustainable and peaceful solutions. Evidence of the gendered nature of the detention centers reveals the levels of male emasculation and infantilization, sexual abuse, assaults, intimidation and other forms of violence against men, women and children. It explores the problem of despair amongst detainees from a philosophical and practical perspective. Attention is then focused on examples of structural, direct and social violence in the Manus Island and Nauru detention centers. Finally, it concludes that successive Australian governments have been morally bereft and ethically unsound in their implementation of offshore detention as a response to the forced migration crisis of the early twenty-first century.

### **Keywords:**

Australia, Offshore detention policy, Forced migration, Pacific solution, Structural violence.

## Introduction

*Beyond the wicked wire barbed, ocean wide and heaven high  
A new world one day I may greet, if you heed my cry  
Where I can proudly walk with grace and dignity in my stride  
There must be hope while there is life, for all to reach the other side*  
(Nash, 2017)

The global statistics on refugees are staggering. At the conclusion of 2015 some 65.3 million people were forcibly displaced, 21.3 were refugees, 40.8 internally displaced persons and 3.2 million were asylum seekers (UNHCR, 2016, p.2). The tragic suffering of those people requires a united, timely, well-resourced and compassionate response from the international community. Global and national leadership has been severely tested and, undeniably, it has been found wanting. In 2015 of the millions of people recorded as refugees due to violent conflict or persecution, the UNHCR could refer just 134,000 for resettlement. Australia received 9,300 of those through official channels (UNHCR, 2016, p.18). While not all refugees require permanent relocation, there has nevertheless been an unprecedented plea for resettlement that global institutions have been unable, or unwilling, to resolve. How will history then cast judgment on our capacity and will to care for the lives that fall through the cracks? Especially for those whose stories do not include access to official channels of refugee processing and resettlement. Or for individuals who, when they do make their way to safety and ask for asylum, find themselves languishing for years in camps or detention centers. Who will be accountable for their despair?

This chapter examines the Australian response to the refugee crisis that has emerged in recent years, specifically the advent of offshore detention and processing of arrivals by sea. First, Australian policy governing responses to arrivals of asylum seekers and refugees by sea, namely the *Pacific Solution* (Fox, 2010), is explained. The precedent for offshore detention is clarified, and the contention that has dogged consecutive governments

since its implementation is revealed. Second, the chapter reflects on three theoretical concepts that inform a deeper understanding of the challenges of offshore detention and processing. These include Galtung's framework of structural violence, the concept of moral obligation as state duty, and the idea that ensuring an ethics of care is a state responsibility. The problem of despair is also explored, as it sits at the heart of issues arising directly from the offshore detention experience. The chapter then turns attention to the Manus Island and Nauru offshore detention centers, highlighting the harsh conditions individuals are subjected to, and the disastrous outcomes that are arguably both predictable and inevitable when such conditions apply. Australian offshore detention policy has proven to be both morally bereft and ethically unsound. In implementing the *Pacific Solution* policy the Australian government has failed to engage an ethics of care in its response to the suffering of people seeking refuge. Tragically, the *Pacific Solution* has therefore resulted in the 'cruel and inhumane' (Doherty & Marr, 2016) treatment of asylum seekers and refugees. The Australian government practices a structurally violent process of detention that enables violence and persecution to be perpetuated and sustained long after people have fled their home countries in search of safety.

### **Australian policy**

*For you, whose callous malice call for them to send me back  
Is it because my skin is tainted with a little too much black?  
For you who in the easy comfort of suburbia dwell  
May you never live through war and strife in a living hell*  
(Nash, 2017)

As at December 31<sup>st</sup> 2016 866 men were being detained on Manus Island and 380 people on Nauru, including 49 women and 45 children (Department of Immigration and Border Protection, 2016). The Australian government had established mandatory offshore detention fifteen years earlier

under the 2001 '*Pacific Solution*', a policy of immigration control aimed at ebbing the flow of arrivals by sea. The Manus Island Detention Center<sup>1</sup>, Papua New Guinea, opened in August 2001 in response to the now infamous 'Tampa Affair' (Fox, 2010). The government had refused permission for Norwegian freighter *MV Tampa* to enter Australian waters with 438 people on-board who had been rescued from a distressed vessel in international waters. The government then manipulated the situation to appear in the media as a hijacking, which they knew early in the event not to be true, and used this portrayal to justify refusing the ship entry into Australian territories (Marr & Wilkinson, 2004, pp.30-35). The incident occurred during the lead-up to the 2001 federal election, and resulted in a diplomatic dispute between Australia and Norway. The fallout from the dispute saw Australia negotiate a deal with the neighboring Pacific island country of Papua New Guinea to receive and hold the asylum seekers rather than allow them entry into Australia. Papua New Guinea has a long and fraught relationship with historical Australian colonial imposition and neo-colonial domination (Dinnen, 2004). It is a state that struggles with complex systems of governance, over 800 languages and diverse cultural practices. In 2001 Australian aid to PNG was an estimated \$342.9 million (Australian Government, 2001) and in 2016 PNG is clearly therefore a state with a complex dependency on Australian aid and vulnerable in terms of that dependency.

Later in 2001 a second, this time tragic event, the 'Children Overboard Affair' cemented the fate of all who would follow to seek refuge in Australia by sea. The then Prime Minister, John Howard, co-opted the sinking of an asylum seeker vessel with 223 people on board on October 6<sup>th</sup> off the coast of the Australian territory of Christmas Island for political gain. Political manipulation of the media surrounding the incident resulted in false claims of people throwing children in to the sea as the vessel sank. This event had also occurred in the lead up to the November federal election. Howard sought

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1 The center is located within the Lombrum naval base on Los Negros Island which is in Manus province. It is separated from Manus Island by a bridge across the Lonui Passage.



to effectively demonize Afghani asylum seekers by embedding a gendered perception of Afghani men as 'evil and inhuman' (Slattery, 2003, pp.93-94) in the psyche of the public through manipulation of media coverage. An Australian Senate Select Committee later found that no children had been at risk of being thrown overboard, and that the government had known this prior to the election (Senate Select Committee on a Certain Maritime Incident Secretariat, 2002). The government was heavily criticized for misleading the public and 'cynically exploiting Australia's [voters'] fears of illegal immigrants by demonizing asylum-seekers. Mr. Howard and senior ministers falsely claimed on the eve of the election that children had been thrown in the water to guarantee their rescue by the Australian navy' (Megalogenis, 2006). The 'Tampa' and 'Children Overboard' affairs were catalysts for a formal government immigration control policy, *The Pacific Solution*, whereby the Pacific Island states of Papua New Guinea and Nauru agreed to host permanent offshore detention facilities under the pretext of a regional approach to border security.

This was the start of a long-term policy of offshore third party detention that continues up to the present time. It was the advent of offshore reception and processing strategies that would ensure arrivals by sea would not be afforded entry into Australian territories, and that detainees would ultimately be denied ever having that opportunity. The Australian government maintained that, as the facilities were in third party countries, those countries own and administer the facilities under their laws, and Australia's role is reduced to 'funding, capacity building and support' (Senate Select Committee, 2015, p.23).

Australia is thus guilty of effectively abrogating responsibility for the wellbeing of sea arrival asylum seekers and refugees to third parties, even though the government still bears the cost of those facilities and retains 'effective control' of a detainee's fate. However according to international law Australia remains the country that must be held to account for the management and wellbeing of detainees. This is despite what appeared to be

attempts to confuse or mislead the public by holding up third party governments as principally responsible on arguments of sovereignty (Senate Select Committee, 2015, pp.11-20).

The first detainees taken to Manus Island were the men, women and children rescued from the Tampa. The Manus center operated until the Labor government partially dismantled the *Pacific Solution* in 2008, although it had not had any residents since 2005. It was reopened in 2012, when the Gillard government failed to secure a new third country recipient deal with Malaysia after a High Court ruling found it was unconstitutional (Foster, 2012). The Nauru center was closed in 2008 by the Rudd government but also reopened in alongside Manus in 2012 (Senate Select Committee, 2015, pp.4-6). While the Australian government is responsible for processing detainees, the centers are nevertheless under the sovereign control of the host countries, and managed by private companies. The history and process of facilitating the offshore centers is therefore a complex one, fraught with contending ideas of responsibility and accountability and, disturbingly, it appears this is an intentional state of affairs.

### **Theorizing the problem: structural violence, moral obligation and the ethics of care**

#### *Structural Violence*

*For you who claim that laws are made to save our precious lives  
 With feigned compassion in your pompous privileged paradise  
 Or you with power to pillage for the so-called progress' sake  
 And 'trample on the vineyards of the poor' or the tribal land you take*  
 (Nash, 2017)

Failure to prevent injury, pain and suffering when it is possible to do so is as relevant to the outcome of a violent act as the perpetration of the act itself. Galtung (1969) argued that 'violence is the cause of the difference be-

tween the potential and actual' (p.168). Therefore, where there is potential to prevent injury, pain and suffering, including death, and that potential is not realized, an act of violence has occurred. This failure to act constitutes a typology of hidden or invisible violence. Galtung (1969) referred to this concealed violence as 'structural violence' (p.170). It is commonly understood as predominantly the domain of institutions of governments, such as the military and legal institutions of the state. However, the concept applies to all types of institutions and organizations where there is a hierarchical structure for decision making if the outcomes impact others subject to the systems policies and processes. Structures of the institution or organization become enablers of acts that potentially may result in personal violence. When structural violence does occur, it is more difficult to detect than direct violence and could well be contested in nature. For example, the question should be raised as to whether the violence was intended or unintended (Galtung, 1969, pp.171-172). This is an important point as it sits at the heart of the ethical and moral obligations of the state examined in the case studies in the discussions that follow. Structural violence manifests alongside, and in contrast to, more direct and visible forms of violence as a significant contributor to inequality, which is a problematic of many of the offshore detention models. Inequality of status, rights, power and gendered inequality define the core issues around offshore detention policies that seek to marginalize and outcast people from mainstream society based purely on their mode of transport. As offensive as that might sound to any reasonable being, it has indeed held with Australian governments of both conservative and liberal philosophical foundations for over fifteen years.

We might ask how that could be so? The visibility of direct violence makes it difficult to deny, ignore, or turn away from. Structural violence has an insidious, dangerous element to it: structural violence is masked in a cloak of legitimacy, embedded within legislated processes and practices of the state. State laws often enshrine the enabling policies, and incorporate protection for the state in the form of parliamentary sanctions. This can act to neutralize attempts to call out the harm by members of the public as usu-

al avenues of accountability can be avoided. It also assists policymakers to dress harm up as merely a consequence of individual lawbreaking behavior that has brought about a legally sanctioned consequence. Therefore, structural violence is potentially harmful to all Australian citizens as well as asylum seekers and refugees in that it contradicts claims to society founded on liberal democratic values of freedom, inclusivity and tolerance (Thompson & Stannard, 2008, p.3). The harm to marginalized persons is further amplified when gender, ethnicity, age, culture or other factors that already impact a person's lived experience of inequality and discrimination are considered. For some then, there is now a double burden to bear; legalized structural violence compounds physical or psychological violence linked to a person's preexisting social, cultural or political status.

Promoting a normative view of discriminatory or harmful policy assists some systems, processes or laws to become part of the everyday political discourse of 'business as usual'. It prevents the harm from appearing unwarranted or excessive. The alternative to not actively enforcing harsh laws can be portrayed in such a way that instills fear in the population. The Tampa Affair is a case in point that demonstrates this whereby Prime Minister Howard promoted a culture of fear over boat arrivals to ensure he won the election, and then to justify the introduction of the *Pacific Solution*. Laws are promoted as politically and ultimately socially acceptable as they work in the interests of the state and it therefore may be claimed as in the interests of the citizens of the state. Discourse can be manipulated to portray any individual action that is perceived to be outside the specific rule of law as a threat to the state and its citizenry. Focus is shifted from the consequences of the harmful policy or practice to the behaviors of the individual, and in doing so the discriminatory nature of those processes that act to inflict harm are rendered invisible.

### **Moral obligation**

Taking Galtung's theory of structural violence as a starting point, it can

be argued that states are beholden not only to act to protect asylum seekers and refugees from the extremes of violent conflict, but to ensure state systems of detainment, processing, and resettlement meet more than just legal obligations of international law: states should, if the goal is to secure the safety and protection of those fleeing violence, also aim to act within an ethical and moral framework that actively seeks to avoid any further traumatization of the people seeking asylum.

The notion of moral obligation though is indeed far more concrete than the ambiguities of well-meant theorizing. Obligations of states to the well-being of refugees and asylum seekers is entrenched in international conventions and laws that compel states to act morally and within a legal framework. For example the United Nations multilateral treaty the *Convention Relating to the Status of Refugees* (Final Act and Convention relating to the status of refugees, 1951), and the subsequent Protocols that followed define who is a refugee and set forth individuals rights for asylum. Significantly the Convention also sets out the obligations of nations that grant asylum. The Convention includes in these rights and obligations the right *not* to be subjected to penalties for arriving without a visa, the right *not* to be arbitrarily detained, and the right *to be free* from cruel, inhumane or degrading treatment or discrimination.<sup>2</sup>

The Refugee Convention builds on Article 14 of the 1948 *Universal Declaration of Human Rights* (UDHR), which recognizes the right of persons to seek asylum from persecution in other countries. Other instruments include the *Convention on Torture* (CAT) and the *Convention on the Rights of the Child* and various others. An important aspect of a framework of moral obligation therefore ought necessarily to ensure asylum seekers and refugees are not subject to structural violence while being assessed, processed or resettled.

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<sup>2</sup> See, e.g., UDHR, article 14; Refugee Convention, articles 3, 31; the International Covenant on civil and Political Rights (ICCPR), articles 2, 6, 7; CAT, art 3.

## Care ethics

*Or you who claim that you care so much for us who are interned  
yet in your anonymous and silent mode, you never say a word  
You who believe with heart and soul that we should all be free  
So please why don't you make stand, why won't you fight for me?*  
(Nash, 2017)

Care and caring are central concepts in human relationships - within families, between friends, as an element of a cohesive community. Philosophers Aristotle, Augustine, Thomas Aquinas, Rousseau, Kant and Hume have all associated care with the virtuous nature of women's work – with women's 'nature and purpose in life' (Pettersen, 2008, p.24). Early proponents of modern care ethics including Carol Gilligan (1982) and Nel Noddings (1984; 2002) agreed with many aspects in principle, but further advanced the complexity of the early philosophical works. Gilligan theorized the voice of women as a moral guide for a model of care ethics that transcended the historical thinking of the philosophers. Although she argued hers was not a reductionist, gendered argument; rather it was one that introduced a thematic shift from the traditional liberal justice argument to a more inclusive model of moral reasoning. In her work *In a Different Voice* (Gilligan, 1982) she asserts two hypotheses. First, there exist both a care and justice perspective of moral reason. Second that the two can be typically ascribed to specific genders: women's voice of moral reason is driven by a care perspective, and men's voice by a justice perspective. She understood liberal justice as historically dominated and shaped by the voice of masculine perspectives, and theorized care ethics as something that could work harmoniously with that position, but not limited to it. By introducing a women's perspective, care becomes both a personal and individual moral pursuit, and a valid field of moral undertaking within the public domain. Her work was heavily criticized as an unhelpful portrayal of women as 'selfless, giving, helpful, gentle and mothering', and of reinforcing stereotypes that devalue women (Gray, 2011, p.53).

Nel Noddings (1984) argued in her early work that caring was obligatory, reciprocal and should be morally equitable between the 'cared-for' and the 'one-caring' (Noddings, 1984). In this model of care an ethical virtue is apparent in its application as a thoughtful and strategic undertaking, but is limited to 'specific actual encounters with specific individuals' (Tong & Williams, 2016). She later extended on that position though, and argued that care ethics could be applied more broadly to the arena of public policy (Noddings, 2002). She was adamant that lessons of the private domain were not only pertinent to, but ought to predicate social justice policies in areas like homelessness, health and education.

Care ethics must then be considered highly relevant beyond the personal domains. We can and should bring personal values of caring to collective circumstances if we desire peaceful and healthy societies that are empathetic and responsive to suffering and conflict. But should we limit an ethics of care to personal, local or national society? Or does the introduction of care ethics to this arena by default mean it must also permeate beyond binaries of citizenship *vis a vis* social policy at these levels?

Fiona Robinson argued that care ethics is integral to international relations and the response of global institutions to issues such as poverty (Robinson, 1999). Hers is a critical ethics of care that highlights the relationships between dependency and vulnerability in an interconnected world. Robinson (1999) argues that liberal values of autonomy and independence enabled a globalized 'culture of neglect' and that, to alleviate the suffering, structures that exploit differences to exclude, marginalize and dominate must be replaced with an alternate care-centered model that is unifying rather than divisive.

To this end, and to coopt and focus Robinsons theories specifically on the crisis of forced migration that engulfs the globe today, states indeed do already have a 'duty of care' under various laws and conventions to ensure people within the state are able to live full and free lives. For example, by upholding the *1951 Refugee Convention* and associated resolutions and declarations, the *Universal Declaration of Human Rights*, the *Convention on the*

*Rights of the Child*, or the *Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)* (United Nations General Assembly), or various other agreements that states may be a party to. Where states fail to do so, a lack of care facilitation might manifest in added suffering and crisis i.e. health threats that involve large numbers of people, poverty or oppression.

With regard to Australia's response to the current forced migration crisis, failure to apply a critical ethics of care risks multiple layers of relationships. First, with the asylum seeker or refugee who is subjected to a diminished or weakened experience of care because of a policy that either does not meet an agreed international standard, or only meets the minimum standards of care required to protect the carer (in this case the state as an international actor) rather than the cared for. Second, it risks the states relationships with international bodies or organizations as it breaches the cooperative trust required to ensure laws and conventions have real meaning. Third, it alienates communities both internal and external, becoming divisive and conflictual rather than unifying and peaceful, as it scapegoats individuals who are already victims of unrest, war, or violent conflict and this invariably sparks public shows of solidarity with the victims of policy failures and inadequacies. These could take the form of nonviolent or violent protests, legal challenges or other varying degrees of confrontation.

The treatment of, and attitude to, asylum seekers and refugees is therefore tied up with the way a nation views its place as a global citizen, its commitment to international relations and all that is entangled within that, as well as its stance on how it will act to fulfil citizen's perceptions of the state's moral obligations to humanity.

### **A note on Despair**

As a current lecturer of peace and conflict studies in challenging times, there are many aspects of offshore detention that I find troubling: the isolation of vulnerable people; the lack of access to support services that collectively and comprehensively address past, present and foreseeable future



fears and traumas; the legal and ethical dilemmas of acting outside UN conventions; the impact these things have on an individual's capacity to recover from the lived experiences of pain and suffering, injustices and marginalization to name a few. But one aspect that is most troubling in terms of what this might mean for peace at personal, community and national levels is the repeated and consistent evidence of people living in a state of crippling despair.

Australia's policy of offshore detention in remote areas of the Pacific affords little to no access to outside support in terms of health care, legal support, or social and cultural support. This is a contributing factor in the despair experienced by detainees. Indeed 'despair' was the theme of a 2016 report by Amnesty International *'Island of Despair': Australia's "processing" of refugees on Nauru* (Amnesty International, 2016) which speaks to the inhumanity of offshore detention, and the disturbingly common theme of anxiety, mental health issues and overwhelming loss of hope that prevails in these institutions.

A regular visitor to my undergraduate and postgraduate master's level courses in peace and conflict studies since 2010, acclaimed Australian philosopher and peace ethics educator Professor James Page<sup>3</sup>, makes a point of speaking frankly with my students about how despair potentially shapes and skews the hopes and aspirations of both individuals and communities; in Page's view despair is insidious in that it has no clear resolution. Given the serious impact this can have on humanity then, we must ask what can we do about despair? Hegel referred to a 'highway of despair' where doubt drives one to bleak skepticism about the future, fraught with false knowledge that one cannot put aside for fear that it is truth (Hegel, 2012, pp.49-50). Is the answer inherent in the capacity to break this cycle of doubt and fear? And if so, to what end is that capacity innately the individuals? Is it

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3 Page has received critical recognition for his contributions to field. In recent years, he has been a recipient of the New South Wales Institute for Educational Research Award for Outstanding Educational Research; a nominee for the UNESCO-Madanjeet Singh Prize; a recipient of the United Nations Queensland Award and joint winner of the West Suburban Faith Based Peace Coalition Peace Essay Contest.

enabled and sustained by the environments the individual experiences, and thus beyond individual capacity alone? Mary Kaplan wrote about how gender impacted ones reaction to and memory of Jewish experiences in Nazi Germany (Kaplan, 1998, pp.8-9). She reflected on the differences between women and men's recollections of trauma and flight and how they related to environments of political and social stress. Kaplan found women focused their memories on social aspects of their life in Germany under Hitler, family, friendships, community while men focused much more on the economics of life, of business and political environments. Perhaps this teaches us that the traumas of asylum seekers and refugees will in the long term create different problems for men and women. While I certainly do not claim to have a deep understanding of the psychology, and it is not within the scope of this chapter, this does prompt a question about what that means for the way that we do or should care for refugees and asylum seekers if prolonged despair has varied consequences for people based on their gender.

Another significant concept Page (2008) discusses with my students is 'virtue ethics'. Virtue ethics argues that it is in 'being' rather than 'doing' that people find a sense of agency, and that this is where an individual can rise above the circumstances they might find themselves in – they take on certain virtues of strength and resilience, of being good people and striving for excellence rather than 'acting' from a sense of obligation and duty (Page, 2008, pp.23-24). For instance, one person might 'be' positive and uplifted through their sense of self-worth even in the harshest conditions, while another may act positively through their sense of obligation to 'do' good in the same conditions, even if they do not feel positive about themselves or their circumstances.

Virtue ethics therefore guides the self to be resilient and positive in spite of external influences, or as Page puts it by 'enhancing the confidence of the individual as an agent of peace' (Page, 2008, p.189). Virtue ethics may provide an antidote of sorts to the despair that is so deeply a part of the offshore detention experience. However, this is an individual response and while it may hold important value to individual wellbeing, it cannot alone re-

solve the persistence of external factors. It is an ethics of care that speaks to the collective responsibility of the care providers, in this instance the Australian government and their associated agencies that facilitate their policies.

Care must therefore be understood as a state response that is integrated into the policies and practices of offshore detention as well as a personal responsibility. It may be born of duty or as a consciously pursued virtuous quality. Regardless of the motivation, it is inherent on the government to ensure that a culture of care is cultivated, supported, maintained and sustained.

### **Case studies**

#### ***Manus Island, Papua New Guinea: who killed Reza Barati and the masculinized nature of offshore detention***

*Guideline 1. The right to seek asylum must be respected (UNHCR, 2012)*  
*'As of today asylum seekers who come here by boat without a visa will never be settled in Australia. Under the new arrangements signed with Papua New Guinea today – the Regional Resettlement Arrangement – unauthorized arrivals will be sent to Papua New Guinea for assessment and if found to be a refugee will be settled there'* Kevin Rudd PM (ABC, 2013).

The Manus Island detention center in Papua New Guinea, which opened on 21 October 2001, demonstrates that the structural violence of offshore detention is not limited to that perpetrated by government, or indeed not restricted to having negative impacts on asylum seekers alone. The tragic death of detainee Reza Barati on the 17th of February 2014 brings in to sharp and confronting focus the intersections of the challenges aligned to the abrogation of the Australian governments duty of care to third party states. Manus Island has been a complicated and controversial thorn in the governments side, having closed, reopened, been declared 'illegal' under Papua New Guinea constitutional law and subsequently flagged for closure once again (Lewis, 2016). At the time of writing the fate of the men who remain there is unknown. Governments of both states have been plagued with complaints over violence, human rights abuses, and failure to consider the

cultural and social rights of the local indigenous population, sparking accusations of neocolonialism on Australia's part. Furthermore, there has been a prevalent language surrounding detainee's sense of identity.

Labelling refugees and asylum seekers with negative terminology serves the interests of the government in so much as it normalizes a constructed identity of the asylum seeker or refugee as a criminalized being, thus enabling a culture of de facto punishment to prevail. The language has been fluid, shifting and escalating a felonious profiling of detainees as 'unlawful non-citizens' in 2011 (McMillan, 2011, p.1), 'irregular maritime arrivals' in 2013 (Commonwealth Ombudsman), to the current official use of 'illegal maritime arrivals' (AGDIC, 2013; 2016). While all these terms have negative connotations, the choice of the government to apply the labels of illegality aid and perpetuate the structural violence of the system.

The process of offshore detention is also intentionally gendered. The militarization of detention results in a masculinized embodiment of violence, structurally, physically, psychologically and socially. The Manus Island center houses only men. It has a culture of brutality that places people at risk of double jeopardy, particularly in terms of how maleness is negotiated. A recent UK study revealed how the gendered male identity of refugees and asylum seekers held in detention is subject to demonization and criminalization and, as a result of processes intentionally designed to do so, men are emasculated by the loss of self-identity and in turn infantilized through loss of power and control over their identity (Griffiths, 2015, pp.474-476). Browning claimed that in the Australian context 'violence is the bedrock of detention' and the loss of control men experience in detention settings contributes to cultures of violence and 'hypermasculine aggression' as men struggle to manage the physical and psychological spaces of detention (Browning, 2006, p.91).

Reza Barati was only 23 when he came from Iran to seek refuge in Australia. He arrived on July 24 2013, five days after the announcement of the new hard line Papua New Guinea solution that determined no refugees in the offshore centers would ever be resettled in Australia. Reza was described

after his death as a man that helped other detainees who experienced difficulties coping with the harsh conditions of prolonged detention. He was fit and healthy, a 'joker' who studied 'a lot' and had an affinity with nature.<sup>4</sup>

Reza Barati, a gentle man, died a violent and bloody death. He was murdered in an unprovoked attack by guards and PNG nationals who had entered the compound on February 17 2014. The event occurred during three days of protests and violent clashes between detainees, PNG nationals, and detention center staff. Reza had been seeking refuge from the violence in a bedroom when a PNG national 'chased Reza and knocked him to the ground level with a big stick, where a group of men began kicking him in the head...the man who had chased Reza up the stairs finally smashed his skull with a big rock' (Gleeson, 2016, p.136). The catalyst for such violence was a peaceful protest by detainees. His skull was fractured and the attending doctor reported he suffered horrific fatal brain injuries from a fierce blow to the head. He also had signs of a 'general beating' that inflicted facial and body injuries. The circumstances of Reza's death were shocking. The tragedy sparked outrage among Australian citizens over the cruel and inhumane circumstances that are a feature of the offshore process. The Minister for Immigration, Scott Morrison, had at the time placed the blame at Reza's feet by falsely claiming that he had put himself in harm's way by leaving the compound (Gleeson, 2016, pp.138-139), a claim that echoed the culture of denial and abrogation of responsibility that is embedded in the offshore detention model.

While Reza Barati's death is indeed tragic and difficult to reconcile, it raises questions about the culture of violence and militarization that engulfed the Manus Island detention center. It embodies the gendered nature of war and violent conflict. Asylum seekers and refugees are subject to incarceration for long periods of time in camp environments reminiscent of prisoner of war facilities. They are denied adequate legal and social support that

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4 See: <https://www.theguardian.com/world/2014/feb/21/manus-dead-asylum-seeker-iranian-reza-berati>

characterize the safeguards of a democratic society (Wilsher, 2011, p.ix). People are surveilled by guards, security staff and cameras, held behind razor wire, separated into compounds so they can be more effectively 'managed' until they can be expelled from the country or released into the local community under the gaze of citizens who have been taught to fear them.

Whistleblowers and insider reports include claims of guards performing strip searches, beating men, threatening men with sexual assault, and of sustained and escalating monitoring of personal communications (Gleeson, 2016, pp.251-252). These actions have deeply traumatized the men: many are suffering mental health problems and have become heavily medicated as a result. Wilson Security have reportedly failed in their duty of care on multiple levels, not the least by denying men treatment that is necessary to counter the violence (2016, pp.253-55).

In a letter to the UNHCR in 2016, asylum seeker J Roy pleaded for intervention. He claimed that the facilities management by Broadspectrum (Transfields), Wilson Security and International Health and Medical Services engaged in 'intricate games' and that these were designed intentionally to 'ensure the conditions for serious torture and traumatizing of us, mentally, physically and psychologically' (Roy, 2016). Roy likened a failure of the system to adequately provide health care to a fellow detainee, Hamid Khazaeim, to an act of torture. Hamid died thirteen days after he presented to a medical officer with a cut to the foot that had become septic. Even though the officer requested he be transferred off the island for treatment the request was not acted on in Canberra due to a catastrophic bureaucratic mistake based on the language of the original request. An inquest into his death revealed that Hamid first fell ill from a leg infection but was denied the medical treatment he needed.<sup>5</sup> Roy reported on the lack of food, food commonly being contaminated by worms, and oftentimes past expiry dates. He further revealed the structural and physical violence of humiliation and stress when men were denied any form of privacy and how that affected the men socially, psychologically and physically.

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<sup>5</sup> The inquest began in 2016 and is ongoing at the time of writing.

Perera and Pugliese (Perera & Pugliese, 2016) claim that within the Manus center, which they pointedly refer to as a prison, 'sexual assault, breaches of duty of care and trust, and the enslavement and commodification of inmates' bodies are the norms that govern the camp' (p.4), thereby reinforcing the structural violence of male emasculation and infantilization within the Australian offshore process, similar to that observed by Griffiths in the UK.

Another important point of consideration that is often overlooked in the scrutiny of offshore detention is the impact of the centers on the local population. Manus Province is the smallest of Papua New Guinea's provinces and home to a population of approximately 60,000 people. The province has been subject to a history of colonial impositions, and the establishment of the Manus Island Detention Center evokes the specter of neo-colonialism at its core. Economically Manus Province significantly relied on subsistence agriculture, fishing, grants from the National Government, and financial remittances from Manusians working elsewhere in Papua New Guinea or abroad (Edwards, 2014, p.4).

While there has been a positive increase in revenue for the local economy because of new job opportunities and increases in retail trade, there has also been a rise in social problems such as alcohol abuse and prostitution, negative portrayal in the media of local conditions leading to a decrease in tourism, and serious implications for the personal security of locals due to rapid changes in the societal construct (Wallis & Dalsgaard, 2016, pp.307-310). Whereas a detailed scrutiny of the local perspective is outside the scope of this study, this evidence suggests that the introduction of the detention center has been complex in nature and highly problematic for local people.

The structural violence of offshore detention has been apparent in the Manus Island example through the highly contentious strategy of abrogation of duty of care to third parties where outcomes include physical and psychological violence, gendered violence and ultimately the deaths of people genuinely seeking refuge from persecution. Abrogating responsibility for managing the wellbeing of asylum seekers and refugees to Papua New

Guinea, and to the private companies tasked with the day to day management of the detention center, effectively distances the Australian government from its international and moral obligations to people who arrive by sea regardless of their status as genuine refugees. It denied any possibility of applying an ethics of care, and, as in the case of Reza Barati, even when individuals embraced elements of virtue ethics that empower them to rise above the challenges of isolation and abuse, it placed them at risk to extents that locate their commodified bodies outside any personal capacity for self-care. Manus Island Detention Center is a manifestation of despair that will haunt Australian governments for many years to come.

**Nauru: Australia's dirty little secret; whistleblowers, incompetency and loss of the moral compass**

The Nauru detention center opened in 2001, at the same time as the Manus Island center. Nauru is a tiny Micronesian country situated to the northeast of Australia. It has a population of just over ten thousand people (Nauru Government). The main economy has centered on phosphate mining since 1953, although it might be argued that the benefits of mining have been mostly the bounty of Australia, while Nauru has dealt with the consequences of environmental destruction. In 1993 the Nauruan government won an out-of-court settlement with Australia of AUD\$135 million for 'restitution of the phosphate lands' (Gale, 2016, pp.333-334). As of 2016 no rehabilitation has occurred. This is due to complex and multilayered circumstances, hampered by low quantities of soil that are also toxic, low fertility levels and capacity for water retention, unreliable rainfall that could not support cultivation, all of which is compounded by a lack of local expertise to manage agricultural projects.

Nauru receives substantial aid from Australia, estimated to be \$25.5 million in total Official Development Aid (ODA) in 2016-17. This includes an estimated \$21.2 million in bilateral funding managed by the Australian Department of Foreign Affairs and Trade (Commonwealth of Australia, 2016). Australia and Nauru signed a Memorandum of Understanding (MOU) on Au-



gust 3, 2013 in relation to the transfer to, and assessment and settlement in, Nauru of asylum seekers and refugees who have arrived by sea and who are therefore classified as 'irregular' migrants. The arrangement includes provision for Nauru to host a regional detention center (or centers as required), offer community based arrangements for some people, and for assistance from Australia to resettle others in 'a third safe country' (Commonwealth of Australia, 2013).

The Nauru center has been no less plagued by controversy than Manus. It is ever more contentious in that, unlike Manus, it has housed not only men but women and children as well. There has been numerous incidence of violence, direct and structural, resulting in enormous harm to individuals. Like Manus Island, the impact on the local community has been mostly ignored by political parties and media, and the removal of human rights under international conventions that Australia is a signatory to has resulted in public condemnation.

In 2016, leaked files relating to operational matters demonstrated the catastrophic impact long term structural violence has had, particularly on children and women in the center. The 'Nauru Files' form a database of over two thousand leaked files published by *The Guardian Australia* online. They document incidents ranging from 'minor' incidents, through to 'major' and 'critical' incidents as a requirement of government procedure. The data is comprised of reports written by guards, caseworkers and teachers who worked in the center. They bring to light the overwhelming distress and despair of the men, women and children held in detention. The files document all reportable incidents that occurred on the island including 'attempts at self-harm, sexual assaults, child abuse, hunger strikes, assaults and injuries' (The Guardian, 2016). Within those files the voices of refugees and asylum seekers portray a serious lack of care in the facilitation of their detention as they struggle with the delays and isolation associated with processing their claims and determining their fate.

Examples of the levels of despair experienced by people in the Nauru center are found throughout the entire scope of the incident reports from

the 'minor incidents' that include suicidal thoughts and threats of self-harm (Evershed, Liu, Farrell & Davidson, 2016g), to 'major' incidents such as voluntary starvation by minors, desperate threats of self-harm in response to issues such as a lack of medical care (Evershed et al., 2016c), worries over status reviews (Evershed et al., 2016d), and 'critical' incidents of actual self-harm such as the case of a child sewing a heart into his own hand (Evershed et al., 2016b), multiple attempts by men, women and children to cut themselves, or ingest substances or items in an effort to articulate their despair, and the sexual assaults of women and children (Evershed et al., 2016a).<sup>6</sup> For example a child detainee I will call 'J', requested a case manager secretly supply him with poison so he could die; J 'wished CM to bring poison and he would not tell anyone if CM does this for him... [J]stated that if things become worse he will hang himself... he is regularly thinking about suicide...' (Evershed et al., 2016g).

Another critical report reveals the sexual assault of a minor by Wilson Security staff (Evershed et al., 2016e). This alleged sexual assault occurred while the child (I refer to here as 'X') was in a car with security officers. A Nauruan officer employed by Wilson Security 'had put his hand up X's shorts and been "playing with his bottom" ... he removed X from the idle of the car and placed X on his lap. Despite the fact his father was also in the vehicle X did not say anything to the officer at the time he was molested because he was fearful of the potential actions of other officers in the car. The child X later revealed the assault to his father and in turn the father informed the X's mother. The culture of intimidation experienced by detainees had led to a real fear of retribution by the staff involved. This had prevented reporting of the incident until after the child's mother had been medivaced to Brisbane.

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6 These reports are given a "risk rating" in three distinct categories: critical, major and minor. Critical incidents must be reported verbally within 30 minutes and in writing within three hours. Major incidents must be reported verbally within an hour and in writing within six hours. Minor incidents don't require a verbal report. A written report only needs to be filed within 24 hours. Timeframes for reporting incidents to the department are extremely important because failures to meet these deadlines can trigger financial penalties. There is also a fourth rating that appears frequently in the logs: information reports. These types of reports do not appear to have any basis in the contract with Australia's immigration department but they are extremely common (Farrell & Evershed, 2016).

The mother also reported she had experienced sexual harassment by a staff member who offered to supply her with goods in return for sexual favors (Evershed et al., 2016e). The outcomes of these incidents are unknown, as is common due to the veil of secrecy continued by the policies associated with offshore detention.

The reports also reveal it has been common practice for Wilson Security to downgrade complaints of sexual assault from 'critical' to 'major' as was the case in the report above, 'major' to 'minor', or even shifting from 'major' to 'information', where the latter is not even a category of incident under the contractual obligation with the Australian immigration department. For example, on the 23rd of February 2015 a young girl revealed to a case worker that a predator had been assaulting girls in the camp. He has assaulted the claimant by 'pinching' her bottom and 'touching' her vagina. Other girls corroborated the claim and it was alleged he 'did this to all the girls'(Evershed et al., 2016f). The report revealed a young girl complained that a man had been 'catching' girls in the camp. According to the complainant that meant he was systematically assaulting girls by touching their genitals. Although this was a major incident it been changed from 'sexual assault' as reported by the case worker, to 'assault' as determined by Wilson Security. It indicates that Wilson Security employed a concerning degree of fluidity and flexibility when categorizing complaints in direct opposition to case worker assessment. Further to this, an article by a senior director of research at Amnesty International following interviews with fifty-seven detainees in 2016 noted the severity of conditions and culture of intimidation apparent inside the detention center:

They lived in crowded, mouldy tents, where guards conducted regular, prison-like searches, and limited their showers to two minutes, before forcing them out... they are breaking down physically and emotionally... I have never seen such high rates of mental trauma, self-harm, and suicide attempts, among children as well as adults...Health problems are simply not being addressed. I spoke with people who suffered several heart attacks, major complications from diabetes, kidney diseases,

untreated broken bones, and infections.... In most cases, they only got blood tests and Panadol... As unthinkable and inhumane as it sounds, this neglect appears to be part of life on Nauru. Australian politicians have been adamant that they will never allow the refugees sent to Nauru to settle in Australia. (Neistat, 2016)

The United Nations had made similar claims after visiting in July 2016, stating that people were living in 'appalling conditions' and that the situation for the respective governments of Papua New Guinea and Nauru was untenable (O'Brien, 2016). Human Rights Watch claimed that "driving adult and even child refugees to the breaking point with sustained abuse appears to be one of Australia's aims on Nauru" (Amnesty International & Human Rights Watch, 2016). In response, the immigration minister, Peter Dutton, claimed that many of the reports related to trivial incidents and that the media reaction to the leaked files was hype, as the detention center was not in Australia but located in Nauru (Anderson, 2016). To dismiss concerns as irrelevant because of the location of the offshore detention center reflects the depth and scope of intention by the Australian government to abrogate responsibility and deny their duty of care to detainees. It reflects an attitude of a government that is morally bereft and ethically repugnant. Detainees are, under international law, the responsibility of the Australian government, and moreover the Australian public may rightfully feel affronted by a government minister trivializing concerns over human suffering because they take place in locations other than Australia. Daniel Engster (2007) argued that we act hypocritically when we 'refuse to care for people whom we are capable of caring for' and that we are morally obligated to do so 'wherever they may live' (p.166). Moreover, he argues that we all have a 'residual duty' to care when governments cannot or will not do so in securing the human rights of others (Engster, 2007, p.177). Giving detainees a voice, albeit through the de-facto vehicle of staff reports, is an integral part of an ethics of care that invokes agency for the people who are otherwise rendered invisible by a system that denies them many freedoms, including freedom of speech. For people who have been subject to offshore detention on Nauru

this has proved to be a powerful tool in raising public awareness and empathy.

### **Conclusion**

There is no easy answer for the current crisis of forced migration. Perhaps if it were occurring in a time and space where international relations were founded on stronger commitments to the principles of nonviolence then pathways for caring for asylum seekers and refugees would be better established. This is not the case in the early years of the twenty first century. The global response is wanting. Australia has, however, played a role in the management of people movement through its relationship with the UNHCR, and this is to be commended no matter how flawed the larger system is. However, it is the Australian government's response to people that fall outside that system that presents a challenge to the very foundations upon which the country exists.

The ramifications for Australia's reputation as a 'friendly neighbor' and 'good international citizen' have been seriously challenged by the introduction of offshore detention and processing. The degradation of national values such as the 'fair go for all' and 'cultural diversity', historically held dear by the Australian citizenry, risks altering the national identity and the perception of that identity by global peers. Importantly, the gendered nature of offshore detention as a masculinized environment, with a culture of violence that is traumatic for both detainees and staff requires immediate and decisive action. This can only be effective through a strong commitment to meet the moral obligations of a good global citizen, and a genuine application of an ethics of care.

Offshore detention does not need to include the abrogation of responsibility, or the degradation of individuals based on illogical ideas of their suffering 'status'. If strong ethical and moral values underpin the process it has the potential to provide regional responses to suffering that do address the needs of asylum seekers and refugees. It cannot do so while resettlement options are limited to countries that are not equipped to offer long term

solutions, or while structural, direct, social and emotional violence permeate the processes and facilitation of detention for both detainees and staff, or indeed while detention itself is viewed as a non-negotiable, long term solution.

All of these issues present moral and ethical dilemmas for Australia. A country built on the premise of migration so much so it is enshrined in its national anthem:

*For those who've come across the seas  
We've boundless plains to share  
With courage let us all combine  
To advance Australia fair  
In joyful strains then let us sing  
"Advance Australia fair!"*  
(Australian Government, 2016)

The escalation of discriminatory policy that challenges the moral and ethical stance that Australia has espoused internationally and domestically is exposed through Galtung's framework of structural violence, revealing the institutionalization of discrimination as it applies to the contemporary refugee context in Australia. The establishment of the Manus Island and Nauru detention centers have been pivotal moments in Australian history, and Australian governments have been found wanting in their actions, as have their global contemporaries. History will cast judgment. There remains an opportunity to resolve these challenges though, and it is contended that judgment will be based on the political will, or lack thereof, to meet the challenge to do so head-on in a caring and ethical way, and not by forsaking our moral compass in the process.

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# **PERSISTENCE-RESISTANCE AS A FORM OF VICTORY: TRANSNATIONAL ETHNIC STRUGGLE OF THE YOÉME PEOPLE**

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## **ABSTRACT**

The yoéme conflict is conformed by a logic of transnational ethnic co-operation (historical rematch) since the Pasqua Yaqui people, who were expelled from their territories in Sonora and displaced to Arizona during the nineteenth-century racist wars, on 1970's decade (1976) gained recognition as an indigenous nation by the federal government of the United States, completely changing its economic situation and its power relationship with the Mexican state. Since 1990, in the framework of an international Indian movement, after an enormous effort of rapprochement between the Yoéme people of Sonora and Arizona, a transnational ethnic identity was activated and solidarity bonds between the two nations succeeded by articulating the legal struggle in international tribunals, highlighting the Mexican State's violence against indigenous rights and the lack of a legal framework that respects the decisions about the territory in possession of Yoéme people. This case of struggle critically exemplifies the existence of transnational processes and two different dimensions of action of these dynamics: First, the global supra-economic, dynamics in the sphere of financial capital and mega-companies, designed from top to bottom; second, the social front of the indigenous people like the Yoéme whom, after five hundred years, continue the self-appointing of "the victors" to fight and create transnationalism from bottom to top.

### **Keywords:**

Sonora, Yoéme, Structural violence, Indigenous people, Transnationalism.

## **Introduction**

The present text aims to analyze the characteristics of ethnic practices that make possible the current transnational struggle of the Yoéme nation in the defense of its territory. At the same time, to describe processes compared within the ethnic groups, such as the positioning of gender in the internal dynamics and transformations on taking the word and the government by Yoéme women in their traditional modes of representation. Transnational comparative analysis is possible, first, by the existence of a sister nation on the other side of the Mexican border, in the national reserve of Pascua Yaqui, Arizona; and second, for the shared interest of claiming the right of their people to self-determination and respect for their government forms, identity and culture, having as a transversal axis the territory and the water, resources that today are the cornerstone of the development models of the Mexican government and multinational companies.

### **I. Persistence-resistance and power in the new transnational “civilization model”**

To speak about the “Yoéme nation” means to describe a dispossession and struggle history, of civilizing models that were imposed on an ethnic group, even going as far as the aberrant fact of genocide and deportation. From within, in the voice of the Yoéme nation, the resistance against those models of “civilizing the Indian” means not just an element endowed with identity (Yoéme is synonymous of indomitable) but becomes a constant, that is, the civilizing model war against the ethnic group has not stopped and the Yoéme authorities know that. So it is that the struggle of this ethnic group has transcended the international sphere and has consolidated a single and substantial speech: “We do not fight for anything else than the total recognition of our territory”.

Meanwhile, the context of a global economy has also set some elements on the Yaqui tribe conflict because its territory and water. The region that originally formed part of Yaqui territory was consolidated during the second half of the 20th century as an area of agro-industry. The historical



dispossession of the Mexican state (19th-20th Century) laid the foundations for a "latifundium" dominated by a few persons (Obregón, Calles, Topete, Esquer, Vargas, Parada, Robinson Bours) whom control most of irrigated lands. At the end of the twentieth century, these "latifundistas" (landowners), some of them relatives of "caudillos" (chieftains) of the Mexican revolution, modified their production characteristics and established alliances with the big agro-industrial companies in such way that they went from developing a "latifundia agriculture" to being included within the agro-industrial model of the north region, mainly related to companies such as Sonora Delta Land, Agraria Azteca, Molinos La Fama, Sierra Vista, Grupo Empresarial Sonorense (GEMSO), Obregón and Compañía, that appeared as national capital companies and today they operate in an internationally way.

Apart from this development (marginally), we found the Yoéme people, its territories and natural resources, fundamental for the development of the agro-industrial production model. Because of this, the Mexican State and the state and regional administrations have developed a strategy to support the economic model at the expense of the direct effects on the ethnic group. At the beginning of the 21st century, "civilizing" models continue to be imposed in pursuit of superior benefits, by a nation or society, but with a recurrent element throughout history: the imposition and systematic violation of indigenous rights.

Breaking the romanticism that can cause this "civilization vs. indigenous", the situation in the Yaqui Valley is complicated; it requires, on one hand, a process of intercultural mediation but, on the other hand, a higher interest to recognize the need for a model of inclusive development with substantial respect for indigenous rights, away from the ethno-official idea of "customs and traditions". From the logic of the state, the ways in which the multinational agro-industrial development model is positioned above respect for indigenous rights, can only be a bet on the conflict, the disarticulation of the indigenous population and a new systematic deprivation war of the goods and resources of the Yoéme people, with the great difference that now, guns do not carry out the genocide, but are the agrochemicals and

drought that play and pressure against the tribe, conditioning and annihilating any attempt to fight for defined objective; in this respect, to resist is simply a form of victory.

In addition to the dispossession of land, carried out over a long time by wars and then by subtler legal strategies, the dispossession of water is a way of putting pressure on the Yoéme. This dispossession of water is also related to the multinational economic models, since the water resource is diverted from its natural channel, giving it a primarily industrial use, that is, we are no longer talking about the dispossession of the territory for the agribusiness benefit, but the dispossession of water for the strategic sectors of the Sonora state government benefit.

Under this logic, the point of inflection occurred in 1997 with the decree of President Ernesto Zedillo, by which he disregarded the presidential decree of 1939 and the strategic area of "La Cuchilla" was deprived for the elaboration of the project (at that time without a name) "Independence Aqueduct" completed in 2013. This long-term process reveals two elements: first, the imposition of transnational projects and the collaboration of local governments in the promotion of such projects, as well as the use of political mechanisms to increase the degree of vulnerability of ethnic groups. Second, it shows the complexity degree of traditional forms of government among the Yoéme of the Yaqui River basin, as well as the exercise of identity values of the ethnic group in coordination with the members of the Pascua Yaqui community, in a context of political and social crisis that reaches a point of greater conflict with the proposal of demand promoted by the Yaqui people against the Mexican government, in front of the Inter-American Commission of Human Rights on 2006 and accepted on 2015.

On February 2013, the Sonora State Government held the "Cumbre Sonora", a space for dialogue and planning about regional economy (to which the Yoéme were certainly not invited), where the future of the economy for the state of Sonora was presented. The main theme was a shift towards an "industrial" type of economy (transnational maquiladora or in-bond industry) and therefore, gradual agribusiness abandonment. The main argument

is: while up to the end of the 1970's decade, agroindustry accounted for 70 % of regional GDP, at present (2013) it only contributes 6,7 %, but it remains on great importance for the global market as a totally export agroindustry. So, the strategic sector for the government, the state and its Secretary of Economy is the industry, mainly the aerospace, automotive and mining sector. It pays to pause and ask a pair of questions about these "positive" development models. First: Is this industrial proposal directly or indirectly affecting the Yoéme nation? Should the nation have been consulted to carry out these projects?

The forms of dispossession against Yoéme people have been refined, from evangelization to ethnocide warfare on the nineteenth and twentieth centuries; the civilizing model ideal has been to "help" the Indians for stop being forced to leave their territory. On the twentieth and twenty-first century, strategies are more "attached" to law, that is, to take advantage of faults in the recognition of customary law as a law within the Mexican State, for example, being not recognized as subjects of credit or having not "common boundary" recognized by the National Agrarian Registry, the agroindustry has first benefited by invading the Yoéme territory, secondly by imposing a model of rents and third, by condemning the Yoéme people to participate in a productive export model.

The first point is fundamental because it directly strikes the identity and the territory principle of the ethnic group, the second adds complexity to the abuse against their rights, since they are an indigenous people who do not have possession of the land under regimen of ejido (common land) or agrarian community, therefore, they cannot receive resources for the development of its agriculture, so, the only option is to rent their territory by means of unfavorable contracts for the tribe; and the third, is a *coup de grâce* for any attempt to conduce a sustainable ethnic economy, that is, to produce food for sale, not for self-consumption. In summary, for the Yoéme people the model of agro-industrial development in the region is an unfavorable and critically unequal context in which the infringements on the Yoéme territory are direct and, therefore, undermine the ethnicity culture as intrinsic territory of the elements that give identity to the group.

Regarding the industrial model (as described by the Secretary of Economy of the State of Sonora, 2009-2015, pp.70-79), it is actually a transnational "maquiladora" model, based on the facilities production of the automotive company Ford, as well as other plants of aerospace "maquila" that use gas and water as main inputs for the production; this is the reason to carry out works to equip these resources with the industrial project with the works of Independencia aqueduct, El Novillo dam and the Agua Prieta pipeline. However, infringement of the Yaqui tribe's rights related to this development model are even more diffuse than the case of the agro-industrial model, especially since the infrastructure seems to not directly strike the territory (from the logic of the state, it does for the pipeline, but not for the industrial zones and the dam). However, the most serious indirect or diffuse infringement of Yoéme's rights is related to the implications of the Yaqui river basin deviation and its consequences for the environment in the eight traditional people territories.

In this sense, it is worth mentioning that the Yaqui's struggle is for the defense of their rights and their territory, framed within the regional economic context, composed of multinational agribusiness and the transnational "maquila" model. Therefore, the systematic infringements documented by the same Yaqui ethnic group, can be considered as a feature of these productive models in which, paraphrasing the original idea of this section, they impose themselves as "civilizational models" with delocalized interests that are implemented by local government administrations, with a poor assessment of the impact on human rights and the consequences that, we will see, mean an ethnic struggle to resist an economic model that "indirectly" strikes its territory, against its identity and against the permanence of the indigenous being in a context where the order of priorities for the government is clear: attract foreign investment, and consolidate business and the economy rebound delocalized in the automotive, mining and aerospace sectors.

For all above, the demand promoted by the Yaqui people of the river basin against the Mexican government before the IACHR, materializes and

symbolizes the conflict generated by the crossing of two transnationalism models, as I have pointed out, pushes from above and persist (as the Yoéme handle it in his speech) from below. The Inter-American Commission on Human Rights is requested to issue precautionary measures to the Mexican State about the systematic dispossession of the territory of the Yaqui river basin people, thereby consolidating a transnational struggle strategy for the integrity of the Yoeme territory. This legal strategy was developed in parallel with the consolidation of projects such as "Proyecto México" or "Proyecto Trigo", in which international funds were jointly managed by the Yoéme of Arizona and Sonora to support communities in the Yaqui River basin to counteract the negative effects of the transnational "civilizational model" promoted by the Mexican government. As Grageda and Valencia (2013) point out, it is a consolidating process of a "combination of ethnic-transnational interests" as a part of an ethnic claims global strategy (Grageda & Valencia, 2013, p.230).

From this perspective, the transnational dynamics that push on from above and that resist-persist from below allows us to observe how transnationalism and the transnationality practices of subjects, organisms, states, social networks, government ethnic forms, as well as identities, have established processes at different intensity levels, at the same time they are irreversible. In turn, as Miguel Moctezuma (2008) points out, this transnational practices clash highlights the devastating effects of the capitalism globalization in less developed countries and regions, while it determining a dynamic of power between local control, the transformations of government models in a growing adaptation to global policies, and the emergence of human and ethnic rights by social groups that engage in binational struggles in the face of the need to defend their communities, culture, territory and resources (Moctezuma, 2008).

## **II. The Yoéme fight from transnational perspective**

In a regional scene characterized by systematic infringements in the process of consolidating a productive model of agribusiness and maquila,

the Yoéme struggle allows us to reflect on some themes of the transnational approach. In particular, it is interesting to analyze the political and social process that occurs in the Yaqui basin and how it can be defined as a struggle for the defense of indigenous rights with different transnational characteristics, mostly because of historical ties and ethnic identity, global context and international legal struggle. In that sense, it would be worthwhile to detail these characteristics and to review the epistemological contributions that derive from the case study for this analytical model.

It is impossible to summarize in this section the different proposals of the transnational approach, but in short it is worth noting that transnational research, from the first works (Schiller, Basch, Blanc & Szanton, 1992; 1995) has become a cataloging (Velasco, 2015; Stephen, 2007; Pries & Emmerich, 2011), development and comparison of random samples, which indeed, concentrate information on certain transnational events, generally linked or associated to migratory phenomenon. The discussion on the transnationalisation of social life revolves around the confrontation of perspectives about migration processes, that is, if there is assimilation, integration, multiculturalism, deterritorialization, transmigration or diaspora. The different approaches try to explain to individuals in their practices and perceptions of a life divided into two or more geographic points, in which there are a whole series of relationships and articulation processes of networks that are expressed in cultural, ludic, political or educational forms. In this sense, the transnational methodological aims to describe these practices and the formation processes of these networks, their functioning, as well as the different subjectivities of groups and communities that can be categorized as transnational, whether families, "subcultures", religious cults and virtually, all social networks and significant cultural conflicts that are transformed during different historical contexts that we observe directly in the process of globalization corresponding to the end of the twentieth century.

Several authors (Stephen, 2007; Kearney & Nagengast, 1989; Shiller, 1992/1995; Pries & Emmerich, 2011; Moctezuma, 2008) explain transnationality by studying the capacity of communities to generate, practice and car-

ry out cultural practices that make sense of their collectivity in migratory processes, either through identity or through practical aspects of everyday life such as economic relations, language and socio-political organization. The subject has been extensively discussed with indigenous migrant groups, such as Stephen (2007) does with his proposal for transborder analysis, the work of Michael Kearney (1989) about migration processes and transnational networks of Mixtecos or Zapotecos emigrated to California, or the studies of Glick Schiller, Nina Basch, Linda Blanc and Cristina Szanton (1992; 1995) about the re-conceptualization of race, class and ethnicity identities from a transnational perspective. For Pries (2011), transnational phenomenon are usually categorized as having clearly significant elements, with relative explanatory complexity, and represented by series of recordable, enduring, symbolically dense, historically practices, and perhaps with certain universal parameters. I consider that the analytic case of the Yoéme exemplifies some variants on the transnational phenomenon that have not been developed by the mentioned authors, and that turns the study and revision of the transnational approach innovative. At first, it is necessary to indicate how to describe these transnational practices and which they are; secondly, identify what are their characteristics and spaces; finally, establish what type of analysis and explanatory levels are applicable to the Yoéme case.

In this sense, the first analyzable topic is the temporality of transnational processes. In studies of transnationalism, emphasis has been laid on to observing migration processes, with a concrete and often one-dimensional temporality, as the "here and now", in which the duration of the studied phenomenon is relatively short or generational. In this case, the historical temporality of the transnational process allows us to reflect on the long-term effects of the transnationalism dynamics.

To understand the dimension of the process of transnational relations between the Yoéme people at present, it is necessary a historically trace on the relations of appropriation with the territory and the mobility throughout the centuries XVII-XX. This historical perspective of the process allows us to understand that the existence of semi-nomadism had a strong impact on

the configuration of the sacred space of the eight Yaqui communities of the river basin and its territorial extension to the plains of Arizona. But beyond these “symbolic” elements of territory, it is possible to trace the migratory mobility processes of the Yoéme people during the first half of the 20th century. Already with the national borders of Mexico and the United States, the river basin population did not cease to carry out the routes to Arizona but, during that time, the motivations of the mobility were different. There was a diaspora process brought about by the Yaqui wars, so that the Yoéme people fled the war but, at the same time, they found in Arizona the place to transport food and weapons for themselves, still fighting against the Mexican government, a route and an economic relations network that could already be denominated cross-border, and that was mostly possible by the porosity of the dividing line between Mexican and North American territories.

At this moment, the existence of the border plays a fundamental role for the process of struggle, forming a first moment of a transnational struggle. The border between Sonora and Arizona was strategic for the Yoéme, first, because proximity was fortuitous since Arizona offered a safe place for the Yoéme who were already in mass exodus and in a situation that today we could categorize as “refugees of war”. On the other hand, while they were conducting their military campaign against the Mexican regime, they learned that they could cross the border into Arizona and earn a salary at the Bisbee mining company for the purchase of supplies and armory. It is necessary to notice that the border of the early twentieth century was not precisely hermetic (Schulze, 2008, p.49). It is, the Yoéme came to apply a series of strategies of transnational fight based on cross-border activities that allowed them to resist the fight against the Mexican government. It is also necessary to point out that for the Yoéme, the two decades of transition between the nineteenth and twentieth centuries were determinant for the configuration of a transnational ethnic space, since the exodus and diaspora processes of the ethnic group occurred as a result of the struggle for their traditional territories.

In this respect, Schulze (2008) points out that after the racist wars, the



notion of a “Yaqui Nation” did not die completely, especially during the beginning of the 20th century, but the separation of the community caused that the elements of identity that maintained this nation idea entered in a period of inactivity, since the ties of solidarity were not sufficient to counteract the division caused by the internal struggles. In addition, expulsion and persecution caused the Yoéme identity to be heavily inhibited, forcing ethnic denial not to attract official attention. Thus, the “Yaqui Nation” was fragmented in different territories, on the one hand the rebels of the mountain who continued fighting against the Mexican government until an armistice was decreed on 1930; on the other hand, the Yaquis who had to flee to state of Sonora cities like Guaymas, Hermosillo and Ciudad Obregón, have disappeared their ethnic affiliation and finally the Yoéme, who decided not to return to the original towns and to take refuge in the United States, establishing themselves near to cities like Tucson, Phoenix and Los Angeles, have maintained their customs and government forms as a unifying element (Schulze, 2008, p.35).

This moment of Yoéme struggle (XIX-XX) allows us to rethink two elements of transnationalization process: one, the transnational space configuration, and two, the relation of migration to transnational processes. First, although it seems rhetorical, transnational is always related to the borders of nation states, but the case under analysis offers us another variables to considerate. There is a presence of two nation-states and an ethnic “nation”, that is, we have a nation divided by war, and the exodus derived from it, and relocated in two national territories. However, these national territories in turn are historically defined as the appropriation of the original territories of the “Yaqui Nation” and other ethnic groups that shared the space and territory of the northwest region (Mayos, Apaches, Seris, Ópatas). Therefore, it is an ethnic nation that once deprived, carries out a process of transnationalization and cross-border dynamics, which paradoxically are based on the logic of a territory that already was ethnically multinational.

Secondly, it is interesting to see what the processes of population mobility are among the Yoéme before talking about migration or transna-

tionalization. We have already pointed out that in terms of the concept of nation, space and territory, there are elements that allow us to conceptualize the notion of the transnational from the Yoéme case. With regard to the migration process, the Yoeme case allows us to describe the sequence and interconnection of different processes. First, the war produced an exodus, it is, a forced mobilization of the Yoéme people; this mobilization was first made toward the cities of Sonora and to the territories that had already been identified by the Yoéme in Arizona, which constituted by themselves other communities whom were not necessarily "original", but had a strong reference component in ethnic memory as part of their own configuration and notion of territory in the northwest, independent of the logic of the just formed Nation-States borders. Secondly, this exodus also results in a diaspora of the Yoéme group, as its positioning in the territory were fragmented, thereby losing a trait of substantial ethnic identity that was the bonding to the original people land. Thirdly, as the population was dispersed by this first wave of refugees, there was the process of migration - the elaboration of mobility plans by members of the community - and have established points on the territory where they can come, thanks to the solidarity of country people and families, whether in Sonora or Arizona. This process of migration can be historically identified between the 1920's and 1940's and has already been defined by Rensink (2009) as transnational processes of Yaqui refugee immigrants.

During the years 1940 to 1970 the continuity of the migration process, perhaps defined as the re-appropriation of an ancestral space-territory divided and fragmented by the logic of the nation-states, the meeme were determining their presence "recognized" in the United States, and "tolerated" in Mexico. President Lázaro Cárdenas attempt to end the war made him sign the decree of 1939 restoring the territory and providing services to the indigenous peoples of the Yaqui river basin. In the United States the "Yaqui Nation" participated in the programs for the recognition of indigenous nations in North American territory, obtaining their recognition until the year of 1972. This territorial and national separation, always understanding the

division of an ethnic nation within a nation -state, a leave in a state of latency the ethnic ties, let's say cultural, between the Yoéme who decided to stay in Sonora and those who settled in Arizona, occupying estates and becoming in towns and neighborhoods like Pascua, Nuevo Pascua, Guadalupe and Barrio Libre.

In the period between the 1940s and 1970s, the relationship between the Yoéme on two sides of the border was strengthened by the constant mobility of families that established transnational dynamics largely motivated by labor needs. Moises, Kelley and Holden (1977), as well as Holden Kelley (1978), have developed a detailed analysis from the perspective of Yaquis life histories in their migration trajectories, precisely defining the mobility path border between the eight villages in the Yaqui River basin and the communities south of the city of Tucson, as well as the networks of family members that were woven in this migration process. At the same time, the political relationship between the Yoéme of Arizona and those of the Yaqui River basin was promoted by leading figures from the side of Arizona Anselmo Valencia (1921-1998) who later served as president of the Pascua Yaqui Tribal Council on the Yaqui Sonora Governor Torim Octaviano Jécari (1946-2008). The dynamics of transnationalism that developed in this period of time (1940-1980) help us to analyze the importance of the cultural trait in the migration of ethnic populations, but even more relevant, allow us to recognize that the cultural trait allowed us to weave a network of solidarity and configuring an ethnic cross-border space. In the same way, over time, ethnicity allowed consolidating the cooperation of the nation and beyond the simple solidarity "paisanaje" or "Yaqui" identity, allowing them to face a transnational productive model.

In the context of the 1990s and the transition to the 21st century, there is an intersection between transnational processes. From above, the macroeconomic proposal, previously discussed, that opted for the reorganization of natural resources in the Yaqui River basin. From below, the reconfiguration of a historical memory and the implementation of strategies of transnational ethnic resistance, as well as a complex relationship between both

models of ethnic government that have originated cultural changes, mainly in the form of politics, but also in the transformations of gender roles. In both cases the transformations of the forms of government and gender are related to the political dynamics of the ethnic group with the nation-state, an illustrative example of the fact that transnational relations between ethnic groups are not only realized in the dimension of "cultural", festive or religious, but that the politics understood as the management and the struggle for the rights in the framework of the legality of a nation-state, is really significant for the transformation of the models of ethnic organization.

From this perspective the recognition of the category of reserve and Yaqui nation by the federal government of the United States was a determining factor for the construction of a model of government that moved from a traditional organization (model that took with it like reference of political organization and of ethnic government) to the figure of the Tribal Council. This has two important repercussions, on the one hand, the incorporation of American administrative logistics in ethnic affairs; on the other hand, the opening to women to participate in popular election positions. For its part in Mexico, the traditional system of government of the Yoéme showed no differences, it continued with its structure of civil government for the execution of the internal law conformed by the greater people, traditional governors, captains, commanders, secretaries and troops. In this structure of government there is no participation of women, but they have a moral and religious role as prayers and are also allowed to participate in the traditional guard, but not in the decision making or representation of the group before other groups or with the state government.

In the case of the Yoéme of Arizona, the transformation of forms of government as the relation of gender to the ethnic group derives from the need to respond to the rules and norms of the North American national government, that is, a system of government. While in the case of the Yoéme of the Sonora river basin, the Mexican government has not attempted to modify the traditional government structure either because it is not permitted by the Political Constitution of the United Mexican States, but also because

it favors the susceptible being of interethnic conflict between the Yoéme, in addition to favoring the recognition of “charismatic leaders” as interlocutors although they are not part of the traditional government. On the other hand, the transformations in gender relations within the same Yoéme have been framed in this logic, an American nation-state that requires feminine participation and gender equality as a requisite for the recognition of an indigenous nation, compared to that of a Mexican nation-state that makes a folkloric recognition of the notion of “uses and customs”, leaving aside the intervention in the search for elements that generate a modification of the power relations between men and women in the ethnic group.

In any case, the transformations of these relations of power occur in the margin of gender strategies that follow an economic logic. As Jiménez-Valdez (2013) points out, women want to exercise their power through strategies that do not go directly through the modification of the structure of traditional government, enhancing the power they have in the domestic sphere and transforming their extended family into nuclear, becoming in an economically active actor providing and administering families, as well as raising the grade in their level of studies. These three transformations are a product of both the logic of a global economic system and the need for an ethnic group that is forced by its marginalized situation to abandon the traditional model of a family where man is the one who endows and is the one who decides. In this way, man’s spaces of power are maintained in the sphere of the political-public, but change in the space of the private-family.

### **III. Questions and concepts to continue the investigation of the case**

After this sketch of the persistence-resistance of the Yoéme in the framework of the analysis of transnational phenomena, it is necessary to reach some conclusions in order to continue the research process. Firstly, we note that the transnational approach allows us to understand the complexity of the issue, mainly because it gives us elements to collect data describing the simultaneity of the events that make up the phenomenon. In Moctezuma’s words, transnationalism allows us to know the simultaneity

of processes and the different dimensions and levels of development of the transnational (Moctezuma, 2008, p.34). Added to this, the theoretical proposal of transnationalism is effective in that it allows us to establish relations between the local, the global and the transnational, and the differentiation of directionalities of the processes, was explained from "above" and from "below".

In transnationalism from below there are three dimensions of transnational processes, one ethnic and cultural dimension, one political and the other legal. In this logic, the importance of multidimensional analysis of the transnational proposal must be reflected in two senses. On the one hand the observable ethnic aspects, either because of the relevance of the conformation of an idea of "Yaqui nation" in the context of the global, where the idea of an original culture allows the continuity of the relations between Yoémes. In this dimension it is essential to take into account that the transnational practices focused on the historical claim of the Pascua Yaqui community and the leaderships in the Yaqui river basin became the orchestration of logistical and financial support. Therefore, this logic of "nation" does not only operate in the dimension of folkloric or discursive culture, but operates in the field of transnational legal practice, through the search for justice in international organizations.

This dimension of the legal also operates under the logic that the transnational political practices allowed to carry out a project of demand before a nation-state. That is to say, on the basis of the ethnic and cultural, Yoéme managed to develop a process of effective and transnational political practices to coordinate a legal strategy. The petition submitted to the Inter-American Commission on Human Rights is the consolidation of this dimension of transnational ethnic practices, as well as a distinctive feature of the fact that the ethnic or the national are indeed in dispute within the framework of globalization. To fight against a nation-state in an area of international justice to claim a right as the territory that is the fundamental axis of self-identity, allows us to see the complexity of this multidimensional aspect of the transnational.

Although several aspects have been developed in depth within the transnational proposal, some of which I pointed out above, I consider that there are some questions and concepts to reflect on and that need to be rethought from the case of Yoéme. The first one is the dimension of a temporal analysis. As I pointed out, the temporality of the transnational practices of the Yoéme dates back to pre-Hispanic times and later during the Jesuit missions system in the north of New Spain. This long-term characteristic of the transnational notion invites us to reflect on an archeology of the concept, in which the semantics of the idea of nation and the possibility of transnational studies are analyzed, without the presence of modern nation-states, rather focused on the study of transnational practice among social groups, and in that sense, to develop a deconstruction of the “trans-national” as a concept based on the idea of nation. On the other hand, it is evident that the configuration of the national territories necessarily passes through the notion of physical frontier, but as has been repeatedly pointed out in the text, Yoéme have made their resistance struggles on the basis of tradition and the use of a symbolic and ethnic space. In this sense, thinking about the archeology of the transnational will allow us to understand the dimensional and temporal character of this theoretical proposal. From the anthropological perspective, this transnational archeology may help in more detail to understand the different dimensions of transnational dynamics, whether the supra-economic, global dynamics in the sphere of financial capital and the mega companies, designed above down or, on the contrary, the social front of the indigenous peoples, in order to understand in greater detail why the Yoéme, after suffering five hundred years of structural violence, continue to fight and self-naming themselves “the victors”.

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# **GENDER RELATIONS IN MIGRATION CONTEXTS: HAITIAN WOMEN IN SOUTHERN BRAZIL**

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## **ABSTRACT**

Recent female migration flows are rethought when addressed by gender relations discussions, since these discussions concern women's perception and social and cultural meanings of the female bodies on the context of contemporary migration. Among the contemporary migration movements, the Haitian immigration to Brazil stands out. Questioning the characteristics of the Haitian women residing in Brazil brings up reflections on their experiences. The analyses were developed from interviews realized in seven municipalities in the state of Santa Catarina, in southern Brazil, during 2015 and 2016, with 628 participants, 126 of them women, in a region with over 5000 Haitians. The results pointed out most of the women were young, with low levels of education and little access to education, and an income that leads to double shifts due to the configuration of their families, which generally behaves in accordance with the presented on the area's literature and may be aggravated in face of the difficulties with social relationships and integration.

### **Keywords:**

Haitian women, Gender, Migration.

## Introduction

Recent female migration flows are rethought when addressed by gender relations discussions, since these discussions concern women's perception and social and cultural meanings of the female bodies on the context of contemporary migration.

The interdisciplinary aspect proposed by gender studies has contributed for understanding new frontiers of gender in the debates on the displacement of the feminine, on the social movements claiming rights and on immigration public policies related to gender. Such policies may reinforce stereotypes and hinder the acculturation and socialization processes of women in new territories, or even interfere in the transit of women to new countries.

Gender frontiers pass through diverse ways that go from the affirmation of cultural, economic and social differences lived and felt by women to the conception of gender hierarchies and the possibilities that the displacement projects into women's lives.

On the other hand, migration flows were historically considered to be guided by men seeking work while women passively awaited, like Penelopes from many Ulysses. However, this stereotype of a working man and a guardian of the home woman is fragile when faced by interdisciplinary gender studies, which uncovered a different historical reality (Garcia, 2007; Green, 2011).

With the earthquake in the capital, Port-au-Prince, and seeking alternatives as a people that traditionally seeks opportunities in other countries –1,5 million Haitians are estimated to live as foreigners–, Brazil emerged as destination due to a set of factors: attractive dollar exchange rate; ease of access through Ecuador to Peru and Bolivia; facilitation policies for working visas, etc. This movement resulted in some concentrations in Santa Catarina.

Facing this matter and context, this migratory phenomenon in Brazil can be perceived as possibility for better understanding the reality of this social fabric, emerging the governing research question: how Haitian women in Brazil are characterized?

This paper presents reflections from the point of view of Haitian women residing in seven municipalities in Santa Catarina seeking to characterize their experiences with immigration. For that reason, information from data collected from March to April in 2015 and March in 2016 in the region of the mouth of the Itajaí-Açu river, with a sample of 477 men and 126 women, in a population of 5.000 to 10.000 Haitians.

The present text is structured in four subsections, beginning with this contextualizing introduction, containing the topic and the research question, followed by gender and immigration discussions and theoretical background, methodological procedures, the perception of the Haitians and by final considerations.

### **Gender and migratory flows**

Women have always migrated<sup>1</sup>, but only recently the literature on migrations stopped being interpreted as exclusively male and incorporated gender to rethink the impacts and influences of gender relations on the migratory movements and flows, since there was low visibility over how migration affected, specially, women.

Before the growth in feminine migration on the 1970s, stating that men were the ones who moved while women waited was common, which associated the masculine image with the work world and women with the home world and it was endorsed by state policies of immigration that discouraged feminine migratory flows (Green, 2011, p.42).

Likewise, Assis (2007, p.762) shows that the term "immigrant" had a male connotation, because women were simply not studied for not having numerical expressiveness or conceptual visibility, together with the presupposition that men were more apt to take risks, while women were the guardians of the community and of stability. For Garcia (2007), including gender

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1 Irish women migrated alone to the United States in the 19th century; German and Luxembourgish women moved to France in the end of the 19th century the beginning of the 20th (Green, 2011, p.39); from 1886 to 1900, for example, women represented 49,92 % of the Azorean flow and 43,07 % of the Madeiran flow. <http://www.scielo.br/pdf/his/v33n2/0101-9074-his-33-02-00288.pdf>

on the analysis of migratory flows allows to understand the knots and wires that compose fundamental social networks on the first moments of emigration and that serve as points of support and solidarity (p.392). The author also observes that studies on migrations intend to go beyond analyzing women merely as men's followers, and wish to distinguish subtleties inside gender relations that facilitate or restrain men and women to the migratory process (Garcia, 2007, p.380).

Many studies on forced displacement and gender relations point out some common characteristics between armed conflict and environmental disasters, and immigration and refuging. The refugee question concerns exiting national borders and is generally more recognized and followed by international reports that provide greater security and protection means. In the case of the displaced, the matter reflects a social condition that requires public policies capable of ensuring the protection of human rights related to problems associated with forced displacement, such as forced internal migration, abandonment of homes and economic activities and situations of violence.

For Escobar and Meertens (1997, pp.30-43), a political discussion and humanitarian attention is needed, because more frequently the dislodged population depends on its own capacity of mobilizing resources. The authors' research made in Colombia in the 1990s already demonstrated that the displacement of women and girls was predominant (almost 60 %), and outlined a rather clear sociocultural pattern distinguishing the masculine and the feminine spheres, in rural areas, to an extent that, for women, displacement happened in a vital point, almost exclusively related to relationships, work and home economics (Escobar & Meertens, 1997, p.38). Thus, in displacement situations, women end up being directly responsible for their families and taking on greater economical responsibility, developing different survival strategies that are crossed by gender differences.

Gender, as identity, is fundamental to interpret cultural constructions on social roles classified as feminine or masculine. Consequently, understanding how such roles are rebuilt or abandoned in migratory contexts is

necessary. This implies considering displacement repositions and re-signifies the subject "migrating women" or if cultural constructions of one's original socialization is reaffirmed.

Pessar & Mahler (*apud* Garcia, 2007, p.389) propose the term "transnational women" on their analysis of gender identities on the transnational field, which may both "reinforce the sexist preexisting policy" and redefine "the sexual division of labor", because women take on traditionally male roles, while men that migrate alone take on domestic work and help their wives upon arrival.

The authors also specify "power engendered geographies" to signify as gender operates simultaneously in multiple spaces of the transnational territory, where ideologies and gender relations are reaffirmed and reconfigured. Engendered geography of power is a structure of analysis from positions that are occupied inside power hierarchies. An example of engendered geography is specified in studies on rural settlements and feminine household tasks, like in Obeso (2013).

Women, in becoming the head of the home, in the absence of men's presence, exercise leadership previously made invisible by becoming responsible for the survival of the family nucleus, for maintaining the household, health, and food, dealing with de-adaptation in the urban context, social discrimination and disorientation; Even in this situation, for displaced women, it is much "easier" than for men to be bound to work in domestic tasks that go from cleaning, cooking, washing to ironing clothes as roles that culture has assigned to them. "Skills" dictated by culture are useful for surviving and allow them to better handle adaptation and provide resources to the family nucleus. In both cases, for displaced people, vending in streets and headlights is a mean of obtaining resources that provides subsistence amid misery (Obeso, 2013, p.33).

Another example is related to the migratory flows of women in the quality of proletary of globalization in the concept proposed by Sassen (2002) of "counter-geographies of globalization" and "feminization of survival" when disserting on the migration of women to first world countries as "new subjects on global capitalism".

In this new scenery, women are key-characters of social transformation. They make up a large parcel of urban workers; many are black, people of color or immigrants. In this contradiction between exploration and resistance, there would be possibilities for autonomy and empowerment of working women or not. The economic relations between sexes are being remade, tending to alter hierarchies and sex roles. Women are the main users of public and social services between immigrants; they are the ones who build channels of access to public institutions, even if they are in an illegal situation. Participating in institutions and regular work guarantees engaging insertion in society, raising the personal autonomy and independency of immigrants. They would be the intermediaries between a new society and the community of immigrants (Sassen, 2000; Sassen, 2002).

Thence, in migration contexts, gender spaces and sceneries are to be considered equally built by power relations.

### **Methodology**

Seeking to characterize the Haitians in the base level region of the Itajaí-Açu river, in the northern coastal region of Santa Catarina, in southern Brazil, a *corpus* about this immigrant community was developed based on data collected from April 2015 to March 2016, in the municipalities of the base level region of the Itajaí-Açu river. Utilizing a structured instrument, information on personal characteristics, housing, family, school, health, entertainment, everyday habits, and emigration process and difficulties stories was collected.

The data collection occurred specially over weekends, because the participants' weeks were filled with work. The interviews were made in Portuguese and in Kreyòl, over local businesses, resident's associations and religious cult locations. The team of researchers relied on the help of a Haitian who was prepared to follow and answer to possible questions.

The population of Haitians in this region, during the period of data collection, was estimated to range from 5.000 to 10.000 and the sample reached 628 interviewees, with 126 women and 477 men, which means women made



up 20,89 % of this population. 25 chose not to participate on the interview. The literature on Haitian migration to Brazil confirms the predominance of men in the migratory process, generally at an 80 % rate, despite a raising number of women migrating to Brazil (Ministério do Trabalho e Emprego, 2014). Many refused to answer to or even ran away from the interviewers, probably fearing policing over the regularity of their staying. Many women refused to answer without the consent of their partners, whereas the opposite was not observed, which motivated the team to think about gender-related questions in this process and demonstrates bias towards a reduced number of Haitian participants.

### Socioeconomic profile of Haitian women

Of the 126 Haitian women, 52 reside in Balneário Camboriú, 25 in Itape-  
ma, 19 in Navegantes, 17 in Itajaí, three in Camboriú and the remaining in  
cities outside the Association of Municipalities of the Region of the Mouth  
of the Itajaí River (AMFRI). Six did not answer. According to Figure 1, the age  
profile of these women ranges from 20 to 35 years, with its peak on 22 to 26  
years:

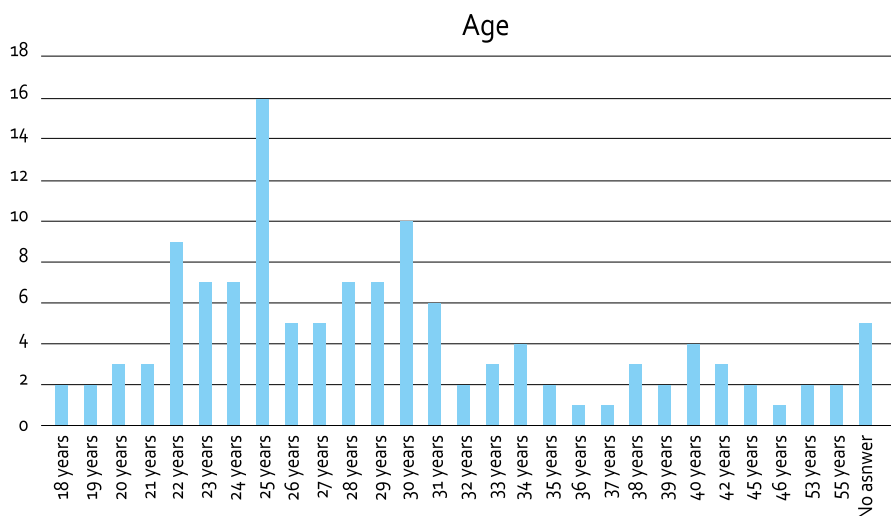


Figure 1. Age of the Haitian women

Most single women resided in Itajaí, while other cities presented relative balance between those self-declared married, single or in cohabitation, as shown in Figure 2.

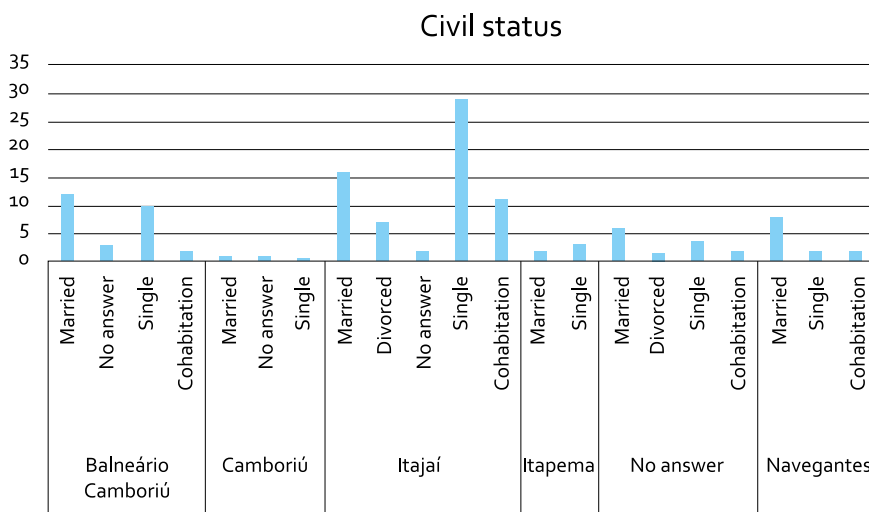


Figure 2. Civil status of the Haitian women

It can be inferred that women that declared to be married moved with their respective families, though they did not express much more information. It is not possible, then, to determine if they have children, if they migrated before, after or with their partners, neither if the single women migrated with someone else.

However, during the interviews, it was clear that the married women only accepted to be interviewed with their partners or with the partner's permission. This behavior reveals a cultural pattern of gender relations that point to asymmetrical relations between men and women where the condition of women submission is reiterated. This characteristic is not evaluated in the presented study, only pointed out as a gender variable that reaffirms the social construction of women and their relationships, inside or outside their home country.

In this regard, Hondagneu-Sotello (*apud* Garcia, 2007, p.389) observed that when families migrate together, the gender role is preserved in women,

even working outside the home, which may indicate permanence of values of feminine submission and masculine hierarchies in repositioned families. On the other hand, the presence of single women may reveal new meanings concerning how the migratory process contributes for redefining the life trajectories of women that decide to restart their lives somewhere else, perhaps even with non-Haitian partners. This aspect is especially relevant for considering that challenges are distinct for single women and for accompanied or married ones, taking into account the obstacles of living in a new country, with a distinct language.

In researches on Haitian immigration to Brazil in 2012 and 2013, a higher rate of single women in relation to married ones is observed, the first represented 62 to 66 % of the cases, which was also true for men, with a rate of 76 to 84 % of them single (MTE, 2014). In the present study, the main profession was concentrated around services such as manicure, seamstress, beautician, nurse, merchant, kitchen assistant and cook. Though some occupied positions more frequently associated to the male universe, such as electrician, mechanic and mason, which composes a pattern in sex division of labor, as shown in Figure 3.

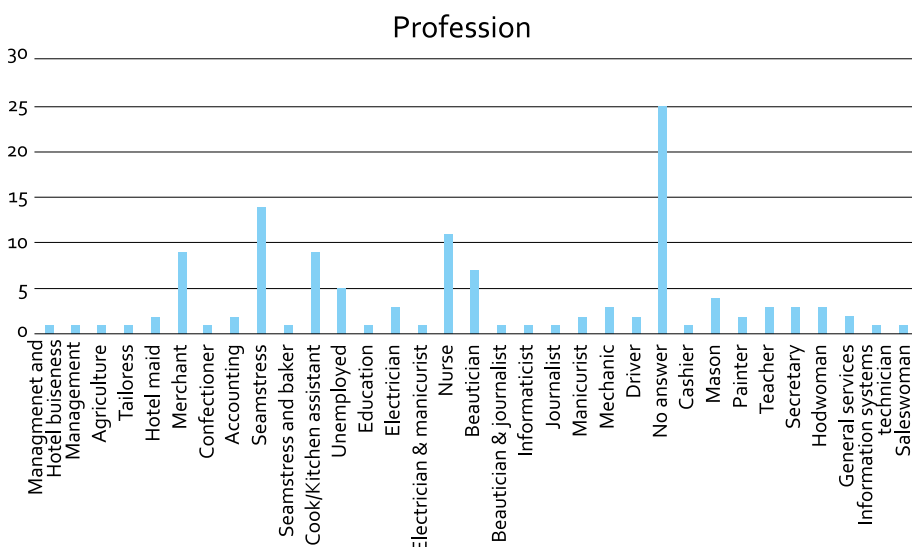


Figure 3. Professions of the Haitian women

For Handerson and Joseph (2015), the migratory dynamics of Haitian women in France and Brazil reveal that many women complain about having left professions that they considered more valued in Haiti, which resulted in frustration in activities realized abroad.<sup>2</sup>

Many investigations analyze how, in the context of neoliberal globalization, poor and racialized immigrant women of the south became domestic workers and care workers on the north ("rich countries"). In *Le sexe de la mondialisation: genre, classe, race et nouvelle division du travail*, Lesclingand et al. (2010) approach many phenomena that mark this process of globalization. The "reproduction crisis" on the north is presented as being one of the main factors that mobilize massive migration of southern women towards the north. This crisis is explained, primarily, by the lack of responsibility of the State regarding social reproduction, that is, budget cuts that affect the social sphere, the decrease of investment in favor of the protection of people and the reduction of supply in healthcare, education, etc. The "reproduction crisis" follows a strict sex division of labor (Hirata & Kergoat, 2008), which is unfortunately associated with the massification of women's jobs. Men do not substitute these "absent" women in the domestic work in their own homes. The massification of women's jobs does not follow a "massification of the domestic work of men" (Handerson & Joseph, 2015, p.34).

The level of education was relatively low, 35 women claimed to have finished high school and 63 claimed they did not finish; six women carried a college degree and one had incomplete higher education; the remaining fluctuated between high school degrees, according to Figure 4.

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2 An example of devalued work, on their perception, is cleaning woman, state Handerson and Joseph (2015). Home cleaning is considered the "most degrading domestic service". Recovered from: <http://periodicos.unb.br/index.php/repam/article/viewFile/17266/12282>. Accessed in 03 September 2016.

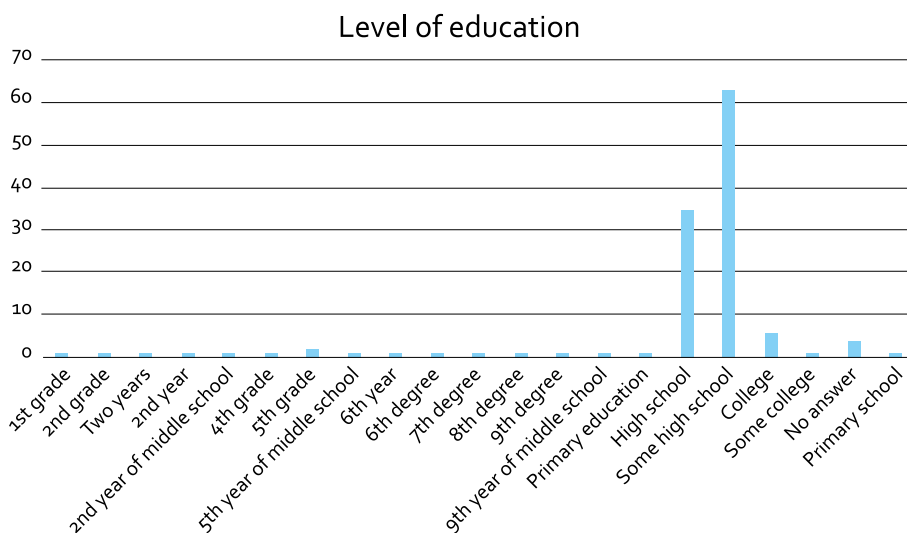


Figure 4. Level of education of the Haitian women

54 women did not take any vocational course and only 10 took courses on Nursing, Informatics, Languages, Masonry and Mechanics; 33 took courses in many areas. Considering that 29 women did not feel comfortable to answer questions related to finished courses, it is pertinent to think about the relation between low school complementation rates and the low education levels of these women, which leads to lower remuneration work and higher social stigmatization. However, it is not possible to confirm the perception of these women in relation to the understanding of the value they attributed to the services, once their shyness in answering or commenting the matters revealed discomfort in manifesting their opinions. Similarly, questions about ongoing vocational courses were not promptly answered, 55 did not answer; 51 were not taking any course; and only 20 were taking foreign language courses, as shown Figure 5.

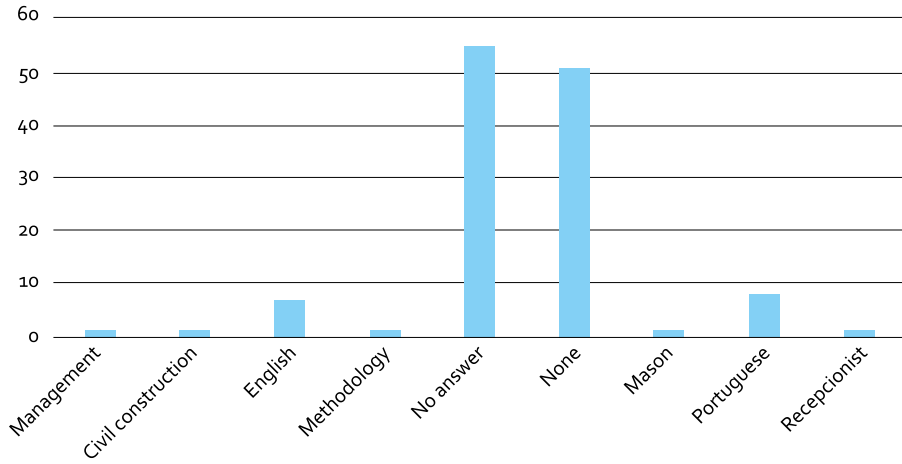


Figure 5. Ongoing courses of the Haitian women

The alleged reasons for not taking vocational courses are diverse. The main one was financial problems resulting from low salaries associated with the high costs of studies and rent. Though many reported not having any difficulties, there were complaints about the lack of time, which may be directly related to double shifts overlapping domestic activities, unemployment, prejudice and social insecurity, as shown in Figure 6.

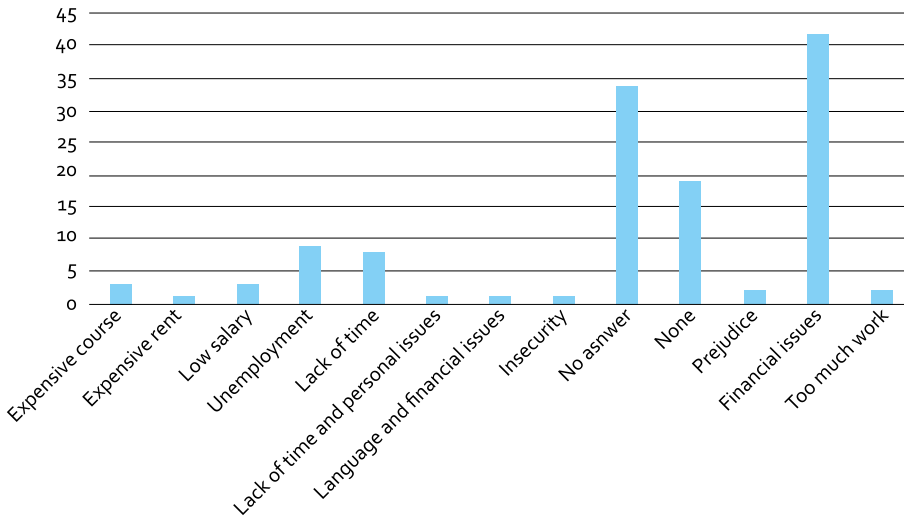


Figure 6. Difficulties for taking courses

Regarding housing conditions, most residencies were rented and many were shared. 30 women claimed to live with up to two people in the same habitational unit, while 38 with up to three people and 25 with up to four people, considering that there were reports of houses with up to nine people. Of the 25 % of married women, 19 % claimed to reside with up to three people, while the single women claimed to reside with up to five people.

Handerson and Josph (2015, pp.20-21) point out that sharing the same space, the same house, and, consequently and more broadly, the same living conditions, ends up being a way of perpetuating, despite transformations that may be produced in other domains of the existence of immigrants, a way of being (immigrant) that is distinctive in a certain state of immigration.

Still on the socioeconomic profile, the income of the women ranged from R\$ 700,00 to R\$ 980,00 for 14,8 % of them; R\$ 1.000,00 to R\$ 1.300,00 for 30,9 %; and only 9,4 % claimed to earn more than R\$ 2.500,00. In terms of job security, 91,2 % had a formal contract. With regard to quantification, in Itajaí, 79 % earned less than two minimum wages (less than U\$ 540,00). Many were younger than 30 years, with a low level of education (only 30 % finished high school and only 5 % had a college degree), low income, and were surrounded by a strong gender pattern revealed by sex division of labor with activities related to care and domestic work, though some exercised activities traditionally associated with the male world.

### **Perception of the Haitian women**

When asked about their participation on resident's associations of the researched cities, in order to observe their indexes of integration in the city and its forms of social relationships, the data revealed the women were active and agentive. Several factors contributed for them not participating, from the inexistence of associations, the fact that many were not legally registered, disinterest, forbidding partners, to fear and apprehension of being abused or deported, which resulted in 48 women not taking part in any association.

As for the women that claimed to partake on associations, 74 claimed

to do it voluntarily, of these, 37 claimed to be members of an association and 37 claimed to be informally associated. The city with the highest participation rate was Itajaí, as shown in Figure 7, with 43 women, of which 23 claimed to be members of the entities and 20 to be informally affiliated.

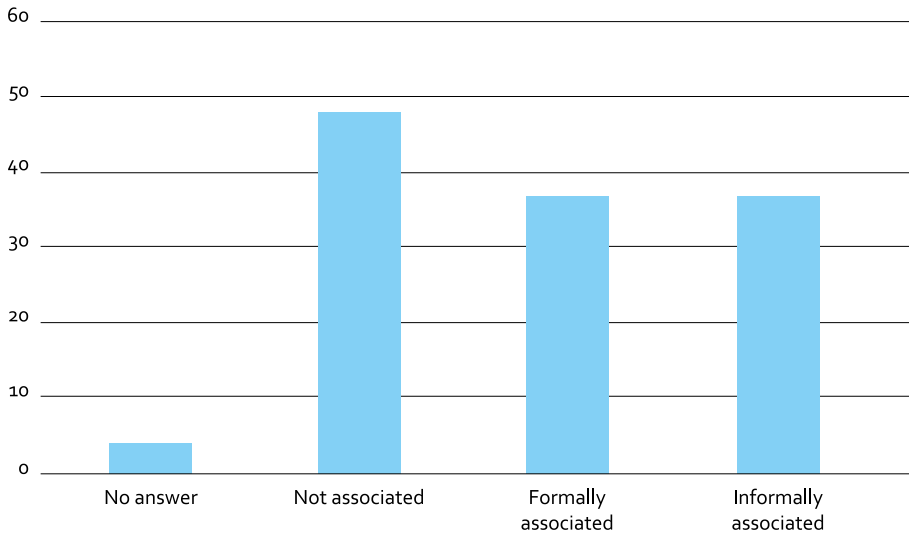


Figure 7. Participation in associations

In an interview with the *Repórter Brasil*, Jean Monfiston, a Balneário Camboriú citizen, stated that there was a strong articulation with the women of the community for encouraging and motivating in activities and events related to the specific needs of women, such as presentations on women's health and on organization of commercial entrepreneurship to ensure work and income, since many complain about men being primarily chosen for hiring (MTE, 2014). This aspect reveals how the insertion of women in the market is conditioned due to their feminine condition, and how participating in the associations raises the possibility of the women to become entrepreneurs and having significant economic growth that may modify their family and their own social condition.

The women were invited to tell the reasons for choosing Santa Catarina, which were observed to be related to their personal career, with a higher



employment chance, and especially because they had friends and family living in the state, beside finding the region beautiful and safe, as represented in Figure 8.

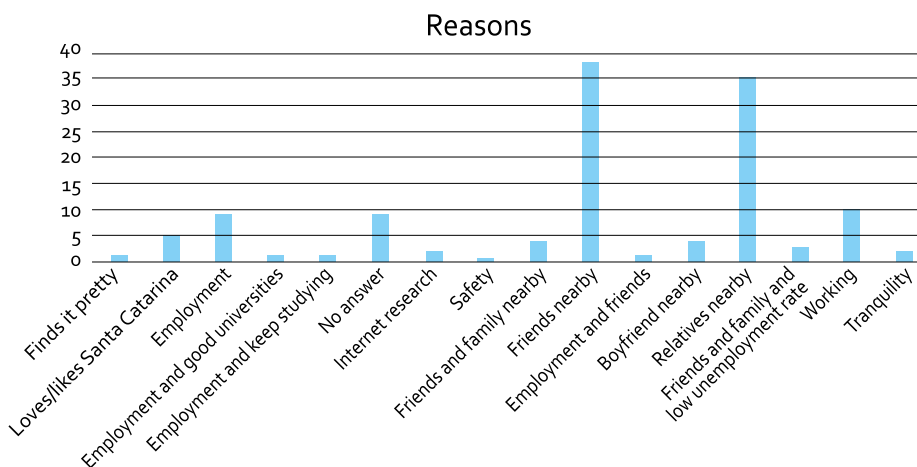


Figure 8. Motivation for choosing the state

Hoping for a job, social security and participating in a network of social and family relationships compose the expectations of these women for moving to Santa Catarina. Such reasons require new ways of looking at migratory flows from the perspective of gender, ethnicity and generation relations because each of these aspects allows better understanding the experiences of men and women that are moving and re-signifying their own lives. Thus, it is important to notice that most women claimed their relatives network was bigger than their friends network, and that the experience of the members of these networks was crucial for the decision to depart, for they expressed Santa Catarina was the state with the lowest unemployment rate in the country. For the women that migrate alone, the relatives and friends network is decisive for the success and encouragement of this endeavor.

Chaney and Castro (1991), following an analysis of the literature on Latin-American and Caribbean women, highlighted that studies on family networks demonstrate how women are skilled in creating networks of mutual

support that guide the allocation of immigrants and their integration on the market. The experience of women outstands not only because they live migratory experiences individually, but also because they are influential agents over other migrations. It is in this sense that Pessar (*apud Assis, 2007*), when relating several studies that focus on social networks, criticizes the fact that the authors do not perceive that the access of individuals to social networks, and to exchanges that happen in them, are rights and responsibilities informed by gender and by kinship rules.

Thus, the networks of women are not to be interpreted in the essentialist perspective, which considers women to be more sociable than men and with “natural” skills more inclined to establish support networks. Instead, the concepts discussed in the beginning of the present work of power engendered geographies and facing immigrants as new proletarians of globalization are preferred over the essentialist perspective, once support networks become vital for the survival and material and symbolic protection of immigrant women, who still occupy a position of subalternity and marginalization aggravated by racialization and their social condition.

The feminization of survival is supported by the economic reasons of the feminization of migrations. The increase of the participation of women in international migration flows is another characteristic that brought significant questions for theories on migration. According to Morokvasic (*apud Assis, 2007*), the incorporation of immigrant women to the working force in industrialized countries has been immersed on the context of world-wide economic crisis, which is marked by progressive deindustrialization and by a market segregated by sex. In general, these women are in the domestic services sector and utilize informal social networks, the so-called ethnic enclaves of immigrants, working as housewives or housemaids (Assis, 2007, p.746).

There is no consensus on the literature on the motivations of Haitian immigration to Brazil, for not all is summarized to financial matters and apparently rational motives linked to a need of social ascension. The rea-

sons go from “the participation of Brazil on the peacekeeping force in Haiti through MINUSTAH”, French Guiana shutting its borders, Brazil’s economic situation and infrastructure projects for the World Cup of 2014 and the Olympics of 2016, the construction of hydroelectric dams (MTE, 2014), aside from reasons related to studies and will to live in a safer and more protected society, more specifically in relation to women willing to break up with discriminatory societies where they are placed in a subordinate position (Assis, 2007, p.751). In the present research, the Haitian women expressed reasons connected to the earthquake of 2010 that brought devastating consequences to the country: economic problems; lack of safety; impossibility of continuing studies, grounded concerns given that most interviewees were relatively young.

When speaking about their difficulties, the reports were rather similar to the answers given about the reasons for moving: financial problems related to unemployment. Beside this obstacle, other barriers that hinder their social life and the development of other activities, such as the high cost of a university course, low wages, lack of job opportunities, language, insecurity, prejudice, lack of time and too much working time.

From these answers, the difficulties were verified to interfere on the yearnings that motivated emigration, since, as pictured in Figure 8, the women stated as motivation the need to find a job in a region they found to be safe. However, not encountering jobs, or encountering jobs with low salaries and long working hours, together with the sensation of insecurity and discrimination, build up another unhopeful setting. The complaints about the lack of time and too much working time coincide with double shifts on domestic and professional activities. The variables associated with a high degree of difficulty were: language; finding a job or paying activity; finding housing; and migratory regularization. Though many did not describe any difficulty or claimed not having any, health care was also observed to be an issue, as shown in Table 1.

Table 1. *Difficulties with health care*

Main difficulties	Haitians	%
Long waiting hours	6	4,76
Difficulty of finding medical help	1	0,79
Lack of attention / care	1	0,79
Medic shortage and waiting queue too big	2	1,59
Medic shortage	9	7,14
Waiting queue too big	17	13,49
Incompetent physicians	1	0,79
Expensive medication	1	0,79
Cannot mark an appointment	1	0,79
No answer	33	26,19
Does not know	8	6,35
None	39	30,95
Prejudice	6	4,76
Racial prejudice and lack of diagnostics	1	0,79
Overall	126	100

A too large queue, the lack of medics, long delay for being attended and discrimination manifested by health care providers or receptionists signalize a degree of dissatisfaction. Prejudice is presented, in truth, as a strong difficulty on the socialization of the women, but only one pointed out for a specific kind of prejudice: racial. Although only one woman declared this, the feeling is not frivolous.

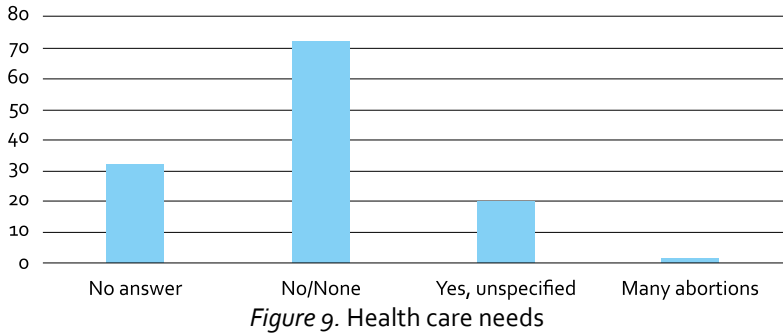
Regarding disease, there were complaints about anemia, diabetes, overall weakness, stomachaches and insomnia (the last two also reported by men), as disposed in Table 2. Practically three quarters of the women that did not answer to the question claimed, evasively, were not having any health problem. Though young and healthy, they may have been fearful of something happening with their jobs or their immigration regularity, or were simply unaware of their real health diagnostic:

Table 2. *Reported ailments*

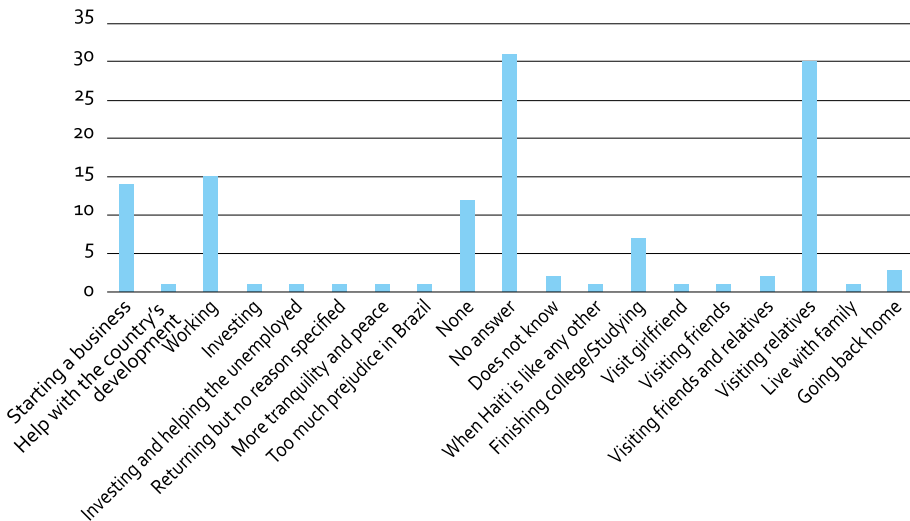
Reported ailment	Haitians	%
Allergy	1	0,79
Anemia	3	2,38
Anemia and bronchitis	1	0,79
Arm bacteria	1	0,79
Kidney stone	1	0,79
Depression	1	0,79
Diabetes	3	2,38
Headache and chest pain	1	0,79
Stomachache	2	1,59
Foot pain	1	0,79
Migraines	1	0,79
Fever	1	0,79
Gastritis	1	0,79
Arm inflammation	1	0,79
Insomnia	4	3,17
No answer	27	21,43
None	67	53,17
Sight problems	2	1,59
Unspecified	7	5,56
Overall	126	100

When asked about the need for assistance or care, 32 women did not answer, 72 said not requiring, 21 answered positively, though not specifying which kind of assistance, and one claimed having suffered several abortions<sup>3</sup>, as represented in Figure 9.

3 In Haiti, abortion is legal (MTE, 2014).



The crescent feminization of migratory flows increase health risks differently for men and for women, with frequent issues related to sexual and reproductive health, especially involuntary and voluntary abortion. At the end of interview, the women gave their opinion about the current situation in Haiti based on two questions: what should be made to improve Haiti? What would make you return to Haiti? As described in Figure 10, values such as union, more jobs, policy and governmental changes and more security were the most important issues, expressed the women, who presented many answers in the effort to elaborate an analysis blueprint of political and social consciousness from a country that lives on their existential memory. Figure 10 shows the main reasons that would make the women return:



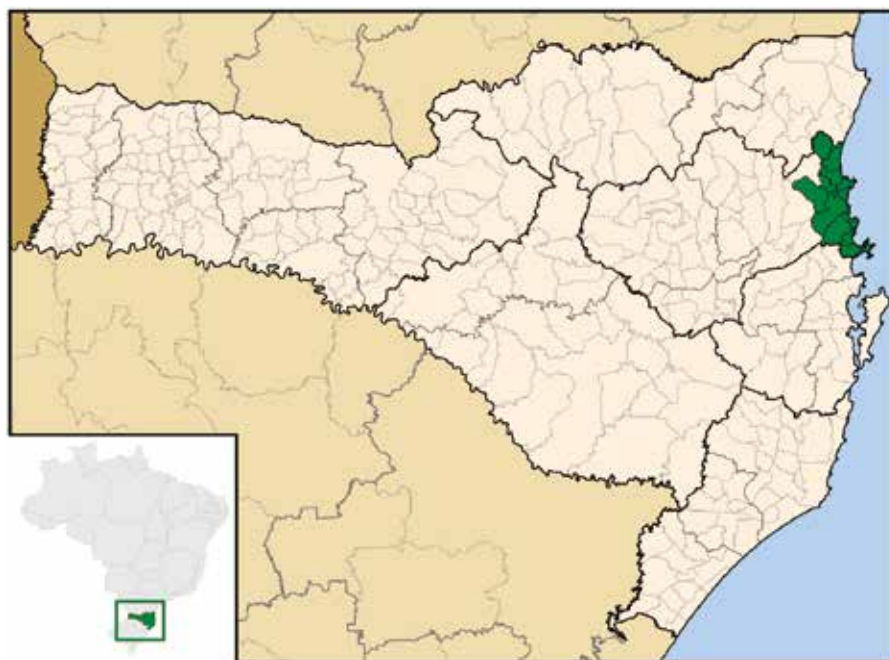
The main reasons for returning to Haiti were visiting relatives and finding a job that allows starting a business. A clear demonstration of how these women long for professional growth and financial safety through their work force already highlighted aspects in relation to employment and feminine migration. Only a group of 12 women claimed not returning "by any chance". Others wish to continue their studies, help on the development of their home country, help the unemployed, or simply "go back home". "Too much prejudice in Brazil" is reason enough for one of them wishing to return.

### **Final considerations**

During decades, studies on human displacement presented a masculine narrative and made women relatively invisible, describing them as followers of their husbands, or emphasizing them as occasional workers or even whores. With the present study, the reality of a group of immigrant women is pictured, allowing to better understand a phenomenon that reaffirms the submission of women and the imposition of the historical register over the immigrant man, positioning women on the background.

Characterizing the Haitian woman in the researched region may uncover which parts of the home country are repeated in her social relations in Brazilian lands, which may be aggravated with local characteristics not properly assimilated or even intensified by difficulties faced on the setting, for example: low level of education; underemployment; low income; and long working hours. Such aspects reflect characteristics that the women endure for meeting imposed social demands. With the reflections over several characteristics of the Haitian women in a region of seven neighboring municipalities in southern Brazil, a little more of the migratory process and the gender issues on this matter may be comprehended, contributing for the fostering of new research in other regions as well as in this same region through other methods of investigation.

## Appendices



Appendix 1. AMFRI plus Balneário Camboriú, Santa Catarina, Brazil

Source: Adapted from the freely distributed "Map locator of Santa Catarina's Itajaí microregion" by Raphael Lorenzeto de Abreu (2006).

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# **(IN)MIGRATION, REFUGEES AND GENDER: SOME POLITICAL FRAGMENTS OF A DIFFICULT PUZZLE**

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## **ABSTRACT**

This paper aims to make an effort to take a look at some aspects of migration and refugee with a gender perspective on this political puzzle emphasizing the Other as the enemy, as state's enemy. The first part of this paper is intent to give a general overview of the phenomena working with some data about migration by region and gender. The second part makes a reflection about the Other and how to create a discourse of a common enemy of the state with the examples of Roma people attacks in Italy some years ago. The methodological approach was a literature review and a fundamental conclusion is that denying human mobility is part of a political game. This paper is an introduction to the phenomena and did not intent to exhaustively study it.

### **Keywords:**

Refugee, Migrants, Violence, Gender, Rom.

### **Introduction - A world commotion in a picture**

By 2015, a viral picture of a little five-year-old boy's dead body laid on a Mediterranean beach caused a world commotion about the great refugee crisis in Europe. It seems that the entire Occidental world really wanted to open its barriers to receive those people in need. Social Media asked for more humanity of all of us, but most of the States. Television and other Media used the refugee crisis to also perpetuate two important things: a) compassion to the "Other", the different, the "other me"; and b) the ordinary use of the terrorism concept to perpetuate the "Other", the different, the "other me".

This identification with the "me" being the model human behavior and the "Other" as someone that needs to fit in my model has as a key point the capitalism relations with political powers that control who is "good" to survive and live with comfort and in relative peace, and who is "not good" to survive and to live with peace. In this package in which we can see the "good ones" the labels are: white, rich and male (and most of time, from a Christianity religion – Catholics or Presbyterians for example). The package about the "not good ones" has the following labels: black, poor, women, Muslims (men and women), and everyone that did not accept the social conventions like the homosexuals, the intersex, the transformers, and etc.

Second Brian and Laczko (2016) related on their paper "Identification and Tracing of dead and missing migrants" to International Organization for Migration, much of these migrants/refugees remain nameless and their stories are unknown, they are barely numbers of a worldwide tragedy:

In October 2013, the world was shocked when over 380 migrants drowned off the shores of Lampedusa as they crossed the Mediterranean. Two and half years later, the death toll continues to rise despite much talk in policy and media circles about the need to take action. While the numbers are especially high in the Mediterranean, the problem is not confined to Europe. The International Organization for Migration (IOM) estimates that at least 5,400 migrants died or went missing in 2015 globally. Over the last 20 years, it is likely that more than 60,000 migrants have embarked on fatal journeys around the world, never to return to their loved ones. This figure is a conservative estimate based on available data. The real number is unknown, as many

deaths are never registered, especially in more remote regions of the world. Recording the deaths of migrants, many of whom are undocumented, has not been a priority for most States around the world. (Swing *apud* Brian & Laczco, 2016, p.III)

According to IOM (International Organization for Migration, 2016) the number of immigrants or refugees that died on the sea or that is missed while crossing the Ocean to Europe is of 4.742 people in 2016.

Table 1. *Total arrivals by sea and deaths in the Mediterranean 2015-2016*

1 January - 11 December 2016			1 January - 14 December 2015
Country of Arrival	Arrivals	Deaths	Deaths
Italy	176,678	4,244 (Central Med. Route)	Italy 2,868 Greece 627 Spain: 100
Greece	172,681	429 (Eastern Med. route)	
Cyprus	189		
Spain	5,445 (as of 30 September)	69 (Western Med. route)	
Estimated Total	354,804	4,742	3,665

Resource: IOM-Total arrivals by sea and deaths in the Mediterranean 2015-2016  
<http://www.iom.int/news/mediterranean-migrant-arrivals-reach-354804-deaths-sea-4742>

For 2016 the countries which immigrants or refugees came from are:

Table 2. *The top arriving nationalities - 2016*

	Jan-Nov 2016	Jan-Nov 2015
Syria	264,586	136,271
Afghanistan	125,612	26,742
Iraq	85,187	26,251
Iran	26,074	4,796
Eritrea	17,396	10,203
Albania	16,484	52,859
Pakistan	15,058	7,716
Nigeria	12,228	5,171
Russian Federation	11,679	5,815

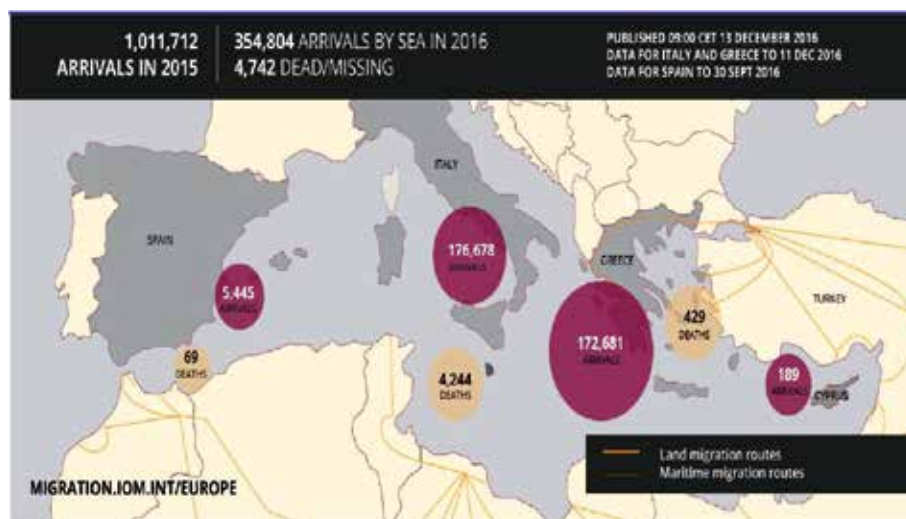
Resource: IOM - the top arriving nationalities – 2016

Table 3. *Arrivals by sea to Italy - Main Countries of Origin: January – November 2016/2015 - Comparison*

Main Countries of Origin	2016	2015
Nigeria	36,352	20,171
Eritrea	20,176	37,882
Guinea	12,534	2,045
Ivory Coast	11,556	3,175
Gambia	11,384	6,979
Senegal	9,643	5,212
Mali	9,416	5,307
Sudan	9,251	8,766
Bangladesh	7,578	5,039
Somalia	7,138	11,242
Tot. All Countries of Origin	173,008	144,205

Resource: IOM, 2016

Table 4. *Routes*



Resource: IOM, 2016

Media uses to point out that African country citizens are the most flow irregular migrations to Europe, but actually 14 % of all the Europeans arrivals of migrations were originated from Africa. Africa has about a billion



persons and African migrants to Europe constitute 150,000 persons (Ardittis & Laczko, 2016). According to the authors:

Numerous articles portrayed Africa as a continent plagued by poverty and conflict, often giving the impression that most people would wish to migrate if they could. Little mention is made in the media of the growing middle class and increase in economic growth in many Africa countries. In response to the increased flows of migrants from Africa, the European Union has created the Emergency Trust Fund, with a budget of EUR 1.8 billion to address “the root causes of irregular migration and displacement in Africa”. (Ardittis & Laczko, 2016, p.3)

The authors explain how migration flows from Asia were important to the economic development of Gulf region, and how they want to reduce their demand from those migrants, because they are almost half of the Gulf population and the rise of unemployment is so high that Saudi women were 35 % of the unemployment citizens of Gulf countries. This example is important to think about on the usual European discourses that are “protecting” their natural citizens by working to increase the boundaries to unwanted migrants and also refugees.

Adepoju (2016, p.4) affirms that:

2015 was a year of so-called migration crisis, with over a million asylum-seekers and migrants from Africa, and also from the Syrian Arab Republic, Afghanistan and Iraq, crossing over to Europe and creating a huge humanitarian challenge. It, however, took the tragic death of 800 migrants in the Mediterranean Sea in April to galvanize public and political opinion that prompted the summit between European Union (EU) and African Heads of State in Valletta, Greece, in November 2015, to discuss the challenges of irregular migration flows into Europe.

So, the Action Plan<sup>1</sup> intends to help the development of Africa and spe-

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1 To see more, please, visit: <http://www.nepad.org/resource/african-action-plan>. See also: <http://agenda2063.au.int/> or here Africa's agenda 2063: <http://archive.au.int/assets/images/agenda2063.pdf>

cially about migration, it intends to address the root causes of irregular migrations; legal migrations and mobility, protection and asylum, prevention against irregular migrations and trafficking in human beings, etc. Other initiatives are being implanted like the AU Assembly Declaration on Migration on June 2015 on the theme “Year of Women Empowerment and Development towards Africa’s Agenda 2063”<sup>2</sup>, the “Declaration of the 1<sup>st</sup> Diaspora Conference on African Migration to Europe, 2015”<sup>3</sup>. According to Adepoju (2016, p.5):

Sixteen projects are to be implemented in 2016 to impact the root causes of migration. These may set the structure and level of migration flows from Africa in 2016 and beyond. It should be noted, however, that the foreseen impact may also be limited in view of the limited allocated fund and time frame for implementing the initiatives, and especially with respect to addressing the deep rooted causes of migration within and from Africa.

From a UN database about international migrations in 2013, we have the following proportion of migrants living in each region of the world:

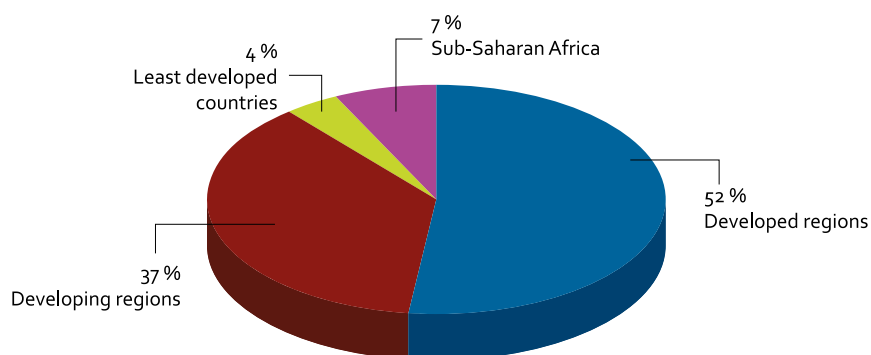


Figure 1. International Migrants - 2013

<sup>2</sup> See: [https://www.au.int/en/sites/default/files/documents/31358-doc-au\\_echo\\_january\\_2015.pdf](https://www.au.int/en/sites/default/files/documents/31358-doc-au_echo_january_2015.pdf)

<sup>3</sup> See: [http://www.humanrights.ch/upload/pdf/151116\\_DECLARATIONS\\_ON\\_AFRICAN\\_MIGRATION\\_CONFERENCE.pdf](http://www.humanrights.ch/upload/pdf/151116_DECLARATIONS_ON_AFRICAN_MIGRATION_CONFERENCE.pdf)

If this data would be fractioned into gender, we would have this graphic:

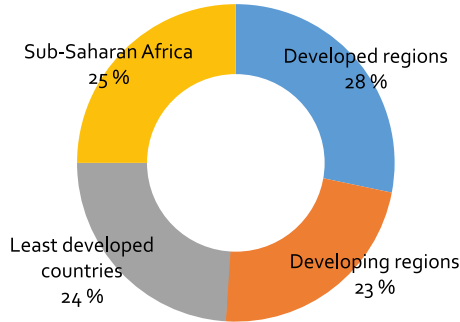


Figure 2. International Female Migration percentage - 2013

Plus, if it could be used an aged system to verify the age of female international migrants, it would give us the following graphic:

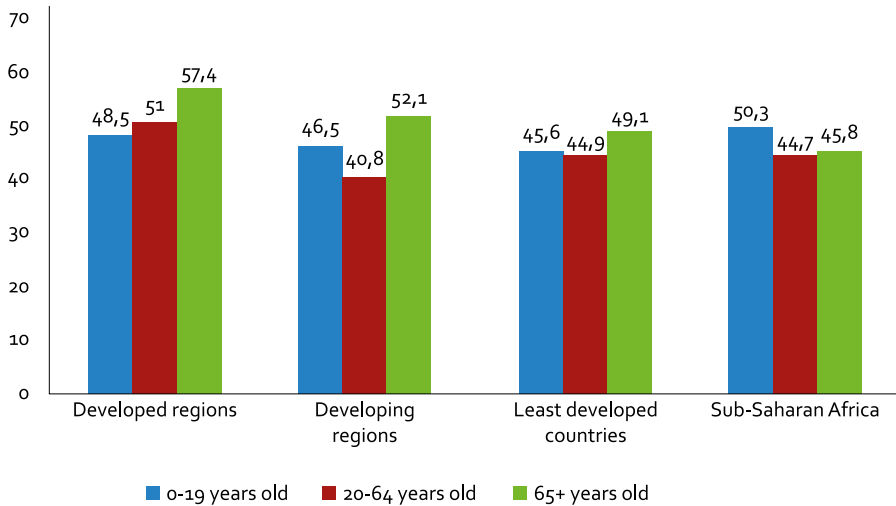


Figure 3. Female Migrants Percentaje-by age - 2013

But also, Africa was facing in 2015 internal migrant problems within its continental boundaries with the consist expulsion of irregular migrants and asylum-seekers (Adepoju, 2016, p.6):

Within the continent, South Africa arrested 1,600 irregular immigrants

in May 2015, in the wake of the anti-immigrant xenophobic violence in April that resulted in seven deaths when mobs hunted down migrants from Zimbabwe, Mozambique and other African countries. Rampant youth unemployment of over 50 per cent, poverty and a slowing economy are the triggers for the expulsion of over 800 immigrants, mostly Mozambicans and Zimbabweans. (...) Gabon also made the news headline when from middle to end of 2015, the country expelled almost 800 irregular migrants from Burkina Faso, Côte d'Ivoire, Mali, Nigeria and Senegal, who were all dumped in Calabar, south-east Nigeria. These and deportations of immigrants from Equatorial Guinea and Congo to the Democratic Republic of Congo are set to continue deep into 2016, even as oil-rich Algeria 3,700 deported irregular migrants to Niger. Cameroon, Chad and Niger deported thousands, as the Boko Haram terrorist attacks spread to these countries. All over the region, the slogan "Africans deporting Africans" resonates louder.

In fact, xenophobic structural violence works inside Africa and, of course, outside, once that the asylum-seekers applications are failing in Europe, as Adepoju (2016, p.7) explains that "Sweden plans to expel 80,000 failed asylum-seekers; Finland also followed suit. Germany is reportedly proposing that Algerian and Moroccan asylum-seekers no longer be put in shelters throughout the country but rather in existing expulsion facilities".

## **1. The war on terror: part one - terrorism and gender, some perspectives that can create a negative discourse about migration and refugees**

### ***1.1. Terrorism***

The Institute for Economics and Peace (2016), from the National Consortium for the Study of Terrorism and Responses to Terrorism – Center of Excellence of the U.S. Department of Homeland Security (University of Maryland), conducted an study about the global terrorism and around 76 countries experienced an improvement of their Global Terrorism Index (GTI) scores and 53 countries deteriorated their GTI scores by 2015. ISIL (Islamic

State of Iraq and the Levant) terrorist group is named responsible for the actual Islamophobia (that also was very relevant on the 09/11 attacks with Taliban and *Al-Qa'ida*) that made the actual president of United States of America deny Arabic migration to USA, which was unconstitutional and also very dangerous, once that USA are naming a common enemy to the Occidental world: Muslims, migrants... refugees. It is important to say that most young people are joining terrorist groups because of the level of development. Generally socio-economics factors are relevant to make those young people risk their lives for a purpose like that. According to the IEP (2016, p.3) some "factors such as youth unemployment, militarization, levels of criminality, access to weapons and distrust in the electoral process are the most statistically significant factors correlating with terrorism" can improve this statistic. But is also important to make it clear that terrorism has a major impact on a psychological level than physical different from other kind of violence such as armed conflicts, and destruction of economies. The major part of deaths by terrorism (72 %) did not occur in the Occidental world, but in the following countries: Nigeria, Iraq, Afghanistan, Pakistan and Syria (IEP, 2016), so the "war against terrorism" that could be understand as a "war against Islam/Muslims" is not justified, once that those data shows the major countries living with terrorism. A fragment of a discourse of President Trump, from the United States of America, in 2017 while at CIA headquarters by January 2017 confirm this with the following lines:

But we're going to do great things. We're going to do great things. We've been fighting these wars for longer than any wars we've ever fought. We have not used the real abilities that we have. We've been restrained. We have to get rid of ISIS. Have to get rid of ISIS. We have no choice. (Applause.) Radical Islamic terrorism. And I said it yesterday - it has to be eradicated just off the face of the Earth. This is evil. This is evil. And you know, I can understand the other side. We can all understand the other side. There can be wars between countries, there can be wars. You can understand what happened. This is something nobody can even understand. This is a level of evil that we haven't seen. And

you're going to go to it, and you're going to do a phenomenal job. But we're going to end it. It's time. It's time right now to end it. (The White House, 2017, par.14)

It is out of the subject of this working paper to discuss about the concepts of terrorism (political violence according to Clutterbuck, 1980)<sup>4</sup> or terrorists as rational actors that are not part of a conventional government. Some scholars point out that the use of terrorism as a "global war" was made after 09/11, when The United States claimed their right to military intervention called self defense upon UN. The fight against terror was on the political agenda of many states to justify a political international intervention named "international security agenda". This intervention made first by USA served and still serves to a new configuration of Greater Middle East (GME), a functional paradigm once that at the same time that applies their political/interventionist agenda they are disrespecting other states' sovereign (Thieux, 2005). The problem in arranging a crusade against Islamic Terrorism is:

Talking about global terrorism and looking for global causes usually has the perverse effect of hiding or omitting local elements, conflicts rooted in different situations that require appropriate answers to each case's complexity. (Thieux, 2005, p.9)

Trying to defining terrorism is complicated because there is no consensus about what it is, there is some explanations, some discussions on the Political Science, on Sociology and International Law, but there is not a concept that could be used for everyone in satisfaction about what terrorism means. Thieux (2005) explain that by the 80's and 90's terrorism meant the guerrilla groups inside a national state. By the 20's this terrorism became transnational and the most important effect of terrorism is the putting in doubt the monopoly on the legitimate use of violence by the states.

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4 To understand historically the concept of terrorism, please, look for Richard Clutterburk, "Guerrillas and Terrorists" (present on the references of this chapter); as well as Denis Duez, *De la definition a la labellisation: le terrorisme comme construction sociale*. En Gilbert Guillaume (Dir.), *Le droit International face au terrorisme*, Cahiers Internationaux, N° 17, octobre de 2002; Paul Wilkinson, *Terrorism versus democracy*, Frank Cass, Londres, 2001, p. 290.

### **1.2. Terrorism and gender**

The studies about gender and terrorism are very recent and it is needed much more researches to realize the role women are playing on the terrorism political arena. Fink, Barakat and Shetret (2013) analyzed this intersection and affirmed that this topic has been less explored. Also, they said that the attention to integrate a "gender dimension" to terrorism and counterterrorism issues is little. Generally women are pointed out as "preventers" of conflicts, but they are not considered totally when they are actresses of terrorism, it means, when they are perpetrators or also supporters of the violence or even the violent extremism (groups or ideologies as appointed by Fink, Barakat & Shetret, 2013). The crossover between gender issues and terrorism has many lacks that need to be fulfilled soon:

Although the role of women as terrorists actors remains relatively unexplored, studies suggest that most of the same factors that prompt men to become terrorists drive women in the same way: grievance about sociopolitical conditions; grief about the death of a loved one; real or perceived humiliation on a physical, psychological, or political level; a fanatical commitment to religious or ideological beliefs; an intention to derive economic benefits; or a desire to effect radical societal change. (Fink, Barakat & Shetret, 2013, p.3)

They also clarify that historically the family reproduction's was a women's role on society, so they are very important to terrorism as supporters once that they will pass to the next generation some values, ideologies and will keep working on supporting activities to keep the terrorism ideals alive for the future (González-Pérez, 2008).

In an interview with Karla Cunningham, Lindemman (2015) asked her about the fact that women being active part of terrorism actions are a recent phenomenon, in which Cunningham explained that:

Women have been politically violent actors throughout history. If we expand our cases to include insurgency and rebellion – which makes sense given similarities in tactics and goals – the examples grow even further. Joan of Arc and Boudica, who revolted against Roman occu-

pation, immediately come to mind, but many cultures have examples of warrior females who rose up violently against some opponent. In the twentieth century, women were involved in the Russian revolution, as well as Algerian, Israeli, and Indian anticolonial resistance (...) As for terrorism in the modern sense, we see women in leftist and nationalist organizations across the globe by the 1960s and 1970s in Italy, Germany, Japan, the United States, Ireland, Palestine, Colombia, Iran, Pakistan, Sri Lanka, and Turkey. Women have been actively recruited by right-wing groups in Europe and the United States including the Ku Klux Klan KKK leadership welcomed women, because their presence helped keep men inside the organization and even reinforced their militancy. (Lindemman, 2015, 1<sup>st</sup> par.)

## **2. The war on terror: part two - The example of Roma people expelled by Italy in Europe on 21th Century: the enemy is the Other**

The ancestors of Roma came from India 1,000 years ago, and then moved to west to escape to the spread of Islam, and arrived in Europe around 1300. They eventually ended up in every European country and also in North and South America.

The Roma history in Italy is dated by 1417, when they started their migration to East Europe (Rodríguez, 2011). At the *Consigli di Constanza* (1414-1418), the Pope gave Roma people safe conduct to enter into the entire continent. So, the Catholic Church gave them official permission to enter in Europe. More than 3000 Roma entered until 1425. By 1462 they were present in the entire peninsula, becoming historically the first refugee group in Europe, because Republic of India was desolated by wars and they were trying to escape<sup>5</sup>.

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<sup>5</sup> By 1398 AC, Timur conquered India causing the decline of the Delhi Sultanate. The Delhi Sultanate was when the Muslim Arms from Arabia conquer India by 700 AC.



In France there were some eviction policies since 1504, by Louis XII. Some intellectuals from the "Age of Enlightenment" tried to stop those evictions and prejudice but only when Roma people prove the complete assimilation of the local culture they were living in, abdicating their own culture (Vaux de Foletier, 1977).

In Spain 3.000 Roma arrived in 1425 at *Santiago de Compostela* with the permission of the King Alfonso V de Aragón who said they were peregrines. In 1462 they were by the entire peninsula (Rodríguez, 2011). They began to be persecuted in the 15 Century when Catholic Church knew that they used Oriental medicine and so accused them of Heresy by the Inquisition. By 1500 they (Roma) were forced to leave their original costumes and use the Spanish costumes otherwise they would be target with a hot iron on their backs or even death.

According to a census made by *NGO Opera Nomad*<sup>6</sup>, 160 thousands of Roma people live in Italy and 70 thousands of them are national from Italy. Around 90 thousands are immigrants from Eastern Europe – some 60 thousands are from Romania. Italian government by 2007 "issued a decree allowing the deportation of migrants from other EU countries if they are considered a 'threat to public safety'" (Euractiv, 2012).

By 2008 in Italy the gypsy people (Rom and Sinti) was protesting against racism towards them once that government ordered their expulsion from Italy. Campaigns like: "No Racism" (Manifestation Rom and Sinti in Rome, 2010) and "*Basta Razzismo*" (Manifestation in Rome by 08<sup>th</sup> June 2008), were realized trying to stop the violence against them. And it also obliged to an international campaign about the Roma European Women once they were called as future-tellers, thieves, etc. which was another violent way to treat them and denying their citizenship.

The Roma community is still facing serious problems regarding to xenophobic acts into the world, especially on Europe. Italian government ex-

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6 To know more about the issue, please go to: <http://www.operanomadimilano.org/chi/chi.htm>

pelled Roma people in Italy (2008-2011) with a very hard politic of evicting Roma people that could be considered "threat to public safety" (2007). The European Commission said that by 700 years the Roma people are being part of the European Culture and civilization and that is urgent that every Member State of the European Union respects the Roma's rights and do laws against Roma discrimination. The 47 – Nation Council of Europe has faulted Italy for "the presence of racist and xenophobic political discourse" targeting Roma and Sinti.

In Roma in 2008, around 350 Roma people were expelled from *Via Centocelle Camp*; in Milan in 2010 it was expelled around 150 Roma people living in *Bacula*; by March and May 2011, 1800 Roma people were impaired by a political action against 150 Roma communities in Roma, second dates by European Roma Rights Center (December 2011)<sup>7</sup>.

In France, new evictions of Roma poor people begun in 2010. The country dismantled mobile camps along two years (2010-2012). The Roma would be deported to Romania and Bulgaria, and the French government argued that it was very necessary to keep health, sanitation and security of France; argued that there was much noise, antisocial behavior and "serious crimes" coming from Roma camps, but the fact is that it was an ethnical cleansing occurring both in Italy as in France and an rising of "gypsyphobia". Once that gypsy people represent the *other*, the one that is different from me, the one that is not familiar to me, that has not the same culture as me. Some Roma camp were burned in Italy (in Milan and in Rome), as a result of the "gypsyphobia". These examples illustrate what happens with migrants all over the world, especially those called irregular immigrants, or "illegal" migrants – those ones who are not from State's interest to keep in its geo-political space.

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7 Ibidem.



*An attack on Ponticelli (Roma-gypsy) Camp - Napoli - Italy*



*Images from attacks on other Roma Camps in Italy by 2008  
(recompilation by Instituto de Cultura Gitana):*



*The Roma and Sinti pictures on this chapter were retrieved from the facebook page of the Instituto de Cultura Gitana*

Those emotional and physical attacks started occurring in 2009-2011, were repudiated by diverse Roma NGOs and institutions<sup>8</sup> like the European Roma Rights Centre (ERRC):

The European Roma Rights Centre, the Federazioni Romani and the

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<sup>8</sup> The entire letter can be read at: <http://www.errc.org/cms/upload/file/letter%20italy%20151211eng.pdf>

Idea Rom Onlus sent a letter of concern today calling on Italian authorities to investigate violent incidents that destroyed a Roma camp in Turin last weekend. Hundreds of people marched to the informal Roma camp at Via Cortinassa, and started setting fire to shacks, caravans and cars. (ERRC, 2011)

This attack was sparked by an allegation of rape against two Romani men, but the individual who alleged that later retracted a mistake on pointing Romani men as perpetrators. But it was too late once that the camp was destroyed. A total of 46 properties of Romani living there were burnt. Also: "a flyer was posted before the attack calling on residents to 'clean up' the area of Roma".



<http://semanal.jornada.com.mx/2017/02/10/las-etnias-y-el-otro-8749.html>

Picture retrieved from: <http://mariarosetta.blogspot.com.br/2009/02/un-manifesto-razzista.html>

LETTERE

Museo virgiliano con i resti del P4...

Il Comune, la Prefettura, le forze di Pubblica Sicurezza...

Il manifesto è stato appeso...

La sinistra è un'alternanza...

Il manifesto è stato appeso...

Il manifesto è stato appeso...

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Il manifesto è stato appeso...

VIA GLI ACCAMPAMENTI ROM DA PONTICELLI!

Il continuo aumento di accampamenti ROM in diverse aree del quartiere è diventato insostenibile.

Una grave emergenza sanitaria, sociale, ambientale, sta aggravando nella colpevole indifferenza delle istituzioni le condizioni di vita nel nostro quartiere.

Un territorio già segnato da un'illegalità diffusa e da radicate presenze criminali rischia di vedere definitivamente naufragare ogni possibilità di riqualificazione.

Quotidianamente sono violate le più elementari norme di sicurezza ambientale, con rischi concreti per la salute pubblica nei ancora più gravi dell'imminente stagione estiva.

Il Comune, la Prefettura, le forze di Pubblica Sicurezza e l'ASL. disano finalmente corso alle sollecitazioni, fin qui rimaste inascoltate, per restituire serenità e sicurezza ai cittadini di Ponticelli.



Carriere del Mezzogiorno Napoli

«Sono io l'autore. I Rom? Portiamoli al Virgiliano»

Il manifesto è stato appeso in diverse parti del quartiere di Ponticelli...



LETTURA APERTA AL SINDACO DI NAPOLI.

ME PREFETTO, ME QUESTORE E M. DIRETTORE GENERALE DELL'AM NAPOLI

Il continuo aumento di accampamenti abitati fin in diverse parti del quartiere Ponticelli sta diventando, per molteplici ragioni, insostenibile e fonte di preoccupati episodi d'intolleranza da parte della popolazione del quartiere.

L'insostenibilità è sanitaria, contenuta e sociale. Validata in primo piano, al fine di assicurare materialmente la costruzione delle loro baracche, i Rom sono sottile sempre nell'adempimento alle situazioni normali.

Il rischio per la salute pubblica e inoltre anche della sicurezza degli accampamenti che abitano, alle strutture sportive, alle scuole. L'ignavia dei competenti non può essere tollerata e gli problematici espositori di questi comitati dovranno alla realizzazione d'organici leggi al Piano di Recupero Urbano, ma anche l'assenza di servizi igienici, acqua ed energia.

Ma è molto importante discutere luoghi comuni e volgarità dell'equazione "ROM-DELINQUENTI", ma è indubbio che il mancato rispetto delle elementari regole di civile convivenza, soprattutto in un quartiere già attraversato da una diffusa ELLIGREZZA e da una radicata presenza di organizzazioni CRIMINALI, esortano gli stessi dei cittadini.

Alcuni recenti e gravi episodi (furti in appartamenti, tentati rapimenti di bambini) hanno scosso il clima di tolleranza ed abbiamo il sentimento, comune da parte di numerose cittadini e forze politiche da noi. È questo uno degli aspetti che maggiormente preoccupano, se è vero che, in un recente passato, il mio organico distava da quei episodi (abbandoni nei marci) contro gli accampamenti Rom.

Come esponente di una forza politica fortemente radicata nel territorio, è stato fuori e più esaurienti, abbiamo segnalato la necessità di impegnare efficaci piani d'intervento per abbattere la popolazione residente, garantire l'arità di una migliore per noi, sullo spirito di solidarietà ed insieme di rispetto della LEGALITÀ che ispira la nostra azione politica.

Per questo, chiediamo che il Comune, la Prefettura, le forze di pubblica sicurezza e l'ASL intervengano senza ulteriori indugi per eliminare tutti gli insostenibili abitato presenti a Ponticelli e ripulire la necessità di un quartiere che ha qualità abitative e compatibilità, ma che oggi, vedendo ormai seriamente a rischio la salute dei propri residenti, dimostra i pericoli di accampamenti ai fenomeni descritti e l'adempimento delle istituzioni.

È nostro solo essere un successo oggettivo, ma noi otteniamo un segnale di serietà, fiducia e una urgente convocazione da parte dell'Istituto nei italiano ed, in particolare, del Sindaco di Napoli.



BARACCOPELLO ROM E GLI INTERESSI DELLA SINISTRA... Lo scorso 24 aprile c.a. il Presidente della VI Municipalità Anna Cozzino... PONTICELLI E' STUFA. PRESIDENTE COZZINO DIMETTITI!!! ALLEANZA NAZIONALE CIRCULO INTERNAZIONALE

Retrieved from: https://dsponticelli.files.wordpress.com/2008/05/sul-manifesto-pd.jpg

Also, an important governmental decree was taken by some Italian regions called "State of Emergency" by May 2008, in the following places: Lombardy, Campania, Lazio, Piedmont and Veneto: "The State of Emergency defined the presence of Roma in Italy as a threat to public security

(...) (2012)". This State of Emergency was extended annually until December 2009 (...) (ERRC, 2012). The Italian Council of State did not understand that Roma people would be a threat to Italy and then this "State of Emergency" was declared invalid.

It is easy to compare this "State of Emergency" and its phantom enemy decree with some scholars that study "the enemy criminal law" and the construction of the enemy. According to Murray and Meyers (1999), the search for finding an enemy is a regular practice on politics and according to Tierney (2016, 1<sup>st-3rd</sup> par.) an external threat can unify populations:

In the first century BC, the Roman historian Sallust wrote that the republic had descended into internal strife because of the destruction of its enemy, Carthage, in the Third Punic War. Fear of the enemy, or *metus hostilis*, produced domestic cohesion. Without an adversary, Romans turned their knives inward: "when the minds of the people were relieved of that dread [of Carthage], wantonness and arrogance naturally arose". (...) A threatening rival can also reinforce a sense of national identity. The Harvard political theorist Karl Deutsch described a nation as "a group of people united by a mistaken view about the past and a hatred of their neighbors". According to the political scientist Clinton Rossiter, "There is nothing like an enemy, or simply a neighbor seen as unpleasantly different in political values and social arrangements, to speed a nation along the course of self-identification or put it back on course whenever it strays".

Tierney (2016) argues that we can use an in/out groups category to classify who could be this external enemy to the nation. The ones who belong to the in-group category are the national people and some minorities that also are including on this group, obviously the ones who already have a sense of identity close to that nationality and that live according their rules. Who are automatically on the out-groups category is classified as probably enemy – the *other*. To this second group, the out-group, the *other*, we can include migrants and refugees too. As an example, the 9/11 in the USA brings back the terrorism associated with migrants, helping to increase the feeling



of belonging to the people in-group category (of course, the American in-group) and to refuse migrants and Muslims as belonging to out-group. So, these attacks unified the American nation.

The example of the attacks of Roma people in Italy illustrate a phenomena of the contemporary world in which to get control over power among states and nations it is necessary to build an external enemy that could bring the chaos to that specific state or nation.

### **Considerations – that is just the beginning**

In a conference in 1999, Milton Freidman declared that “You cannot simultaneously have free immigration and welfare state” (Griswold, 2012). This is very important because it can be used to deny human mobility, like Cancela (2015) article that appoints that the European Union prefers building walls than giving refugee status to migrants, arguing that they spent much more money defending their boundaries than working to make asylum conditions better. Cancela (2015) explains that only 17,5 % of the amount invested to the SOLID<sup>9</sup> Program was to refugees and asylum seekers, and the rest was used to protect its boundaries. The author uses Spain as a symbolic example of this value inversions affirming that Spain spent less than 10 million euros to refugees and asylum procedures, but spent almost 290 million euros to protect Spain boundaries. This is a representation of how much states are worried about human mobility conditioned to how much that human in mobility has on his/her bank account. In other words, it means that more than human life the states are worried about their own financial development and choosing the right humans to allow their mobility on such boundaries. On this chapter it was clear that we have a very difficult political puzzle to work on related to migration and refugees, because words like terrorism is an efficient way to morally condemn an entire population, like

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9 Solidarity and Management of Migration Flows (SOLID). This Programme consisted of: External Borders Fund (EBF), European Return Fund (RF), European Refugee Fund (ERF) and European Fund for the Integration of third-country nationals (EIF). To know better about the program, please go to: [https://ec.europa.eu/home-affairs/financing/fundings/migration-asylum-borders\\_en](https://ec.europa.eu/home-affairs/financing/fundings/migration-asylum-borders_en)

Muslims, for example; and that most migrants are from and do their mobility on Africa, but what is emphasizing by Media is that “poor people go to rich countries because they are poor and those countries are rich”. Our studies showed that most people are “just” running away from wars, from fear, from (armed) conflicts, from hunger, etc. Also, Media emphasizes that “terrorists” can be among the refugees from Syria, for example, causing an expected effect on some part of the society that condemn open the doors of one rich country to receive refugees, arguing about “terrorism”, or that they (refugees and/or migrants) will get the jobs of a native and so the poverty on that country will increase. When the real fact is that rich countries (developed ones) need cheap work from refugees and/or migrants, generally those jobs are jobs that “natives” did not want to work in; plus “natives” are having less children so refugees and/or migrants are an option to reverse the ageing population that some countries face (like Germany, Italy, Canada...). Those countries receive refugees not because they are generous but because they really need them to work, to avoid ageing population – those are some of the pieces of this giant puzzle. The first part of this chapter showed that despite of the world commotion of a picture of a little refugee died baby on a Mediterranean beach, most people and states don’t take it seriously after the world commotion was forgotten (or replaced by another world commotion that will surely be replaced on time)... we have worked with data about death of migrants and refugees while in mobility and showed an African project to develop Africa for the Africans and make Africa a safe place for human lives in peace with social and economic development.

It also brings elements to discuss terrorism and terrorism and gender to migration and refugee conditions, preparing to the final part of this chapter: the war on terror. The final part emphasized the example of Roma people expelled from Italy; some of those Roma communities had their houses burnt by local people with the intention to “clear Italy” from those migrants and forced them to be back to their original countries, emphasizing that the “enemy” is the Other and that “I” don’t recognize “Me” on this Other, that is why this Other is a target to “my” xenophobia.

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# **VULNERABILITY IN MIGRATION: THE APPLICABILITY OF EUROPEAN RECOMMENDATIONS, INTERNATIONAL REPORTS AND GUIDELINES TO THE ITALIAN SYSTEM OF RECEPTION AND SOCIAL SERVICES**

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## **ABSTRACT**

The European Parliament's Report focuses on the integration processes for a particular category of refugees, considered as belonging to "vulnerable groups", namely women seeking international protection and female refugees. Women seeking international protection or refugees, in fact, are bearers of demands and needs which, in part, are specific to all those people who, often forced to abruptly abandon their countries of origin, seek protection in host countries, bringing with themselves a heavy burden of persecution, war, violence and poverty.

The humanitarian response along the routes of the eastern Mediterranean and the western Balkans has set as a priority the introduction of measures to prevent sexual and gender violence in all humanitarian activities. In all reports there is an emphasis on the urgent need to make operators aware of the risks inherent in the standard reception procedures, and to ensure urgently the specific training of staff in order to put in place specific procedures to prevent, identify and respond to sexual and gender violence. This last point, in particular, will be the subject of the in-depth examination, as follows: how (and whether) the recommendations and regulations are changing the reception conditions on the southern borders of Italy; whether and to what extent the institutions responsible for reception (first or second) are equipped to deal with this emergency; how training and professional development may intervene to ensure that operators in the field are able to cope adequately with this emergency.

### **Keywords:**

Refugees, Migrant women, Social work, Migration policies.

## **1. Vulnerability in migrant women's experience**

Europe faces an unprecedented wave of refugees, which is creating a humanitarian crisis. According to UNHCR (2016), 1.015.078 migrants and refugees travelled to Europe in 2015, with 67.072 people having traveled in January 2016 alone. 17 % were women and 27 % were children under the age of 18. UNHCR has also estimated that from 1 January to 23 February 2016 about 105.000 people came to Europe across the Mediterranean, of whom 20 % are adult women, 46 % men and 34 % minors. The Mediterranean is the principal route to reach Europe, through the eastern Mediterranean route from Turkey to Greece (by the majority) and the central Mediterranean route from mainly Libya to Italy, with fewer arriving in Spain and Malta: 153.600 refugees arrived in 2015 in the ports of Italy (Human Rights Watch, 2016).

Eurostat published in May, 2016 the data concerning the requests for asylum in the EU during the whole of 2015, inclusive of gender distinctions. In particular, while the overall figure for 2015 of 1.023.000 applications of first instance for international protection (i.e. applications submitted for the first time), the asylum applications made by women (both adult and minor) were 272.000 (in 2014, out of 562.000 applications of first instance for asylum, 164.000 were from women and girls).

As for the data concerning the acceptance of the first-instance asylum applications, according to Eurostat, in 2015, one of the forms of international protection (refugee status under the Geneva Convention, temporary protection, protection for humanitarian reasons or subsidiary protection) was granted to 238.000 people; of these 63.000 and 550 are women and girls respectively.

The people who survive their journey to Europe face further challenges and obstacles on arrival, such as injuries to be treated, finding shelter and basic services, as well as understanding the registration and other legal processes (MEDU, 2015).

Migrants face challenges including rape, child molestation and kidnapping, human trafficking, intimidation, deaths especially by drowning, acculturation, discrimination, language barriers, family dysfunctionality and



separation. Furthermore, the most vulnerable groups are women, due to potential sexual assaults/violence or rape and associated subsequent adverse impacts, whilst children represent more than 50 % of global migrants statistically, and face more mental issues than others, due to the disturbance of early developmental processes of the brain, which might also lead to negative impacts such as development of conduct disorder (juvenile delinquency), and associated disruptive behavior (OIM, 2016).

In Greece and Italy – as recipient countries – thousands of refugees arrive fleeing war, a fact which implicates complex psycho-social needs that need to be looked into. Similarly, Germany and Spain - as hosting countries with the unabated flow of refugees seeking permanence and social security, the refugee crisis requires appropriate intervention both for the basic and psycho-social needs of refugees. Within these conditions of traumatic journeys, uncertainty for the future and inadequate/absent state responses, people's psychosocial health can be significantly affected.

Another source of vulnerability for refugee and asylum-seeking women and girls is their exposure to gender-based violence (GBV), which is, in turn, exacerbated by the frequent unequal gender relations within the community of origin; it is often used as a weapon to threaten and humiliate populations at war; it also represents a cause of forced displacements and a consequence of the stress generated during and after forced displacements (Pittaway & Bartolomei, 2001).

Refugee and migrant women and adolescent girls often suffer violence and specific oppression in the countries of origin, during the journey that is taking to the host country, and in the society which should receive them; governmental response, humanitarian action, EU institutions, the agencies and organizations of civil society are still inadequate and need to be urgently improved.

Pressures on reception systems for asylum should never justify a lack of protection for women in the face of violence nor should two weights and two measures be applied to women seeking asylum; they should have the same rights as other victims of gender violence.

### **Country of origin**

Humanitarian emergencies often intensify gender violence, although this is not a new phenomenon prompted by the emergencies; it is part of an uninterrupted flow of violence, to which, in many countries of the world, women and young girls are subjected in their daily lives and which risks spreading much further in moments of crisis. In armed conflict, women and young girls are often victims of gender violence during body-searches, raids on residential districts, road-blocks and detention centres, during armed attacks on villages carried out in order to force the local population to flee and, in general, as part of the systematic campaigns of domination, intimidation and terror carried out by armed groups (Hyndman, 1998).

The risk of gender violence increases when the rule of law and the infrastructure weaken or are lacking (UNFPA, 2015). In conflicts that are drawn out over time, a culture of violence and impunity often emerges, abetted by the ease with which lightweight weapons can be obtained.

Adolescent girls constitute a particularly vulnerable group among female refugees and asylum seekers. During wars and displacements, girls are more exposed to GBV, including early and forced marriage: approximately 20 % of women report being victims of some forms of sexual violence as children, with prevalence rates over 35 % reported in some parts of the world; more than 60 million 'child brides' are forced to marry before the age of 18; married girls are at risk of intimate partner violence, the most common form of gender-based violence, which affects almost one third of women worldwide.

### **Journey and camps**

Female refugees and asylum seekers are exposed to violence not only in their country of origin but throughout their displacement experience : during the journey (women who pay smugglers to take them out of their country can easily find themselves in dangerous or degrading situations and they might fall victim to women traffickers, especially if they are travelling alone and are solely responsible for the family burden); in detention or re-

ception centres; and in the host country because of the changing family relationships, lack of basic services and healthcare assistance, economic dependency, and limited access to employment (UNHCR, 2014, p.3). Female refugees and evacuees are particularly at risk even in special camps, in temporary ones and in evacuation centres. The systems and networks of family and social support and solidarity are often weakened and devastated, with whole families being split up. Wherever the family nucleus had previously represented a source of protection, parents' separation or death can create a let-up in security.

The lack of privacy, security and hygiene in many camps for evacuees has serious consequences for the sexual and reproductive health of women and young girls. Women and young girls suffering from physical or growth disabilities are even more vulnerable, because, in these contexts, support provided by the community and the family shrinks away, as do the regulations and the rules of law (Women's Refugee Commission, 2013; Ortoleva & Lewis, 2012). GBV may be even perpetrated by those who have been trusted to protect refugees and displaced persons – they being influential community members, security forces, peacekeepers, or humanitarian aid workers (UNHCR, 2013).

When migrating, many who have attempted it have lost their lives and still do so during border crossings, whilst most survivors experience extreme and high levels of post traumatic stress disorder (PTSD), which they will carry with them on their journey to the new home-to-be, not to mention the anxiety associated with uncertainty of the "unknown" at the end of their journey. This is one of the most traumatizing episodes of humanity, which rarely attracts attention.

Moreover, displacement interrupts school attendance, contributing to the increase in vulnerability to exploitation and abuse, exposure to unwanted pregnancy, and subsequently unsafe abortions.

### **Host country**

Female asylum seekers who have not obtained refugee status live in

uncertainty in the host country. This condition hinders, from the very beginning, their integration into the host country and may, in specific cases, lead to particular problems in relation to the nationality of their children, who might become stateless whenever they are born outside the country of origin.

Women's exposure to the risk of violence is exacerbated by the increasing difficulty of entering a host country's territory to apply for protection as they might be left in precarious and dangerous conditions. To control irregular immigration, potential host countries impose strict border controls on individuals who do not have proper documentation. Although this situation affects both men and women, it is women and young girls, due to the weaker position of the female in society, who frequently lack the means to travel and/or knowledge about their rights and the particular risks they face during the journey (UNHCR, 2008).

One of the reasons for the vulnerability of women refugees and asylum seekers is related to the difficulties they often encounter in proving their claims for asylum, since they can generally exhibit less evidence for their application in comparison to men (Bonewit & Shreeves, 2016), or they choose deliberately to do so because female victims of sexual torture or gender persecution may be reluctant to report their stories even if these stories might constitute the legal basis for asylum application.

In the latter case, a code of conduct has been drafted by the United Nation High Commissioner for Refugees.

Reports note that an increasing number of people (adults and children) suffer from anxiety, depression and symptoms of post-traumatic stress disorder (PTSD) whilst incidents of panic attacks and self-harm attempts are rising (Amnesty International, 2016; Fazel & Stein, 2016; Medecins Sans Frontiers, 2015; Pacione et al., 2013).

The dire circumstances that the refugees face exacerbate risks of exploitation, violence and trafficking especially for women and (unaccompanied) children (Human Rights Watch, 2016); women are exposed to risks and violence, the result of multidimensional oppression (Sansonettti, 2016); as

individuals fleeing a country that pursues them or endangers their existence; as foreigners in countries of destination increasingly intolerant towards diversity, and as women in societies – both of origin and arrival – where the principle of gender equality and the fight against violence against women are far from being fully realized.

Host countries have to consider the needs, and be aware of the vulnerabilities, of refugee and asylum-seeking women because female refugees in host countries are expected by their communities to possess all the customs of the country of origin in terms of care for children, household care, language, and food. This role, attributed to them by the men in their families (husbands, fathers, brothers), has a severe impact on the integration process, fostering isolation and social, economic, and cultural dependency.

Asylum seeking and refugee women, because of their reduced access to learning the host country's language have a limited possibility of integration, their sense of belonging is reduced as well as their independence, and they have to rely on other family members for translation and communication. This may also hinder their access to labour market opportunities, as they cannot attend training courses or exploit other active labour market opportunities. They are also exposed to double discrimination in the host country labour markets. As regards healthcare assistance, asylum seeking and refugee women find it difficult to access the necessary information and have to face cultural barriers when accessing health care services.

Isolation is also due to the fact that these women have lost all the support they used to receive from other family members in the country of origin. This is the main reason why refugee and asylum-seeking women might become far less visible than their male counterparts and find it harder to have access to services, job opportunities, training, and language courses in the host country.

There is also an inherent risk in the procedures for requesting asylum; the quality and forms of the decision-making process in asylum procedure affect males and females in different ways. Certain NGOs (MSF, 2016b) have reported a culture of scepticism in which the politicians responsible do not

take into account the complexity of reminiscences about harm and trauma, thus creating an excessive burden for asylum-seekers possessing limited documentary proof. For several reasons, women probably have fewer evidential elements in their possession to back up their requests, including the economic, social and political conditions in their country of origin, and the nature of the persecution to which they have been subjected and continue to fear.

## **2. Gender dimension in humanitarian protection: European legislation and other measures**

The EU does not have specific competence in the area of integration of immigrants. Consequently, no EU legislation protecting refugee women and guaranteeing their integration into the host society could be identified. Nonetheless, policies aimed at guaranteeing asylum seekers and refugees' rights and wellbeing cannot be gender-neutral, because women have to face gender-specific challenges in the host country; as a consequence, reception and integration policies that are not gender-sensitive are destined to fail.

Female refugees and asylum seekers' protection can effectively descend from the synergic effect of EU legislation and other measures in the framework of: international protection; tackling discrimination based on race and gender, and gender equality measures, in particular those contrasting gender-based violence, FGM, and trafficking in, and exploitation of, human beings.

Article 18 of the European Convention on Human Rights (Council of Europe, 2010) guarantees the right to asylum, as laid down by the aforementioned international laws and with reference to the Treaties. The European Parliament was the first international body to acknowledge the need for a careful interpretation of gender issues regarding the status of refugees, in the resolution of April 13<sup>th</sup> 1984, which was subsequently taken up again in the conclusions and orientations of the UNHCR. In 2000 the Charter of Fundamental Rights of the European Union was emanated, where specifically: Article 2 protects the right to integrity; Article 5 prohibits trafficking in hu-

man beings; Article 23 enshrines the gender equality principle, which must be respected in all areas without preventing the adoption of measures providing specific advantages in favour of the more vulnerable sex.

In the last few years, the European Union has created what is known as the Common European Asylum System, organized into the following regulatory acts, in which the gender dimension is taken into consideration: (2011 – the “qualifications” directive (2011/95/UE); 2012 – Treaty regarding the functioning of the European Union (2012/C 326/01); 2013 - the “procedures” directive (2013/32/UE; directive 2013/32, concerning common procedures for the recognition and the revocation of international protection status; 2013 - the “reception” directive (2013/33/UE) ; 2016 – Directive regarding victims (A8-0024/2016 European Parliament 2014-2019 Session document 10.2.2016).

The other main measures relating to these fields are the following (in chronological order):

- 2010 - The Assembly Recommendation 1940 (2010); 2010 - European Parliament Report on women’s immigration: the role and place of immigrant women in the European Union (2006/2010(INI)). This report calls for the creation of a consistent European framework on female immigrants, considering their vulnerability and difficulties in integrating in host societies through: the application of a gender-sensitive approach for the assessment and review of policies implemented; the training of immigrants; the design and implementation of integration policies; the implementation of awareness raising campaigns; the exchange of good practices;
- 2013 - European Social Fund, introduced with Regulation (EU) No. 1304/2013 of the European Parliament and of the Council of 17 December 2013 on the European Social Fund . This Regulation does not call for specific measures and programmes aimed at refugee or women asylum seekers; nonetheless, it calls for measures aimed at addressing women’s need and promoting gender equality between men and women, specifically for labour market access;

- 2014-2020 The Rights, Equality and Citizenship Programme 2014-2020 aims at contributing to the further development of equality and the rights of persons and is structured in nine specific objectives: promote non-discrimination, combat racism, xenophobia, homophobia and other forms of intolerance, promote rights of persons with disabilities, promote equality between women and men and gender mainstreaming, prevent violence against children, young people, women and other groups at risk (Objectives of the former Daphne programme), promote the rights of the child, ensure the highest level of data protection, promote the rights deriving from Union citizenship, enforce consumer rights;
- 2014 - Development Cooperation Instrument, introduced with Regulation (EU) No. 233/2014 of the European Parliament and of the Council of 11 March 2014 establishing a financing instrument for development cooperation for the period 2014-2020. This instrument might be relevant as it includes, among its priorities, the promotion of gender equality and women's empowerment, combining it with development measures and programmes in developing, third-world countries;
- 2014 - Fund for European Aid to the Most Deprived (FEAD), introduced with Regulation (EU) No. 223/2014 of the European Parliament and of the Council of 11 March 2014 on the Fund for European Aid to the Most Deprived. This funding programme does not include, among its priorities, the promotion of refugees' integration but does include measures aimed at enhancing gender equality;
- 2014 - Asylum, Migration and Integration Fund (AMIF), introduced with Regulation (EU) No. 516/2014 of the European Parliament and of the Council establishing the Asylum, Migration and Integration Fund. This Fund does not explicitly mention programmes or measures addressing refugee and asylum seeking women's needs; nonetheless, it has been created to take into account, among other priorities, the needs of vulnerable groups, such as women, and to foster gender mainstreaming.
- 2015 - Resolution of June 9, 2015 regarding European Union strat-



- egy for equality of men and women after the year 2015, in which the importance of policies heeding the gender issues is emphasized, with regard to asylum and migration, recognition of the risk of genital mutilation as a reason for asylum, as well as the preparation of relative guide-lines and co-ordination of examples of excellent practices; there is an emphasis on the need to establish a right to individual residence, in the absence of which an imbalance of power might emerge, with particular reference to migrant females in cases of domestic violence; the Commission is invited to evaluate and individuate specific actions that might guarantee the reinforcement and total respect for the rights of women seeking asylum throughout the entire procedure of seeking asylum;
- 2013/14 - Resolution "Situation of fundamental rights in the EU (2013-2014)" of September 8, 2015. The European Parliament solicited the member States to guarantee dignified conditions of reception, in accordance with existing legislation with regard to human rights and asylum, devoting particular attention to vulnerable persons and the reduction of the risk of social exclusion for asylum-seekers;
  - 2015 - Resolution for Renewal of the EU plan of action regarding gender equality and female emancipation in a cooperative drive towards development (October 8, 2015). The vulnerability of migrant women, female refugees and asylum-seekers is highlighted, along with their need for specific protection; there is a demand for *ad hoc* measures geared towards reinforcing and fully guaranteeing the rights of female asylum-seekers; bold action is demanded at the European level to tackle the present migratory and refugee crisis, embracing a global approach that is attentive to gender aspects in dealings with migration and asylum, and all in a coherent approach with member States;
  - 2016 - European Parliament resolution of 8 March 2016 on the situation of women refugees and asylum seekers in the EU (2015/2325(INI)).

The European Parliament (11) calls for a new, comprehensive set of EU-wide gender guidelines to be adopted as part of wider reforms to migration and asylum policy, which take full account of the social, cultural and political dimensions of persecution and include reception and integration measures; (12) underlines that, even in countries deemed safe, women may suffer gender-based persecution, while LGBTI people may also be subjected to abuse, and thus have a legitimate request for protection; it calls on all Member States to adopt asylum procedures and endeavour to develop training programmes which are sensitive to the needs of women with multiple, marginalized identities, including LGBTI women; it urges all Member States to combat harmful stereotyping about the behaviour and characteristics of LGBTI women and to fully apply the EU Charter of Fundamental Rights with regard to their asylum claims; it stresses the need for LGBTI-sensitive reception facilities across all Member States; it emphasizes that violence against LGBTI individuals is common in reception facilities; (13) highlights the fact that gendered forms of violence and discrimination, including, but not limited to, rape and sexual violence, FGM, forced marriage, domestic violence, so-called honour crimes and state-sanctioned gender discrimination, constitute persecution and should be valid reasons for seeking asylum in the EU and that this should be reflected in new gender guidelines; (16) calls on the Member States to ensure that asylum procedures at borders comply with the UNHCR Guidelines on International Protection, in particular with regard to gender-related persecution; (21) urges the Member States to provide women with information on asylum procedures, their rights and the specific services available to women applying for asylum; it underlines the right of women to lodge a claim for asylum independent of their spouse as a key to women's empowerment and the principle of non-refoulement; it urges the Member States to inform all women of their right to make an independent claim for asylum, thus enabling women to apply for and maintain the status of refugee or asylum seeker regardless of the situation of other members of their family; (23) takes the view that prompt action should be taken in terms of humanitarian assistance whenever gender-based violence is sus-

pected, given the extremely high exposure of vulnerable groups such as women and children to forms of physical violence and moral coercion along illegal migration routes, where all kinds of rights are denied; (24) stresses that women and young girls are particularly vulnerable to exploitation by smugglers; it therefore calls on Member States to increase their police and judicial cooperation, including Europol, Frontex, Eurojust and the European Asylum Support Office (EASO) in order to effectively combat smuggling and trafficking of migrants; (26) urges the Member States to duly inform women seeking asylum about their rights and in particular about the right to request a female interviewer and interpreter and to have a personal interview separately from any third parties; it urges the Member States to deliver comprehensive and mandatory training for interviewers and interpreters on sexual violence, trauma and memory; it urges the Member States to ensure that these rights are being respected; (41) highlights the fact that many women asylum seekers and refugees have experienced extreme violence and that detention may exacerbate their trauma; it highlights the fact that detention of asylum seekers for mere administrative convenience violates the right to liberty as enshrined in Article 6 of the EU Charter of Fundamental Rights; it calls for an immediate end, in all Member States, to the detention of children, pregnant and nursing women and survivors of rape, sexual violence and trafficking, and for appropriate psychological support to be made available; (43) urges that women asylum seekers in detention, who have been subjected to sexual abuse, receive appropriate medical advice and counselling, including those cases resulting in pregnancy, and that they be provided with the necessary physical and mental health care, support and legal aid; it demands that the Commission and the Member States take immediate measures to ensure that reception, transit and detention conditions are safe, humane and adequate, with separate accommodation and sanitation facilities for women and families; it points out that the provision of appropriate basic hygiene kits for all women and girls should be standard practice in assistance programmes; (51) considers that, when women asylum seekers are detained, facilities and materials must meet women's specific hygiene

needs, the use of female guards and warders should be promoted and all staff assigned to work with women detainees should receive training relating to the gender-specific needs and human rights of women.

To make these measures more effective, we should provide for parallel legal channels for access to protection, especially for women, children and victims of sexual and gender violence, including family reunification, and consider these refugees with special needs as having priority in the resettlement opportunities and outplacement.

Although member states are stepping up their work in order to streamline gender understanding into public decision-making, policy and operations, this effort is not always reflected in the asylum procedure. This is certainly changing certain risk conditions, but we are still far from a widespread diffusion of the instruments and skills necessary to prevent, identify and respond appropriately in cases of violence. This, in fact, depends on the assumption of responsibility and on taking the measures necessary on the part of individual States and the European Union agencies. Not to be postponed, therefore, is the consolidation of a system of coordinated response for the protection of women and girls within the borders and in the border areas, within which we can ensure a response to sexual and gender violence that does not place obstacles for women denouncing violence and access to services. It is equally essential that all operators, institutional or not, that come into contact with women seeking international protection or as refugees, are trained to be able to understand their needs, but also to set up, as early as their first location, adequate reception solutions to protect them and their children from the mechanisms of violence from which they are fleeing.

### **3. Italian system of reception: reports and suggestions for change**

At present, Italy still lacks a systematic national law regarding asylum that might help trigger Art 10 of the Constitution. The general definition of “refugee” entered our system as a result of Italy’s adhesion, in 1954, to the Geneva Convention of 1951, which offers a universally recognized notion of the international refugee; the relative, additional protocol dates back

to 1972. Since 1990, with the passing of the “Legge Martelli” (lit. the Martelli law) and the abolition of what was known as geographical reserve, the afore-mentioned Convention has guaranteed that it is fully applied in Italy. Since then, Italy has participated actively in European Union initiatives geared towards harmonizing policy as regards asylum and immigration and stabilizing a Common European Asylum System. Regulations regarding asylum have been modified greatly by European interventions, which, apart from anything else, introduced the juridical figure of beneficiary of subsidiary protection (to be placed alongside that of refugee) as laid down in the Geneva Convention of 1951. The whole procedure was renamed “Procedure for Recognition of International Protection”, encompassing various protection categories. In this context, in June 2013, Italy signed a Plan of Special Support, which envisaged support on the part of the EASO (European Asylum Support Office) in various sectors, deemed priority, of the national asylum system.

The centralized position of Italy in the Mediterranean encourages the arrival of countless refugees and migrants every year, in the context of what is known as “mixed migratory flows”. It is estimated that out of a population of 60 million inhabitants, there were more than 5 million persons from third countries present in Italy in 2016, including about 64,000 refugees. Asylum requests in the first semester of 2016 amounted to 12,499, a clear increase over the preceding years (CIR, 2016).

Over the last few years, Italy has been making a great and laudable effort in its rescue operations out at sea; a decentralized procedure for international protection recognition has been instituted, achieving satisfactory levels of guarantee and adequate levels of recognition. Lastly, the transposition of the European Directive regarding qualifications has brought, under the regulatory profile, several relevant and positive developments with regard to the definition of the status of international protection and relative rights. In the face of these significant improvements, there do remain critical aspects with particular regard to reception conditions for asylum-seekers and the integration of refugees and other beneficiaries of international

protection. It should be emphasized how a considerable number of beneficiaries of international protection live in conditions of destitution and marginalization.

Reception conditions have also deteriorated in the Centres, above all because of overcrowding, which has been caused by the slow turn-over of persons leaving the accommodation; this is due to both the overlong stay of some of the third country migrants from Libya and to an increase in the number of requests for asylum, as well as a consequent lengthening of the procedures for recognition of the status of international protection. As a result of this pressure on the reception system, the Ministry for Home Affairs continues to encounter considerable difficulties in finding accommodation for asylum-seekers entering the country. The standards of reception in government centres have also dropped because of significant cuts in financing, which have contributed, on the one hand, to the fact that since 2011 contracts for provision of services are now assigned exclusively in accordance with the criterion of the lowest bidder, but without aspects of quality being duly taken into consideration.

UNHCR (2013) has underlined the need for overall reform in the reception system, which should also deal with support for refugees in the phases subsequent to recognition. In fact, although the governmental centres and the SPRAR projects (which can accommodate both asylum-seekers and refugees) manage to satisfy the accommodation needs for a significant number of asylum-seekers, the support measures (including reception) in favour of refugees remain largely insufficient. Significant differences continue to exist depending on the reception centres and, more in general, on the local praxis.

On the basis of Art. 8 of Legislative Decree N° 140/2005 and other relevant regulations, reception measures should take into consideration the particular requirements of the asylum-seeker and his/her family, and, in particular, the most vulnerable ones. Furthermore, the requests presented by vulnerable persons should, generally speaking, be examined as a priority. Because of the lack of places available in specific structures or SPRAR proj-

ects, the number of asylum-seekers with particular demands has increased over previous years; they have to remain in a CARA during the asylum processing, in spite of their condition and without receiving adequate assistance. This problem also continues to exist with reference to the period following recognition of a form of protection. Shortcomings still remain with regard to the poor co-ordination between all the bodies involved, as well as the inadequacy of the legal, social and organizational instruments and the existing system of taking charge. These aspects have, in part, worsened since 2011, because of the general deterioration of reception conditions and cuts to the welfare system.

The 2015 report by the Ministry for Home Affairs, in fact, confirms the picture of a reception system for asylum-seekers made up of structures of various natures and entrusted with the handling of various subjects. The de-centralized system, completed in 2014 and co-ordinated territorially by the prefectures, has given rise to a parallel apparatus placing the asylum-seekers, and those requesting international protection, in the most diverse structures, with reception standards considerably worse than those guaranteed by the SPRAR system and liberated from any need to plan for the integration of the individual. From this there emerges a situation in which the interventions are geared mainly towards searching for swift solutions and spaces where to accommodate the migrants, while waiting patiently for a reply from the Commission with regard to requests for international protection.

At the moment, the existing structures are insufficient and, in most cases, run by private enterprises; with the role of the National Health Service being restricted, the local health services are unprepared to respond to the demands of the reception centres located in the area of their competence. The widespread absence of professional figures with expertise in the migration context is aggravated by the frequent lack of figures of cultural mediation, also in the relevant public structures, with potentially harmful consequences for the need for premature and essential identification of cases of vulnerability among the migrant population being hosted (MSF, 2016a).

The report "Female refugees and asylum seekers: the issue of integration" (Sansonetti, 2016) also tries to reconstruct the precise needs expressed by these subjects and to individuate the measures necessary for them to find adequate answers to improve living standards of women requesting international protection or female refugees in the hosting countries.

The specific nature of the situation experienced by women requesting international protection or female refugees, emerges in evident manner in the reception camps, both in the country of departure and arrival. Situations of overcrowding and the absence of protected spaces for women expose them to the risk of violence perpetrated by other asylum-seekers, or by local operators and the forces of law and order, exposing them to the risk of exploitation for sexual purposes and, lastly, not guaranteeing adequate protection for their health (including their reproductive status). These critical points also reoccur in the subsequent phase to reception, especially in contexts where the public authorities do not predispose adequate plans for accommodation; the frequent reticence of private persons to rent out their property to non-citizens often forces women to live in overcrowded conditions, often with many men who are not necessarily part of their family, thus exposing them to the risk of violence and exploitation.

Furthermore, it should be remembered that foreign females usually enjoy fewer educational opportunities because of the time-consuming caring roles for which they are often the only person responsible; the world of work is one of the areas in which the double discrimination experienced by women refugees and those requesting international protection mainly comes into effect.

Finally, the Sansonetti (2016) report emphasizes how it is in the area of health safeguard that it is necessary to implement, with greater urgency, incisive measures for integration, such as: at the level of services, provision for adequate spaces for reserved interviews for women and children, safe and accessible reception centres that respond to the women's needs and, at all points of entrance, transit and exit, the creation of services for psycho-social first-aid, clinical management for rape (CMR) and safeguard of reproductive



health status. Together with this, from a more political and organizational point of view, “criteria of vulnerability” need to be worked out; these criteria can guide the priority of response of people in need of protection, along with the involvement of local players (with expertise in these issues) from civil society.

A second report by Médecins Sans Frontières, again in 2016 (MSF, 2016b), examines in depth the theme of the psychological consequences of any trauma undergone during one’s journey, and the links with the critical moments endured on arriving in Europe. The long wait for the preliminary formalization of a request for international protection via form C3, handed out several weeks after arriving at the structure (months in some cases) already represents a reason for the applicant’s destabilization; this worsens during the further time spent waiting for a call for an interview at the local Commission. The forced inactivity in which people are forced for several months to spend their time brings on a feeling of apathy and depression, a sense of uselessness, dependency and frustration.

The actual characteristics of the structures often represent a risk factor for the onset or aggravation of psychological suffering. A person who has lived through violence or has been a victim of inhuman and degrading treatment, forced to live in overcrowded conditions or rather unsuitable settings, is even more exposed to the risk of developing psychological symptoms linked to previously-experienced trauma or symptoms connected to the dynamics of social marginalization, isolation and cohabitation prolonged for a significant period of time.

The personnel working in the Centres are not always adequately prepared to respond to the requirements and needs of these populations, a relevant number of whom might harbour complex personal dilemmas, might be victims of trafficking or targets/ witnesses of horrendous violence.

Links with the local area are often absent and support activity and care-taking is passed on to the private sector. The actual conditions of reception in these structures often render it difficult to single out, in time, migrants who are suffering psychologically and might need urgent treatment.

Serious commitment is still rather uncoordinated, and training for operators dealing with asylum-seekers as victims of violence, is not yet widespread and the available human resources are insufficient (MSF, 2016).

Female asylum-seekers should at least have access to high-quality legal assistance. Psychological trauma, shame and stigmatization, of which many women are victims as a result of violence, can make it difficult for legal representatives to gain the trust of these women (Bartholini, 2016a). However, it is vital for these women to trust somebody in order to reveal the intimate details of their traumatic experiences.

In order to provide quality service delivery for refugees, social workers must deepen and broaden their comprehension of refugees' traumatic migration experiences beyond narrow formulations (George, 2012, p.430). If humanitarian intervention concentrates, above all, and especially in its initial response, on immediate physical needs, counseling for trauma should also be considered a primary intervention and a potential life-saver (MSF, 2016b). It therefore seems essential to provide for multi-disciplinary and multi-cultural teams to deal with all the various aspects involved.

The direction in which to proceed is clearly indicated by various international organizations. Above all, an essential point of reference is provided by publications by UNHCR on the theme (1991 – Guidelines for protecting female refugees; 2008 – Manual for the protection of women and young girls; 2012 – Recommendations for harmonizing reception standards for asylum-seekers in the EU; 2013 – UNHCR recommendations regarding significant aspects in the protection of refugees in Italy, July 2013).

UNHCR policy for female refugees was worked out in 1990 following numerous generalized conclusions by the Executive Committee and set three macro-objectives: protection needs to be appropriate to the specific needs; long-term solutions; assistance with the specific aim of participation on the part of the destines in individuating long-term, lasting solutions. The broadest objective is to increase women's resilience and support female empowerment (Bartholini, 2016b), in the conviction that from conditions of overcrowding the women might be placed in a condition to take on new roles

and trigger positive change. Assistance programmes are carried out on the educational and health levels, but also for helping with sustenance in order to prevent women from being forced to prostitute themselves for their own survival and that of their families.

In the 2008 Manual, albeit not in a binding manner, principles and measures for increasing protection for female refugees, evacuees or those who want to return, are indicated: gender-sensitive asylum procedures (e.g. using skilled female interviewers); safeguard for anyone who has been subjected to violence and access to predisposed authorities; psychological and medical aid; reserved nature of information; assistance in re-allocation within the country or transfer to a third country. The specific measures favouring persons with special needs, such as victims of torture or gender/sexual violence, MNAS, single or pregnant women and disabled persons, ought to be intensified. Furthermore, UNHCR champions the adoption of standardized operational procedure for channelling the various categories of vulnerable person into the appropriate structures, so as to guarantee adequate assistance and qualified care-taking. Another Report that offers a notable contribution to ideas about the changes to be made in reception services and practice is the one produced jointly in 2015 by UNHCR, UNFPA, WRC.

The joint commission (made up of members from three international organizations) has evaluated the response of governments, humanitarian stakeholders, European institutions and agencies and associations of civil society, inadequate and unable to prevent and respond to the danger, the exploitation and the various forms of sexual and gender violence, of which women and girls remain victims throughout Europe.

For example, despite the efforts of UNHCR and their partners to provide reception facilities and well-lighted accommodation divided up by gender, many still do not guarantee safe water and hygienic services, and separate dormitories for women and children, exposing them even further to the risk of violence. A joint assessment has shown the need for the associations of civil society and humanitarian partners to integrate prevention measures and response to sexual and gender violence in all sectors, from water and

sanitation services to housing and health, as well as to provide legal and psychological support.

In this Report, particular emphasis is placed on the need for the associations of civil society and their humanitarian partners to integrate measures of prevention and offer a response to sexual and gender violence in all sectors, ranging from water and hygienic services to accommodation and sanitation, as well as provision of legal aid and psychological support. The Report contains basic recommendations for governments and European agencies, and, above all, it is deemed indispensable to establish a system of coordinated response for the protection of women and girls within the borders and in the border areas. Furthermore, there is a stress on the importance of ensuring a response to sexual and gender violence that does not place obstacles before women who would like to report episodes of violence and have access to services. Also deemed necessary is the provision of legal channels of access to protection, especially for women, children and victims of sexual and gender violence; this includes family reunification and treating those refugees with specific needs as priority cases in the event of re-settlement and re-collocation. On the organizational level, the awareness of the risks associated with protecting these persons, should lead to both the deployment of suitable personnel in the field and the activation of specific procedures to avert, identify and respond to sexual and gender violence.

Additionally, in the MSF Report on mental health in migrants, certain recommendations are advanced aimed at defining concrete solutions to all the emerging problems, in the hope that the institutions and competent bodies might find food for thought, which will enable them to carry out the required changes at the legislative level. It is suggested, in particular, that the competent prefectures formulate precise selection criteria for recruitment from co-operatives and managing bodies, including their employees, in order to guarantee the presence of highly professional figures in the context of migration.

As regards services, there is an urgent need for public structures, with particular reference to the DSM and CSM, to take on personnel trained in

the context of transcultural psychology and/or ethno-psychiatry, or even better, to provide for the setting-up, at the above-mentioned structures, of departments specializing in transcultural psychology and/or ethno-psychiatry. With regard to the competences of the Health Ministry at the national level and the ASL (hospitals) at the local level, it would be advisable for them to designate a reference figure in the area of migration, who would be in charge of co-ordinating, at various levels, the responses from the local health services, departments for mental health, reception centres, associations, universities, with the aim of ensuring that patients with complex and specific needs are looked after systematically. Public services should provide for organized medical teams integrated with the private social sector for assistance and psychological rehabilitation of these clients. As regards guaranteeing quality of services, it is suggested that the Prefectures and ASLs, in order to reduce risk factors regarding the psychological stress and re-traumatization on the part of asylum-seekers (due to conditions in the reception centres) predispose and activate systematic joint monitoring of the structures and a capillary control of the quality of the services provided. Lastly, the preparation of guide-lines which are able to build on the experiences and the good practices already existing in Italy, is warmly encouraged.

As can be observed from what has so far been described, at the present time in Italy, there is a serious discrepancy between what is envisaged by the European system regarding asylum and the reception conditions in services and centres. The difficulty of implementing what has been laid down by European regulations in this regard is linked to the fact that it entails, above all, bringing modifications to national regulations and reception policy; these alterations must necessarily be subjected to scrutiny by the nationally-activated system of services and the welfare system on the wider scale.

#### **4. Gender perspectives in migration policy and reception praxis**

The problems that refugees face require humanitarian responses and effective interventions, such as reduction in post-migration exposure to different types of violence and threat, access to physical and psychological

services, assistance with integration, support for appropriate cultural beliefs and social practices, support provided for families, stable settlement in host country, concerted action to reduce inequalities in access to resources. Persecution experienced by women often differs from that experienced by men, but the asylum system still tends to regard it through the lens of male experiences. Gender-related persecution may give rise to claims for international protection. From studies carried out, the ineffectiveness and partiality of integration policies clearly emerges; they do not take into account the gender perspective. In fact, this approach does not enable one to grasp the particular nature of the women's needs, and consequently impacts on their desire for independence and capacity for self-determination.

The urgent circumstances that followed the refugee crisis have left a significant gap in knowledge about best practices with refugees in national and European contexts. In the light of this gap, certified vocational training based on a holistic and intercultural understanding of the refugees' needs, with an emphasis on empowerment and social justice, is expected to contribute to professionals' awareness, methods and practices. Moreover, it will support professionals in strengthening their emotional resilience, thus preventing symptoms of burn-out.

Upon arrival, social workers are among the first professionals to respond and care for refugee women's needs, together with NGO workers and medical staff helping them settle and evaluate their needs. Interventions should aim at their empowerment and independence, tailoring services and integration measures to their specific needs, including that of not living in isolation. In this respect, gender-sensitive actions would include, among others: information dissemination concerning services and healthcare assistance; training of female cultural mediators, who could assist refugee women in accessing services; proper training aimed at enhancing refugee women's skills and education.

In the even more serious case of women as victims of violence, the critical issue may be the reduced awareness, on the part of the operator, of the grave implications arising from the decision to report a crime, in terms of re-

definition of identity, dynamics of belonging to a family and community and the relative connected issues, such as the risk of social exclusion (as woman and immigrant). These relational difficulties between operator and foreign client as victim, or suspected victim, of violence, have negative reverberations for the capacity to diagnose; they may even have a negative effect on the initial moment of reception and the first interview, leading to significant bias in attempts to understand the woman's distress.

"Social workers' knowledge on their own biases, prejudices and subjective interpretations of others that are borne from different life experiences helps to prevent any transference or counter-transference. The degree to which the social worker can have a multicultural perspective will affect the degree to which he or she can understand refugee clients' points of view, barriers, and strengths and incorporate effective interventions" (George, 2012, p.433).

Whenever women have suffered a trauma, they may be reluctant or slow in revealing pertinent information. For this reason, oral testimony tends to play a more significant role in women's requests for asylum, especially in evaluations of credibility. This is even more valid when listening to women who have been subjected to violence and, after disembarking, are facing an interview with a stranger (albeit a professional). To this end, it seems indispensable for an adequate reception service, to inform the women, first of all, of their guaranteed right to have a professional person and female interpreter present at the interview, in contexts where assistance is provided for infants under examination and in interviews regarding requests for asylum (Sansonetti, 2016).

Furthermore, it is necessary to predispose, in advance, a network of services and potential forms of support; the professional figure that first meets the woman/victim of violence, cannot afford to stimulate and encourage her to tell her story and then offer her a course of action, unless the course of action is clear, simple and easy to follow. In particular, adequate housing solutions should be predisposed; in fact, the possibility of having accommo-

dation that is adequate for her needs and those of her children (where present), represents an essential instrument for independence and emancipation. Together with these, access to language and vocational courses should be increased; this is essential whenever women requesting international protection and female refugees want independence and a satisfactory introduction into the social fabric of the hosting country. At the same time, there is a need for essential information regarding rights and services that women requesting international protection and female refugees might want to enjoy in the hosting country and which are often unexploited through lack of information. Lastly, sanitary and psychological support (Geraci, Aragona & Mazzetti, 2014) should be guaranteed over the long term as the main line of action, via the development of services aimed specifically at women; these should take into consideration the unfolding stories of their lives, traumas they have undergone and difficulties that they express when recounting their experiences to people they do not know, especially if these are males.

The problem of foreign clients is often handled through the flanking of intercultural mediators alongside the professional figure (Di Rosa, 2005), with all the criticalities entailed by the lack of a clearly defined framework (with regard to regulations and not only the duties and functions of this figure) allied to the flanking of external personnel with professionals who are unprepared for this type of collaboration. In fact, the relationship with the mediator might provoke certain problems, because of the mediator's difficulty in distancing herself adequately from her own personal experiences, with the consequent risk of frustrating the requests for help from the woman who has been subjected to violence. It might also be because the mediators have not had specific training in the area of listening to accounts of violence or because these accounts of violence create serious difficulties with regard to conflict of values and emotional involvement (Peron, 2013). On the other hand, in certain situations, it is the women who fear that the mediator might judge them or "betray their secret". Because of the distance from the original common context, it often happens that the request for an Italian



interpreter is occasionally deemed more opportune, in order to guarantee greater reserve and a lesser risk of stigmatization. Awareness notwithstanding, of the relevance of the function of mediation in gaining access to services and integration, in the case of violence it is thought preferable to concentrate more intensely on the development of adequate intercultural skills for help and care workers; this is due to the delicate nature of the stakes and the implications for safeguarding privacy and a correct reading of the events and dynamics. An intermediate strategy, to be combined with the recourse to mediation, is that of a professional comparison with foreign operators belonging to the cultures of the women in question; the aim would be to discover more about the country of origin and the culture from which these women have emerged and also to find out about the new culture that the women are creating in the hosting country, with the considerable complexity involved in this reconstruction, hovering between different cultures. The challenge for the professional figure is to acquire the tools to understand certain ambivalent behaviour displayed by the women, such as, for example, a refusal to denounce or a retraction of what has been denounced. The introduction of an approach consisting in team-work, extended to include mediators with whom, over time, there has been agreement on common praxis, is becoming ever more opportune as a model (Agrela Romero, 2004); an effective measure might be the addition of psychologists and operators from migratory backgrounds or mixed families, who have completed their training in Italy. In both cases this would be a process of reciprocal co-education in which operators from different cultures place at the disposition of all, their own knowledge, professional qualities and experience, in order to enhance understanding of highly complex and problematic situations, which involve personal, relational, cultural and social aspects.

In the light of the complex psycho-social needs of refugees, social worker, who mainly work in front line social service, are in need of upskilling with appropriate methods and practices to intervene and respond at an individual, familial and community level. The urgency and the intensity of

the phenomenon require alternative professional responses and community interventions. However, in the absence of VET specialized training for social workers on these issues, such approaches are not possible.

The up-to-date knowledge and expertise that they need to receive - in subject fields like intercultural social work, community work, legal issues, and psycho-social interventions with the refugees – may contribute significantly to their interventions with refugees both at micro and macro level.

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**“NO HUMAN BEING IS GIVING THE OPPORTUNITY  
TO CHOOSE A BIRTH COUNTRY”<sup>1</sup>  
- INTERVIEWS WITH COLOMBIAN IMMIGRANTS<sup>2</sup>**

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FERNANDA PATTARO AMARAL\*  
BRANDON ARAGON MANGONES\*\*

1. Fragment of Lorenzo Mercado's interview.
  2. All these pictures and testimonials were made by Brandon Aragón in Barranquilla (South Caribbean), Colombia. This section has two parts: the first one in which it will be find the testimonials and its pictures of all the actors and actresses presented here, and the second one in which it will be explained the methodological approach in collecting this material.
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### **ABSTRACT**

This article brings some in depth interviews with Colombian men and women who migrated to Venezuela, pointing out the difficulties to adapt to another culture and why they decided to be back to Colombia. This article is a final chapter of the entire book conceptualization, emphasizing the long way one has to pass through to get a relative human mobility right that, in most cases, are denied and people are obligated to live on hard conditions because they are not recognized as (legal) citizens on the country they choose to live in.

### **Keywords:**

Interviews, Migrants, Violence, Gender.

### **Methodological Approach**

Once we had some chapters done for this book that brought us the theorization of the problems faced by immigrants and/or refugees, we looked for some practical experiences by interviewing some Colombian that migrated to Venezuela, and with one Venezuelan that immigrated to Colombia. Why Colombia? Simply because our staff resides in this country, so strategically it was easy for us to bring some qualitative research of Colombia. First of all we studied the theme in Colombia to prepare the interviews. It was conducted some qualitative interviews to men and women focusing about identities, citizenship, inclusion or exclusion and even structural violence. All interviews were done with first immigrant's generation. It was studied the understanding of their own views and feelings as immigrant women and men.

In order to carry out the interviews proposed here, it was engaged a methodology that first prepared a literature review. The second part consisted in designing the survey/questionnaire (Nunes, 1978; Sautu, Boniolo, Dalle & Elbert, 2005).

The third part consists in realizing a sampling with the amount of Barranquilla, Colombian immigrants who left for Venezuela and came back. For that, it was selected a cluster sampling, having as the main characteristic being migrated recently and back to their own country once.

This immigration from Colombia to Venezuela occurred while the armed conflict in Colombia was still present between Government and rebel groups like the FARC (The Revolutionary Armed Forces of Colombia – a guerrilla movement). So people were trying to escape to a more secure place to live. Second data from UNHCR-ACNUR (2012) (The United Nations Refugee Agency) from August 2012, the conflict in Colombia made 395.949 people leave Colombia by 2011 looking for international protection, which made that by 113.605 has been officially recognized as refugee status crossing international borders. The most part of Colombian refugees goes to Ecuador (98% of total refugees in Ecuador). In Venezuela there were 5 thousands Colombian refugees by December, 2011; and 18.083 Colombian people asked for asylum seeker at the same period (ACNUR, 2012). Between 1980 and



2015, Colombia appeared 9 times on the refugee annual classification by UNHCR, among the 20 first countries in number of refugee's origin (ACNUR, 2016). Due to this refugee crisis in Colombia and the flood of them going to Venezuela, the Venezuelan president Nicolas Maduro, ordered to close the border to Colombia in 2015. According to Otis (2015, 2<sup>nd</sup> and 3<sup>rd</sup> par.):

Venezuelan President Nicolas Maduro ordered the border closed on Aug. 19. He said drastic measures were required to stop Colombian smugglers whom he blames for causing acute food shortages in his country. Maduro has dispatched thousands of soldiers and declared a state of emergency along Venezuela's western border with Colombia. Police and National Guard troops have carried out mass arrests, deported 1,400 Colombians and have bulldozed some of their homes on the Venezuelan side of the border.

Amid the rising xenophobia, another 17.000 Colombians living in Venezuela have fled back to their homeland voluntarily. With the normal land crossings sealed, many returnees have opted to wade across the knee-deep Táchira River that forms the border, carrying children, duffle bags, sofas and refrigerators. The exodus prompted Fabrizio Hothschild, who heads the United Nations mission in Colombia, to describe the situation as a "humanitarian crisis".

This is the scenery we face in Colombia that lead us to realize some interviews to verify with some of those immigrants (with no refugees status) how better was be living in a country different as yours. Our interviewers went to Venezuela to find a better way of living, once that - according to Gallo (2016, parr.7º): - "In the 1970s and '80s, many Colombians fled violence and economic stagnation and headed to Venezuela, which was experiencing an oil boom. Up to 4 million Colombians made the move during that time". Our interviewers also said that Venezuela need to make it economy grows up again because there is a lot of violence there, and once you have a very complicated financial situation the desperation to survive can make one uses violence to guarantee some living. All people interviewed agreed to give us an interview and photos and also signed a consent form used into this study. The sample used can't be so representative, but illustrates some of the wor-

ries and dreams that every immigrant or refugee can possibly have, and also illustrates their fears of living abroad their homeland. The survey/questionnaires used here were made to emphasize the life-stories and was just some focal questions to make each interview talk about their experiences living as an immigrant.

The next step consists in the transcription of the data collected. It was not a literal transcription of the interview, but we get the close as possible of our subject: the experiences one has living as an immigrant, the fears, the worries and the citizenship. The interviews as Sautu, Boniolo, Dalle and Elbert (2006) explain, is a technique which objective is to have, to restore and to register memories and life experiences. For this study, our main population was living in some peripheral neighborhoods of Barranquilla (Colombia) know as a place in which many immigrants and people who were there as internal migration because of the conflict in Colombia were living, and they were chosen randomly according to their time available for giving the interview and a familiarity of a member of our team with those interviewers. The interviews were made by December 26<sup>th</sup>, 2016 and finished by January 6<sup>th</sup>, 2017.

## **Interviews**

### ***Anibal Morillo***

The first question asked by our interviewer – Brandon Aragón - to Mr Anibal Morillo was about his life in Venezuela. He asked our interviewed to talk about living in Venezuela, the original birthplace of Mr. Morillo before he went to live in Barranquilla (Colombia) as a migrant.

Mr. Morillo: I was a working man there, had a family, have a four-year-old child of mine (a girl). I have done the High School and then I kept on working. Before I got my High School finished, I already have my daughter. I kept on struggle for living to shine, I mean, I had to work harder in order to shine (...), and then I had these thoughts about doing some [professional] course.

Then our interviewer asked Mr. Morillo about the reason why he decided to go to Colombia for living.

Morillo: First of all because there [Venezuela] were all my family, my mother, my daughter and being here I missed them so much, and I left there [Venezuela] because the situation was pretty much complicated, It was hard to have some food. I already worked there and the money was not enough for living. I was worried all the time, I was hungry sometimes, so I make my decision to go to Colombia to see which opportunities I can find there... I don't know, I thought that there [Colombia] I could have a good job, and now I'm here struggle [for living].

Aragón: How is your life since you've got Colombia?

Mr. Morillo: Fine, I liked this experience, or as you [Colombian people] say *bacano* [which means funny, great] I'm *bacano* because I came in December and all people are happy, and in Venezuela people are sad because ones have food, others don't have any food to eat, other has other kind of worries, and here no, here they are fine. I tell my family there that here is happiness.

Aragón: How do you fell leaving your city, your country, your family there? And what do you think about Venezuela?

Mr. Morillo: Sometimes it hurts me that... I was leaving my country to go to another one which I did not know... about the second question, well everyone thinks, everyone wants that the country get away from this complicated situation, that Venezuela don't be like it is nowadays, but that Venezuela of old times. On those times, the Colombians went to Venezuela, now we, Venezuelan, are going to Colombia. Not just Colombia, but different countries.

Aragón: ¿Did you have someone here that helped you when you arrived?

Mr. Morillo: A sister of mine with her husband were here, they were living here for several months, so I have talked to her and she said "well, come on", and so I'm here with her struggle for living.

Aragón: What do you do here [for living]?

Mr. Morillo: I paint here (wall, houses, etc) do mason services... but I want to have another job, but I'm a migrant without legal documents [in an illegal condition] and this did not help me to have other jobs.

Brandon: Which was your job in Venezuela?

Mr. Morillo: The same job, mason.

Aragón: How do you define the word violence?

Mr. Morillo: Violence... violence is delinquency. They are the *Cole o Coleto* or *malandro* [which means kind of trickster, they are robbers who usually are in the streets] walking through the corners, using drugs, with guns... after I came in a brother of mine had his motorcycle stolen in Venezuela. They were in the house which he is living and stolen him, they also stolen a television. Violence is another thing; there are many perpetrators today on the streets.

Aragón: How were women treated in Venezuela?

Mr. Morillo: Fine. There were just a few people who used to misuse women using words [kind of psychological violence].

Aragón: Well, thank you for taking your time to be part of this project.



***Mariela Yepes***

Aragon: Why did you go to live in Venezuela?

Mrs. Yepes: I went to Venezuela when we faced a crucial economical moment in Colombia 12 years ago, more or less. We faced an economic crisis, my husband was fired, I lost my job then we went there to see if we could have our lives changed, you know? Then we migrated to Venezuela. I stayed there for 8 years and 4 months without returning to Colombia. For me it was hard! [...] The men [Venezuelan] are more male chauvinist [a macho culture mindset] than the Colombian [men]. Women [there] are more liberated, if you compliment a man with kindness they [men] believe that she is in love with him. But in Colombia is different, you can do this and they will respect you. When you move to another country the cultures are very different. [...] Men there [Venezuela] don't treat women well. Here in Colombia they also did not well but here there are some men more respectful to women.

Relating to work, we work hard because you know you arrive without papers [it means as an illegal migrant] and then doors are close to you [...] I last in this way for 8 years and 4 months closed on my house by 6 pm. You have no right to get out for a walk, to have fun in a healthy way, no. [...] But above all this, you live the experience, you meet people, and you learn things. You learn to value your country, you learn to value your parents, and your personality to move forward [...] We struggle, we progressed to have properties there, it is a pity that the country felt down in decadence because Venezuela is over. Then I saw a necessity to be back to my country. And I made my decision to come back 2 years ago. When I came here I said, wow, the same, beginning with nothing to my name, because when you come back you have to start by zero. We came here, we struggle for living and we are okay.

Aragon: What was the decision point that made you be back to Colombia?

Mrs. Yepes: Well, it was when we noticed that the country [Venezuela] was falling down. When you move to a country in which you have to make line [to buy things], and in yours you did not have to make line, well it is time

to get back. Colombia is a country in which if you don't have money, you can find some [you are helped with that]. So, I don't regret anything.

Aragon: How has been your life since you came back to Colombia?

Mrs. Yepes: I have come very decided to begin a new life here. There is no necessity to hidden yourself afraid due to you are illegal migrant because this is your country. You can come and go, in which time you want it. The truth is that I'm happy. [...] the material things did not value more than the emotional feelings. [...]

Aragon: How did you define the word violence?

Mrs. Yepes: The truth is that nowadays violence exists because of the lack of loving. [...] If one doesn't love the other, then this person doesn't love anything. If this person doesn't love himself (...) there is a commandment that says love God as yourself. And if you love yourself you don't do any harm to another one. That's why the violence exists, is because of the lack of love to another one.

Aragon: Thank you so much for this interview.

Mrs. Yepes: Thank you.



**Lorenzo Mercado**Aragón: Why did you decide to go to Venezuela?

Mr. Mercado: Well, particularly what made me go to Venezuela was the economic situation, some aspects on my life, I went through an accident and after that I divorced myself (I was married), then we (me and my ex-wife) had to share our properties. After that I was with no money at all and I decided to join my father who was already living in Venezuela. He missed us so much, and then I went there to explore a new way of living. First I was there just as a vacation moment. I knew where my father was and then I stayed there working in Venezuela. And we are from a very tropical zone, the coast is always very hot and we went to a cold zone, to Merida (Venezuela). So, my father get sick and I asked to bring my mother and we decided to use our knowledge acquired in Colombia to use in Venezuela. But we decided to change destination to another state-city, with a more tropical climate. Then we started step to step working in farmhouse, I begin to study, to prepare myself... I was traveling to a city to another almost 3 to 4 hours per day; then I also studied by the weekends, then I graduated as a nurse, I also learned veterinary. Venezuela was to me one of the best universities, I seized every opportunity: if they were in need of someone to do something I volunteer to learn to do that thing and I get there and did it, to drive a tractor, a motorcycle, to use a chainsaw... I learned to use everything and every opportunity and I said: In Colombia who would give you a soldering machine for you to break it in change of learning how to use it? I use every opportunity in my life.

I graduate myself as a nurse but my expectations were to be a pharmaceutical [chemist], but I almost lost the opportunity [to study nursery] because they [Venezuela] was not wanting me because of my Colombian papers [the illegal condition], and I was so incisive that they allowed me to finish my studies and keep on working in the hospital as a nurse. I work there for five years and I left it because I always dreamt of being a businessman [...] my mother and my father make an exceptional work team and we al-

ways dreamt of having a farmhouse, with animals like horses [...] and we got it with much sacrifice because is not easy crossing the borders to another country leaving your beloved ones, your family behind, it is not easy at all, but not impossible. But I've always learnt that God [...] always put opportunities on our way but is our responsibility to develop such opportunities. [...] I've got the possibility to be back to Colombia, to live a dream of mine that was visiting the *Ciudad de la Salsa* [Cali] I made myself a dancer instructor-teacher; got the opportunity to be chiropractor, studied and now work with acupuncture, reflexology, relaxing massage, reductive massage, and so on we are walking step by step and we have to move very fast because it was twelve years (...) we had the cars, horses, the cows every one we had by our work suddenly we made the decision to be back to Colombia. And it was hard this experience.

Aragón: What was the point that made you decide to leave Venezuela?

Mr. Mercado: Well, one of the things I used to say to my Colombian friends in Venezuela was that we [Colombian] need to teach the Venezuelan people, not the opposite. Venezuelan culture is very hard and is very hard in a certain way because they like easy way of living [...] there is a very different culture than the Colombian. Here Colombian has to work, if you want it or not, you have to, because you have to produce something. Venezuelan did not like to produce; they like to spend money, to achieve things, to buy things. So this helps to create this easy way of living that I'm talking about. I was surrender by certain things like when a Colombian wants a new car he sells the car he already has in order to buy another one (new one). Venezuelans don't do this. They can have an amount of five cars in their houses and they buy another one (new one) but did not sell the other ones. Because to them, having these five cars means a kind of power to say "I have". [...] Once I was there I could watch the Venezuelan economical decadence, the hard way to buy things, there is no law. In a state (city) the Major controls everything, so today a thing costs a certain price, and tomorrow it changes.



A person can mistreat you in a public transportation and you don't have a place to relate that, a public place, and in Colombia is different [...].

Mr. Mercado also spoken about the feeling of having two families in two different countries like Venezuela and Colombia:

Mr. Mercado: They never gave us papers [which means that Mr. Morales was considered an illegal citizen by the law] I walked through all places I want without fear because I was a very friendly person and also policemen were friends of mine. So I miss some friends of mine that are in Venezuela [...]. I missed my "Venezuelan" uncle and aunt, and also grandpa and grandma there. I'm living as far as one year back to Colombia and she calls me every week or each fifteen days, she writes me, she says I'm her grandson. [...] It hurts me to see Venezuela right now because I learned so much there [...] No human being is giving the opportunity to choose a [birth] country.

Not even the parents, not even the name, but one must be proud of where came from. I'm very proud of Colombia.

Aragon: Since you came back to Colombia how has been your life since then?

Mr. Mercado: Well, it is not easy because one came with the sadness of people and things left behind and with the sadness of what he finds when arrives. Colombia has things that are needed in Venezuela, and the opposite is also true. Happiness is not complete [...]. I created a kind of therapy in which combines dancing and chiropractic techniques; I work with 25-30 persons twice a week, and it took me to another [...]. I have been working by 12 years with natural medicine [...].

Aragon: A concept of yours based on your life about what means violence?

Mr. Mercado: Well, I think and my personal concept of violence is to align yourself with a Higher Self [kind of God]. When you have an independent relationship with God, he will protect you. [...] God uses your subcon-

scious to aware you of the danger. Violence is in everything. This has nothing to do with a country, but on the entire world [...].

Aragon: Based on your experience living in Venezuela and in Colombia, how women are treated in both countries? And the violence towards them?

Mr. Mercado: (...) we have a problem concerning with gender. Women are not representing their [traditional] female paper [in society] anymore for helping men to represent theirs [traditional paper in society]. In old times man was responsible for bringing money and the woman for keeping the house. Nowadays, woman let go of being a housekeeping to help man to bring money to their home. And what is the matter? The matter is that not all men but some of them did not enjoy this opportunity [...] she is doing something that is helping me so I need to do something that helps her. She tries to help man but man cannot be thankful for her help. And the violence against women in Venezuela is bad and is good. In Venezuela women are very protected [by public policies]. A man commits physical violence against a woman there and immediately he will be arrested. This leads women to be more confident. And then those women turn to be more violent. A woman stabs a man and she is not arrested. This happened to me [...] it is not a crime because is an action from a woman against a man. I could not use a legal service because there it is not a crime, so I said that I had to wait until she killed me to use the legal service? Here in Colombia is fifty-fifty. If a woman attacks a man, the man can use the legal services to protect him. But this violence is increasing [...] what run the world today is passion, and what is been missing are the values [human values towards each other]. Children today are all material children. Nowadays they are not told to learn about those values but the price of the new cell phone, the tablet ... and this helps to produce a kind of violence: if this child did not respect no one into his house, so he will not respect anyone on the streets [...].

Aragon: Well, thank you for this interview.

Mr. Mercado: Good.



***Ruby Solano***

Aragon: Why do you migrate to Venezuela?

Mrs. Solano: Well, I emigrate trying to find out some job. Because here [Colombia] the old woman when passes hers 35-40 year old they sat that these women did not have the same capacity of working [of young ones], so when she is older she can't find a job. In Venezuela this kind of problem doesn't exist. In any place there they give you a job don't matter how old you are. It doesn't matter where you came from, they give you a job, it doesn't matter how old you are, they give you a job.

Aragon: So, how old were you when you migrated to Venezuela?

Mrs. Solano: I was 50 year old. And I started working there with no problem at all regarding my age.

Aragon: How people treated you once noticing that you were Colombian?

Mrs. Solano: Oh, good. There are some that treat you very well, there

are some that don't. There are some Venezuelans that don't like Colombians. But it is like in every other country; anyone has different opinions [...].

Aragon: How was your life in Venezuela?

Mrs. Solano: Well, my working experience there was very good. I have worked in clothes making and then as a seller on the streets selling coffee, so I never had any trouble with this issue. Personally, I was with my children there, we were fine but the country has too much violence. It was very danger, and before 6 pm I had to be on my home and did not get out [it was dangerous to walk alone]. This is the main difference between Venezuela and Colombia. Well, in Colombia there is violence but not the same as seen in Venezuela. Here you can get a car and be back by 2 or 3 am with no problem at all. In Venezuela but 10 pm you can't find someone who could take you with a car [kind of cabby] because is danger. This is the difference, the freedom you have. (...) In Venezuela you can't walk alone by the streets with freedom. Here [in Colombia] you can find someone with a gun on the streets, but there [Venezuela] everyone is armed with guns.

Aragon: And how it feels being a woman there?

Mrs. Solano: Regarding to being a woman it is better to be a woman there in Venezuela. Women are much respected there. Even if you make an insult by phone to a woman, a man has to be responsible for that by justice. Woman there is very important. She has reserved places in all the public transport, different from here [Colombia] (...).

Aragon: How has been your life in Colombia since you got back here?

Mrs. Solano: Very well, this is my land. I'm with my family. I'm working I'm a warrior woman with no fear at all. There is no one land better than yours (...). I'm happy to be here again.

Aragon: Do you want to be back to Venezuela?

Mrs. Solano: Be back to Venezuela, no. Just if one day Venezuela could economically grow again, then I could come back. Venezuela is pretty much

involved in debt (...). And I will stay here because all that is important to me is here in Colombia. I wish the best to Venezuela because there are many people who are worthy. But be back [as a migrant] I'm not sure, maybe just for tourism.

Aragon: How would you concept the word violence?

Mrs. Solano: Violence is something that you are used to. There is no just the violence you face on the streets but the violence you face with policemen too. Policemen use to treat Venezuelan like a dog. Policemen do what most please them with no permission (...) if you are a Colombia with no documents policemen use to beat you because you are the worst thing in Colombia. That's what violence means to me.

Aragon: There was a different violence applied when you are a woman or is the same that is applied to men?

Mrs. Solano: The same. Policemen treat man or woman as the same (...).

Aragon: Well, thank you so much.

Mrs. Solano: fine.



***Yenyfer Guerrero***

Aragon: Why did you immigrate to Venezuela?

Mrs. Guerrero: I went to Venezuela with my mother to know it (...) but most of all I went there because I was pregnant of my daughter and I wanted that she was born there, so she could have the Venezuelan citizenship and I could have more options of working.

Aragon: How was your life in Venezuela?

Mrs. Guerrero: I did not work there because I was pregnant. And it is very dangerous to get out there pregnant (...) When I had my baby they treat me bad there. [at the hospital], there was not a wheelchair, there was not chirurgical instruments, so I have to walk through the Hospital to have my baby (...).

Aragon: How people treat you once you are a Colombian woman?

Mrs. Guerrero: Horrible. Policemen could barely see us, because if they ask us for our documents and you did not have [an illegal condition] (...). They did not like Colombian people [Mrs. Guerrero laughs]. You have to walk hiding yourself. But if you saw me going to a shop or (...) you see shooting everywhere. Too much violence (...) you can barely get out there. This is horrible. You better be at your home than outside. This is the reality.

Aragon: From your point of view, how women are treated in Venezuela?

Mrs. Guerrero: How can I explain to you? (...) Some treat women good and some treat women badly (...) [but in general] too much violence (...). It is very horrible.

Aragon: How has been your life here in Colombia since you're back again?

Mrs. Guerrero: Colombia for me is the best. Here you have freedom, the opposite of Venezuela, here you can get out (...) Here in Colombia is your

community, you are with your family, you feel better. It is different being in another place than at your own city.

Aragon: How did you define the word violence?

Mrs. Guerrero: For me is a tragedy. Violence... is horrible to see that two or three people are killing each other; that is horrible that you cannot get out and see so much fights [on the streets] (...) violence is a tragedy. Something ugly, something that cannot exist with love. That's what I can tell you.

Aragon: Thank you for your time, your interview, your words.

Mrs. Guerrero: Thank you.



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## Photography Project<sup>1</sup>



*"No human being is giving the opportunity to choose a [birth] country"*  
(Lorenzo Mercado - Colombia)

La ciudad de Bogotá, en Colombia. Foto de Mark Revidiego



*"You have no right to get out for a walk, to have fun in a healthy way, no"*  
*[if you are an illegal migrant] (Mariela Yepes – Colombia)*

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<sup>1</sup> Our gratitude to the following photographers who collaborated to this Project: Mark Revidiego and Joni Carma (Cádiz, Spain).



*"There is no one land better than yours" ( Ruby Solano – Colombia)*  
Photo by Mark Revidiego. Model: Joni Carma on the beach "Caleta", Cádiz, Spain



*"If you love yourself you don't do any harm to another one"*  
(Mariela Yepes – Colombia)



*"Violence is in everything. This has nothing to do with a country, but on the entire world" (Lorenzo Mercado – Colombia)*  
Photo by Mark Revidiego



*"Violence is something that you are used to. There is no just the violence you face on the streets but the violence you face with policemen too" ( Ruby Solano - Colombia)<sup>2</sup>*

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<sup>2</sup> This picture was sent us by Emidio Capistrano who is the owner of this photo and he appears on the first chair of the left side of the photo with Haitian refugee in Itajai, Brazil.



*"Violence is something that you are used to"* (Ruby Solano – Colombia)  
Photo by Mark Revidiego (Cádiz, Spain)



# MIGRATION AND EDUCATION, EMERGING SOCIAL MANAGEMENT OF THE INCLUSION<sup>1</sup>

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## **ABSTRACT**

The social phenomenon of integration of education, community and inclusion enable the configuration of a new scenario of change and transformation from the alternative derived from the positions and the attitudes of citizens about of migration. All this factors establishing some causals between human development and the sustainability of communities. The participation of interdisciplinarity is necessary because is a vehicle of transit between the requirements and aspirations of people, since their actions can approve the dimensions of the citizen, as validating the practical application of government and State policies, consolidating contexts formal integration, inclusion and participation attending to the complexities of life and its impact on the very life of the citizen. Consequently, the school emerges as a transformational process when all people are integrated to find a common benefits, inclusion in times of migration and social crisis.

### **Key words:**

Migration, Interdisciplinarity, Education, Social inclusion, Complexity.

### **Initial Considerations: complex social context**

The reinvention of the education in the global context implies the consolidation of an intercultural educational model that enhances the ability to mediate between the particular interests and needs of the global communities in search of peace and reconciliation. In this sense, the interculturality that is generated between the complementarity and the diversity of social and citizen practices (Tubino, 2005) allows to evidence the capacity of adaptation of the educational systems under the pressure of the migratory movement, giving way to a state of educational management dynamic, complex and interdisciplinary (Silvera, 2017, p.11; Silvera, Corredor, Pineda, Pérez & Salazar, 2016) that involves a citizen capable of giving a logical and affective response to the incorporation of the foreigner to the phenomenon of understanding of self in the other (Garcés, Arboleda, Silvera, Sepulveda & Gallego, 2017).

A change scenario and reorientation of the social practices of assumption of the migratory phenomenon is the school, due to its ability to create contexts of cooperative and collaborative work, where the systemic thinking and interdisciplinary look of the practices (Saker & Correa, 2015) generates a relinking action of the logic of the thought and action of the human being, as well as the transformation of the interests and trends of the society,

with a permeability enough to be intervened by the educational system, which changes its flows and fields of action, achieving a significant change in each one of the elements that constitute the social group as an expression of the integration of popular knowledge, theoretical knowledge and social relations. (Law of Biot Savart, Chen, 1998 at Silvera, 2016)

This context of underlying relations demonstrates how the imbalances of the migratory flows in the world renew teaching practices from the need to articulate the ways of thinking and perceiving reality (Saker, Guerra & Silvera, 2015), therefore the phenomenon is constituted as a relinking element of the social reality as it is articulating virtuously in everyday life and in the school itself. The following table shows the migratory population dynamics



from the statistical estimation between 1985-2005 and its projections 2005-2020. National and Departmental.

Table 1. *National summary migration (national situation and projection)*

Edad	1985-1990		1990-1995		1995-2000		2000-2005		2005-2010		2010-2015		2015-2020	
	Hombres	Mujeres	Hombres	Mujeres	Hombres	Mujeres	Hombres	Mujeres	Hombres	Mujeres	Hombres	Mujeres	Hombres	Mujeres
0-4	-6.386	-6.257	-5.249	-9.109	-8.219	-16.977	-15.884	-13.203	-6.624	-6.617	-4.188	-4.354	-2.142	-2.515
5-9	-9.211	-8.844	-9.734	-8.658	-19.986	-23.434	-19.386	-18.297	-8.920	-8.690	-5.896	-5.816	-3.770	-3.832
10-14	-12.124	-13.302	-13.019	-14.249	-21.511	-34.437	-26.537	-32.605	-13.797	-16.742	-9.697	-11.997	-6.746	-8.651
15-19	-15.019	-19.913	-14.645	-22.014	-44.882	-52.797	-44.291	-55.479	-37.224	-44.208	-27.983	-33.218	-21.645	-25.847
20-24	-18.317	-20.225	-19.772	-23.747	-56.633	-61.738	-57.659	-62.020	-47.628	-51.217	-36.177	-38.692	-28.049	-29.866
25-29	-17.647	-17.985	-19.643	-21.174	-52.792	-56.487	-50.506	-52.729	-39.342	-40.761	-29.980	-30.839	-23.381	-23.822
30-34	-16.019	-16.136	-16.289	-18.290	-41.699	-46.974	-38.469	-44.428	-30.511	-34.377	-23.344	-26.101	-18.335	-20.510
35-39	-11.337	-11.721	-11.280	-13.678	-28.051	-33.246	-25.334	-32.305	-20.370	-25.085	-15.397	-19.017	-12.067	-15.108
40-44	-5.922	-6.316	-5.432	-7.593	-15.492	-19.282	-12.746	-17.808	-11.200	-14.656	-8.262	-10.916	-6.306	-8.480
45-49	-3.999	-3.362	-2.189	-4.230	-8.376	-11.854	-6.845	-10.520	-6.549	-9.262	-4.853	-6.866	-3.732	-5.332
50-54	-1.332	-2.040	-780	-2.434	-4.445	-7.692	-3.551	-6.437	-3.282	-5.251	-2.310	-3.842	-1.652	-2.924
55-59	-674	-1.144	-167	-1.540	-1.854	-4.669	-1.382	-3.964	-1.793	-3.662	-1.174	-2.596	-742	-1.898
60-64	-111	-192	-557	-1.033	-1.073	-3.531	-789	-2.623	-1.290	-2.730	-813	-1.912	-487	-1.367
65-69	-141	-226	-86	-388	-407	-2.222	-464	-2.014	-1.149	-2.125	-758	-1.476	-507	-1.039
70-74	-347	-436	-71	-502	-182	-1.078	-565	-972	-697	-1.106	-423	-706	-243	-451
75-79	-195	-239	-161	-269	-135	-524	-165	-448	-500	-693	-341	-452	-232	-295
80-+	-114	-174	-126	-176	-183	-481	-188	-558	-498	-829	-354	-590	-275	-447
Total	-117.075	-128.512	-119.200	-149.064	-325.920	-377.423	-304.741	-326.410	-231.374	-288.011	-171.930	-199.390	-130.311	-152.384

Source: DANE, 2017 (Est\_Migr\_1985\_2020\_nal\_dtal).

It is important to highlight at this point, the impacts of migration on education and economic development; the statistical reports of the migration department of Colombia shows how the “student temporary” and “special temporary”<sup>1</sup> have growth rates above 20 %, from 5.732 registrations in 2011 to 14.187 records in 2016, in the case of temporary student, and 10.183 to 23.073 in the same years in the case of temporary special” (Migration Colombia, p.35) All of this in the context of the postconflict and the culture of

1 Integrates foreigners who perform activities as volunteers, pensioners or rentiers, partners, medical treatment and adoption procedures.

peace, which gives an added value to the development in Colombia, reflecting the intervention of the migratory phenomenon in the future of peace, reconciliation, and the development of basic and higher education.

It is important to highlight how each of the dimensions of the human being begin to make sense with regard to the behavioral dynamics of the subject facing to the phenomenon of mobilization to the interior of the country and from other regions and states, which shows a conglomeration of cultures and trends, own and adapted, which can be considered emergent phenomena and relinking of reality or of the states of consciousness of the subjects that are part of the phenomenon itself. Martinez (2005, p.53) assumes the characteristics of migrants in the education sector from the culture and values, elements that initiate a transformation in the roles and expectations of those who are inserted into a receiving community, while assuming challenges and challenges of articulation, coexistence and performance, two-way exercise that also implies the indigenous population, typical phenomenon of interculturality, but that implies an approach to diversity and inclusion to the enrichment of the competences and social skills of the subjects.

However, by assuming the migratory phenomenon in a strictly academic context, from its impact on the curriculum and pedagogic practice, issues and problems emerge that put in tension the educational structure in the contexts of reception. Martin (1997) shows an interpretation from the mainstreaming of curriculum from the democracy phenomenon, as an element of impact in the educational system, generating the need "to introduce in schools, or in whatever the situation educational, solidarity values, understanding, interculturalism, anti-racism, anti-xenophobia and, above all, commitment to implement justice in societies" (p.112).

This reflection, implies an integral training exercise facing the demands of a glocal/glocaanal, which inserts the citizen in a global city context and in a world school that assumes the leading role of the human being from a cognitive reengineering that goes hand in hand with new states of training and ethics, moral and social orientation, whose base and connection are

the community practices (relinking strategies and transformation), popular knowledge management (citizen formation) and the development of conditions of social symmetry (relations of parties depending on the complexity of the reality of the society) (Silvera, 2016), by deriving a global cooperative and collaborative mentality, that rediscovers in the dialog the possibility of resignification of the tissues from the migration in all its dimensions.

In this sense, we claim the positions of Keeley (2014) who shows an concrete overview of the migration through the phenomenon traceability and its materialization in the social systems, that is to say, the way the migrants are inserted and developed giving virtuous turns to the communities where they echo, to the point of determining an outstanding performance in education and in workforce?

The school becomes a contextual element at the time of determining the spaces of social management and transformation of the views of the community life of migrants and receivers. For that, it immerses itself in a state of permanent dialog, which implies a redefining action of the nature of things, part of a dialectical logic to arrive at a complex dialogical reconfigures the relationships and connections between the life of its own and on the other, creating in this way a cognitive and emotional development sufficient to demonstrate how critical reflection of the migratory phenomenon contributes significantly to the subject, as a natural aspiration of education from its role in each of the societies in which knowledge and knowledge are developed and managed.

Consequently, the definition of a dialogic process, complex and transdisciplinary in education allows, and will continue to allow, curricular practices to guide inclusive and multicultural curriculum as a theoretical social space of pedagogical social mediation between the elements owns of the structured systems and work dynamics of migrant communities, transforming the teaching and learning processes, at the same time that enable the relinking or reconnection of objectified or subjectivated culture, with respect to the dimensions of the human being and its complex nature and interdisciplinary.

### **Economic context of migration in educational settings**

There are skeptical positions about the immigrant role in the economic development of the countries and regions, however, their most significant impact is seen in the generation of some resistance in the population that makes up the labor market of the receiving country (Sole & Reyneri, 2001). However, few stop to think whether the single effect is displacement and do not consider a complementary effect of the local labor market, a phenomenon that has driven consolidated and emerging economies to the point of bringing them to the highest level of development (Levine, 2008). This social imaginary part of the postulate that the new labor force that enters moved to native workers in certain segments of the labor market if the number of migrants is representative.

Analyzing trends of the qualifications of immigrants in relation to those of the natives helps to answer this type of concerns; several studies have demonstrated that the impact of immigration on wages and employment of the native is directly related to the relative levels of education of both population groups. In this sense, the National Academies of Science, Engineering, and Medicine in the United States (NASEM), in its study "The Economic and Fiscal Consequences of Immigration", formulate a hypothesis, which states that there is little evidence related to the fact that immigration will significantly affect the overall levels of employment of native workers, they also affirm that the effect depends on the level of qualifications of immigrants (NAS, 2016, September 21).

In this sense, if we look, for example, the case of low-skilled wages of natives could be affected by a decrease of the same due to the increase in the labor supply, although this decrease has been historically in strictly low percentages. However, in the case of skilled migration, the effect is the reverse order' in the NAS report affirm that

A positive impact of skilled immigration on wages and employment has been observed for both of the native inhabitants that have a university education and of those who do not have it. These conclusions are consistent with the view that skilled immigrants are often comple-

mented by native workers, especially when they are experts (Translation). (NAS, 2016, p.45)

To enter the local labor market for skilled labor, makes the salary of these activities increase, and even in some cases immigrants can be generation of new sources of employment through the creation of new enterprises.

A clear pattern that emerges for men and women is that immigrants are concentrated in two types of occupations: 1) those that require low levels of education, such as "Workers of the cleaning service and food", "Textile machine operators"; 2) professional occupations that require high levels of education, such as "physical scientists", "life scientists", "doctors, dentists and allied", and "architects" and "mathematicians".

The education of an immigrants cohort at a given time can be divided into two components: 1) the initial level of education that they reached before they arrived; and 2) additional education attained after the immigration. (NAS, 2016, p.48)

As a result, the participation of the migrant community has a significant effect, that in the field of education is directly related to the fields and knowledge that are linked to the culture of the host community, causing positive and virtuous changes in the social dynamics of work and collaboration, as well as in the productive culture, due to the level of commitment to the management and development of the migrant communities taking into account their needs and priorities of survival and consolidation for the stabilization of their groups and families, as well as the stabilization of markets that are generated around the migrant phenomenon, regarding to its composition and production, educational, cultural, ethical and moral customs.

### **Interdisciplinary mediation in migration and inclusion contexts**

Each step that is given around the social incorporation of the subjects immersed in the phenomenon of migration, implies the implementation of scenarios of balance between the daily practice of citizenship and the awareness of the subject from the inclusive and complex critical reflection of community life (Garcés, Silvera, Murillo & Sepúlveda, 2016, p.252). This

involuntary trend requires an attitude of conciliation and mediation, in addition to a high sense of belonging in order to consolidate a process of efficient insertion in the formative dynamics of life and coexistence.

The disciplinary formation, and its complementarity must print on the subject a new logic of action and reflection of reality, through useful tools to contribute to the building of the healthy and peaceful through the empowerment of mediation as an interdisciplinary context. In addition to the need for inclusion, socialization, learning of the language in the receiver, the school provides a place where migrant subjects develop capacities and sufficient skills in order to lead a life of cognitive and social success that allows them to stabilize their emotional burdens and build social fabric for the benefit of the community in which are inserted.

This complex vision of learning is assumed from the interdisciplinarity of the management of the virtues and capabilities of transformation of the social thought and action on migrants, which gives way to a culture of inclusion, the active participation and the construction of contexts of alternative resolution of conflicts, as well as difficulties mediation in order to generate strong relationships and connections between the participants of the formative process (at all levels) whose structural basis is the dialogic practice and mediation through stable and durable ethical and moral citizen practices.

All this scenario must be reflected in the formation results, by way of example we can see how some international tests show the behavior of the migrant population to the educational challenges of glocal society. Looking at the migration statistics we find as some countries impose the pattern at the time of determining the population course and influence in the world, India with 14.1 million people provides a critical mass that points to the management of some developing countries, even in some called developed countries, as is the case of the United States. This is followed by Mexico, with 13.2 million; and third Russia, with 10.8 which implies an articulation of cultures very interesting given the cultural and customs lines that these countries have, in addition to the language line, which forms a structural basis for the consolidation of a intercultural of non-colonial basis.

In addition to this, China, with 9.3 million, Bangladesh (7.8), Pakistan (5.7), Ukraine (5.6), the Philippines (5.5), the United Kingdom (5.2) and Afghanistan (5.1) (INFOBAE, August 9, 2017) provide new insights to the training processes regarding the management of new life scenarios in the face of forced displacement, conflicts and class struggle and powers derived from oppression and deprivation of basic living conditions. Europe is the continent with the largest number of immigrants, is home to 10 % of the world population, and hosts the 31.3 % of the men and women who live abroad.

With a low level of immigrants Bolivia (1.4 %), Jamaica (1.3 %), Mexico (0.9 %), Nicaragua (0.7 %), El Salvador (0.7 %), Guatemala (0.5 %), Haiti (0.4 %), Peru (0.3 %), Honduras (0.3 %), Brazil (0.3 %), Colombia (0.3 %) and Cuba (0.1 %) (INFOBAE, August 12, 2017). To situate ourselves in the Latin American context the picture becomes evident, the elements that are inserted into the educational dynamic of the region impact positively or negatively in the educational system, generating aggregate values that make it possible, to significant extent, the advance or retreat of some communities.

Table 2. Average scores and standard deviations in mathematics, reading and science, PISA 2012

Countries	Mathematics		Reading		Science	
	Average	Standard Deviations	Average	Standard Deviations	Average	Standard Deviations
Chile	423	81	441	78	445	80
México	413	74	424	80	415	71
Uruguay	409	89	411	96	416	95
Costa Rica	407	68	441	74	429	71
Brasil	391	78	410	85	405	79
Argentina	388	77	396	96	406	86
Colombia	376	74	403	84	399	76
Perú	368	84	384	94	373	78
<b>Promedio OCDE</b>	<b>494</b>	<b>92</b>	<b>496</b>	<b>94</b>	<b>501</b>	<b>93</b>
Shanghái	613	101	570	80	580	82

Source: OECD 2016. Note: Latin American countries are ranked from highest to lowest average in mathematics.

In the case of Colombia, one of the factors that most affect the multicultural development and management of knowledge for the social and economic development is the teacher formation, which generates an impact on the quality of the formation processes of the students.

This problem has been manifested continuously on the results of the different knowledge tests associated to the standard required by the OECD through the PISA (*Program for International Students Assessment*). These results of student performance is recurrent and correlate with others such as PIRLS<sup>2</sup> tests (reading skills), The SRCES (Second Regional Comparative and Explanatory Study)<sup>3</sup> where the basic primary education in relation to the areas of Language, Mathematics and Natural Sciences, are assumed from distinctive educational factors of the regions and that directly affect the educational quality.

However, in line with the basic postulate of this reflection, the achievement of an efficient and inclusive social learning, quality and transforming of critical thinking and the inclusive action of the subject in migration, it is only possible through a structured process of formation, where are inserted all the phenomena underlying the integration of curriculum and teaching practice, theoretical and epistemological conceptions of pedagogy and the needs of the school organizations, from their interaction with the context and their prospective until the achievement of tendential scenarios of the law (Silvera, 2013, p.162).

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- 2 PIRLS, is carried out every five years since 2001, through written questionnaires applied to students between the ages of 9 and 10 years' old who are usually studying fourth grade of basic primary education. In addition to the tests. Applied questionnaires aimed at students, parents, teachers and rectors of educational institutions to obtain information about personal, family and school characteristics that may be emphasizing the performance of this test. It focuses on three aspects of this competition: a. The purposes of the reading; b. The processes of understanding, and c. The behaviors and attitudes towards reading. In the Colombian case, only 1 % of the Colombian students who participated in IRLS 2011 reached the advanced level in reading competence; the 9 % obtained a score classified in high level, 28 % at the middle level, and the 34 % was located on the lower level. The remaining 28 % did not reach the minimum levels of reading competence (they obtained results below 400 points), which means that they have not had an effective learning of the process of reading
- 3 The SERCE is the most important and ambitious test of the developed in Latin America and the Caribbean. It is organized and coordinated by the Latin American Laboratory for the Evaluation of the Quality of Education (LLECE) and is framed on the overall actions of the UNESCO Regional Office for Education in Latin America and the Caribbean (OREALC/UNESCO Santiago) tending to ensuring the right of all Latin American and Caribbean students to receive a quality education.



As a result are structured approaches to management and development of education to consolidate a social process of inclusion and mediation for the construction of new contexts of migration, through a reinterpretation of a complex scenario, inter and transdisciplinary of the reality of the formation processes, curricular, didactic and content, for the materialization of the pedagogical and didactic models, that can give answer to the social questionings derived from the migratory phenomenon in a certain historical moment.

In this sense, are defined as lines of action the following constructs:

- a. Generate a social and high level professorial formation that impacts the processes that manage the transformation of education in the regions and countries.
- b. Develop a pedagogical act that promotes dialog around glocal policies, regional and national, giving answers to the traditional and emerging issues from the conception of region and the country.
- c. Generate knowledge, experiences and educational innovations for the strengthening of the quality of education at different levels on the basis of the inclusive, multicultural and migratory phenomenon.
- d. Take advantage of the best successful experiences in both national and international to strengthen the missionary functions of the doctoral program through active participation in peer networks.
- e. To insert in the dynamic of permanent formation of the teacher and the migrant student mechanisms of alternative solution of conflicts and social contingencies from the critical pedagogy and its relation with the principles and values.

The concreteness of these elements in the social process and formative relinks proportionally the fundamental structure of the contents and thematic units that are addressed in the education, transforming the nature of being to the time that generates a significant impact on the educational tools for the definition of criteria for reflection from the objective character of the norm, and the subjectivity of the subject (López, 2017).

In summary, education in the migration should be based on a project

that seek to make socioeducational problems visible, understand them, analyze them, and make them a viable opportunity to achieve the necessary educational transformations that demand the world society.

### **Dialogic practices, emerging and relinking of social problems from the inclusion**

However, treat citizenship education as a complex process implied giving an account of the complexity understood as a framework of multiple interdependencies, it is the fabric and interweaving of events, actions, interactions, feedbacks, determinations, chances. It is the permanent game of the unity and diversity of the one and the multiple, the complexity was at the base of all process or phenomenon. The complexity is not then the complication, since this can be reduced to simple principles and then it would suffice to explain these principles and thus would realize the laws that govern what are called certainties.

This discrete way of recovering uncertainty as in eliminable, is present in every complex process, since it is not simplifiable, although it does not reject simplifying thinking, but intends to re-generate in a critical way the reconfiguration of a thought of leader that it considers convenient the practicality of the contents and the social dynamic that implies the character unidimensionalizes the reality.

From an integrative look, then, the categories of education, knowledge, emergencies, tensions, social leadership, human rights, coexistence, peace, shared civic patency and complexity, generated the base of transformative tools of society immersed in a formative and community process, creating in this way a relinking relationship between education and social transformation, making them to emerge in post-conflict scenarios.

In this way, all these concepts show how the social status of leader is possible in all, as long as they are stimulated properly in the stages of cognitive and affective formation, that is to say, each of the contexts of formation for citizenship, allows the maturation, participation, existence and social mediation of its actors and participants. Thus, this reflection implies

an analysis of the contexts of social integration as a common goal of society, it is possible to define strategies and models of formation for the citizenship with a view to the social transformation.

When they moved all of these concepts to the status of citizen (social subject with rights and obligations), education for coexistence and social peace, plays a fundamental role in the formation of a citizen. The approaches and dimensions that these assume, go hand in hand with a social thought, an autonomous and conscious development of being that enables new the logical thinking and citizen action, internalize the way to practice and socialize the feel, and fosters the communicative action among the members of the communities, making it possible for the sustainable development of the community; such considerations are visible to the extent that the formative processes, are articulated to the community dynamics, linking with the ethical and moral sense of the subject, with states of consciousness in the face of complex realities and interdisciplinary roles, the latter being the mediation for its resignification.

In the society and the school, there was then a causal relationship between the underlying characteristics of the process of formation and of the citizen himself, setting up positive contexts by a teaching oriented towards the policing "action", far from creating a social identity and citizen self-regulation, demonstrate how the relations and connections of these processes, are important to the extent that its emergency makes possible the realization of new scenarios of social and human transformation

In this regard Morin (2011) has deeply questioned the basis in which the traditional educational systems are supported, petrified, unable to teach thinking, tributaries of simplification. In his book *The Seven knowledge necessary for the education of the future pose*

It is impossible to conceive the complex unity of the human by means of the disjunctive thinking that conceives our humanity in an insular way outside of the cosmos that surrounds it, of physical matter and spirit of which we are constituted, nor by means of thought reducer that reduces the human unity to a purely bio-anatomical substrate.

The human complexity thus becomes invisible and the man fades 'as a footprint in the sand'. In addition, the new knowledge for not being re-linked, is neither assimilated nor integrated. Paradoxically, there is an aggravation of the ignorance of the whole while there is a progression of the knowledge of the parties. (p.22)

This is where the proposal of formation for coexistence, peace and the vindication human rights, finds a state of discontinuity and dissociation that must be overcome, thus it was necessary to provide alternative solutions to programs and projects for the construction of citizenship in the different levels of formation, oriented from an interdisciplinary look for the resignification and transdisciplinary development of social knowledge (Ethics of the citizen). In this line, we find as Cortina (2000, p.285) proposes a shared ethical minimum, reason why it is necessary to take into account the interests of all affected and participants in the process of social management of knowledge and science, even when there are empowered behavioral or reason assumptions in communities, which underlie each of the determinations of the subject and in their daily live.

Formation in community contexts implies an evaluation process that allows to visualize the results in the hand of processes of integral, inclusive and participatory formation, given its social and real open nature, in addition to its nondefinition of goals, its natures supported in the uncertainty of the facts, issues and social problems, the human and technical preparation of its parts and of the educational whole, and the vulnerability that is permanently exposed (Gairin, 1996, p.106) so it is necessary the incorporation of values that direct the educational model and strengthen the structural basis of society (teacher-student) giving a competitive character to the organization and overcoming the changes that may arise in contexts of political, cultural, social, democratic and citizens in scenarios for peace and reconciliation.

The complexity of the contexts, learning, structures and strategies "does not lie in the quantity and variety of resources that are incorporated into the system" (Álvarez Fernández, et al., 2012, p.22), but are also determined by its connection to modes and moments that handles and interact

with the reality and the uncertainty, giving way to an inclusive vision and ethics of reality. In this way, the management of a participatory training of social leaders, interdisciplinary and systemic, generates an environment of complex integration by providing valuable information for the valuation of the proceedings, taking into account available means, resources and attitudes are available, as well as a formative function of an ethical character, linked to self-evaluative approach, of the social and civic dimension (Zaitegui, 2012, p.52) from the active-participatory interaction in which the subjects, contexts and/or communities, attending to the diversity of factors that emerge from the social reality, creating classroom, community and daily life instruments, from the self-regulation for the transformation (Santos Guerra et al., 2014).

In consequence, the proposal for a complex integration of participatory and interdisciplinary active citizenship printed in the community an aspiration toward leadership actions able to assertively and effectively attend relationships and connections that are woven between ethics, citizenship, good practices of participation and leadership in a community. This reflected a series of ideologies that underlie the diversity of thought, in the critical action in front of the context and the significance that the participants print to each one of the citizen, ethical and community actions in favor of social development.

The formation of social leaders in scenarios of coexistence and peace, in the face of post-conflict phenomenon, is made possible by the rupture of simplistic schemes (González, 2015, p.44) from the problems and challenges of daily life, through a deep reflection and structural changes in thought and action. This process, is given through the integration of the concept of citizenship, from an emancipatory, transformer and relinking (IAP-IC), mobilizing communities to clear and precise purposes. In this sense, Murcia (1997, p.24) shows us how the subject/Researcher/actor internalizes the actions of the improvement of their reality through their active participation in the process itself, generating states of consciousness and ethical assessment of their act, and the chances of resolving the problems that can arise before, during and after such a scenario.

These conditions of formation and thought, created the possibility of being/subject to communicate self-assertive and with social interaction, generating a system of open character, whose main characteristic is the understanding of the world, that leaves the idea of exclusion to get to the consolidation of inclusive and multicultural citizenship (be/do/know/ grow) making visible the inclusive character of the human nature in contexts of coexistence, peace and respect for human dignity.

This art of management of the citizenship, was configured as a way of living, contributing to the need for transformation of the reality and its planning for sustainability and/or sustainability of the human rights and citizenship, creating free and spontaneous spaces, from the very essence of the subject, moving away from the previous stages of the prejudice, from the immersion, to give a contextual explanation of reality.

In the context of diversity, this interdisciplinary purpose is welcomed, the educational inclusion as an imperative necessity of dignifying the human condition, maintains its ideology regardless of the differentials states between a subject and the other. Therefore, it is understood that an inclusive education is one that looks at the subject integrally, recognizing him as a historical, complex and multidimensional being in the regular school context, and as such, requires of conceptions, curricula and multireferential formative processes that respond to the real needs of the same, in the articulative logic diversity-individuality, UNESCO (2004, p.20) pose that inclusive education must:

Welcome to all children, regardless of their physical, intellectual, social, emotional, linguistic conditions or other. Should welcome children with disabilities and well endowed, to children living on the street and working, children from remote or nomadic populations, children from linguistic, ethnic or cultural minorities and children from other disadvantaged or marginalized groups or areas.

The proposal of UNESCO (2004) is oriented towards the reflection and debate in the context of the school provoking the transformations in the practices of the same seeking to respond to the recognition of the equity, the claim to the justice and the rights of citizens.

Think of the inclusion derives a thought and action of the school to welcome the consideration of the human condition and diversity. Correa (2009, p.47), poses that

Inclusion is part of the sphere of values and because of this, teachers, have to advocate for a nation-state, where education only to mention one of the basic needs, is of quality and equality for all.

Therefore, the educational institutions in their practices must assume that the student in the regular classroom, expresses its individuality, its peculiarities and by the historical, social, economic and cultural conditions in that has been developed, between such peculiarities is the talent, which must be conceived not only as an individual potential but as a historical social opportunity. Each subject is a manifestation at the same time different and generic to the other or others, reason for which, the looks that are given to its manifestations must attend to these peculiarities.

The subject as such behaves according to what has managed to build from his articulative language with the world, with his family and the environment, where each element contributes to the formation of a human being with possibilities of multiple answers; it is for this reason that the pedagogical environment of the classroom must take into account the relinking of individual and collective social potentialities and characterizations. The teacher must remain in a state of alert to unveil in the pedagogical act aspects of everyone who makes us different and at the same time relinked by his human condition, to guide the pedagogical act.

One of the epistemological supports of inclusive education is revealed in the fact of recognizing the human condition, the state of the difference of one human being to another, that capacity of each one of us to move in different worlds, and that brings us to give different answers in the relationship with the other, is the situation that the family and the school should consider.

What is an Inclusive Education? Martínez-Otero (2006, p.85) emphasizes to consider the conception from the explication of the concept of inclusion to signify the school, expresses two reasons

It refers to the right of all learners with special educational needs or not, to participate and to be a member of the classroom and the school community in which they are, and the second because the inclusion involves the participation of all students in the school, not only their presence.

This contribution allows to consider that inclusive education is that conception some schools focus on the central concern in the rights of students, in such a way, that the formation process that develops in their students interpret the interests and motivations of the same, from their individual differences but taking into account the collectivity to the significance of the experiences in the daily life of the subject; it is one that interprets the social order that corresponds to it, keeping a dialectical relationship with the school and society.

Echeita (2007, p.14) proposes to take into account the following elements of inclusive education:

- Inclusion is a process that includes all educational actors and its structure is of endless searches that allows concentrate actions of quality and respect to diversity.
- Inclusion seeks to identify and remove barriers, this means developing processes of ordering and systematization of actions to plan improvements in policies and educational practices.
- Inclusion has to do with the presence, participation and performance of students, the presence is linked with where they are educated boys and girls, and how much of reliable are the educational institutions where they are cared for; the "participation" refers to the quality of their experiences while they are in school and, therefore, has to involve the opinions of students; "performance" is about the results of students through the curriculum and not only in the results of tests and evaluations.
- Inclusion suppose a particular emphasis on students who may be at risk of marginalization, exclusion or school failure, this suggests in the moral responsibility that we must assume to ensure that these vulnerable



groups are carefully observed and when necessary take measures to ensure their presence, participation and performance in the education system.

Considering the above approach, obliges us to think in the need of the school system be alarmed by the rigidity and monotony that offer current educational curricula and create policies, pedagogical projects that transcend the social practice, produce impact in the contexts where it energizes the school, augmenting cognitive, cultural and socially to their students, this statement is evidence of the ethical commitment of the educational actors to act quickly to achieve the transformation from this perspective of the school.

Inclusive schools are characterized by maintaining a philosophy of the class that all children have to belong to the group and all can learn in the normal life of the school and the community; the rights of students are concentrated to the respect of their capabilities and to be themselves and one of the knowledge necessary to educational practice is the respect due to the autonomy of the learner. Respect for the autonomy and dignity of each one is an ethical imperative (Freire, 2006, p.58).

As an element of the dialectical contradiction, inclusive education have to think on the transgression that Freire talks, opposed to the autonomy

Professor who disparaging the curiosity of the learner, his aesthetic taste, his concern, language, his syntax and prosody; the teacher who treated with irony to the student, which minimizes him that puts limits to the freedom of the student, is affecting the development of his autonomy, dignity and capabilities. (2006, p.59)

Think of an inclusive school is to take on the challenge of change, is to reflect continuously on the educational reality, mean the aspects that teaches, what for, why, how and when the events of the school occurs. The educational trend in Colombia invites schools to build its sense and relevance to attend the cultural diversity, where the respect and value of the human condition is the banner of the education that is privileged.

The curriculum focusing on human development, is based on the hu-

manist conception focused in attention, the experience and needs of the student; it gives greater weight to the biopsychosocial perspective. The main goal is the integral development in its intellectual, emotional, social and psychomotor dimensions, as pointed by Villarini (1996, p.45).

The previous approach, is complemented by a point raised by Stainback (2001), who points out

That the inclusive schools are characterized by a curriculum with approach holistic, constructivist and significant, as a response to the insufficiency of standardized and preset curricula; each child participates in a learning process, to the extent possible, in a particular subject matter; how to learn and what to learn depends on his prior knowledge, interests and capabilities, this perspective allows children to take advantage of the opportunities that are offered in classes. (p.90)

Lies in addition from the dialogic approach, equal to the difference, said Saso (2006, p.125)

Equality includes the right of each person to choose to be different and be educated in the own difference, the inclusive school must promote equality, to ensure that any person can acquire the necessary skills in actual society. Establish the difference is the guideline for the development of the autonomy and dignity of the human condition.

The school must think in the structuring of a flexible curriculum, which allows the attention to the different manifestations of the students, the creation of strategies to revitalize the classrooms, training of their teachers, the adequacy of infrastructure of schools, the participation of the fathers of families, these are possibilities of the school that thinks of the innovation of its curriculum, among other things, that allows it to respond to the real process of inclusion.

### **Certainties and uncertainties**

The relationships between the school and the migrant community integrates inter- or transdisciplinary contexts, under this understanding edu-

cation is the pathway that mediates between the social practice of incorporation and the glocal dynamics of interculturalization (Morin, 2011). In this way, each one of the formative elements that are inserted into the community through educational institutions (IE) becomes a tool of mediation between society and the migrant subject, of as its discourses and practices are affected positively when the IE assume their responsibility and commitment. In this order of ideas it is necessary to take into account aspects such as:

- a. Need for strategies for inclusion and multicultural integration for the subjects in the context of the integral formation of face to the justice and reconciliation.
- b. Manage cooperatively communities of social and community learning from the school, by adjusting the contents and guidelines of the education, at all levels, to the needs of inclusion, development and transformation of the states of consciousness and of the actions of each of the subjects that are articulated to the practices of strengthening of the society in the face of the phenomenon of migration.

Table 3. *Emerging social development of the subject in the school-community in emerging contexts of migration context*

Context	Emerging	Applicability
School	Inclusion Interculturality Intersubjectivity Religation Know popular	Integral formation for the social and human development in contexts of reconciliation, inclusion and post-conflict
Community	Friendship Virtues Social Ethics Community Moral Multiculturalism	Definition of criteria of thought and action for the transformation of the daily practices of reception, management of the knowledge, formative practices and role of the school in social development
Family	Parents Teachers Fellows Neighbors	Extension of the formation and school concept from the basis of the cooperative and collaborative work of educational institutions in complex and interdisciplinary contexts

Source: Adapted from Silvera, 2016

All these elements enable that the migration is a natural social process and that injuries resulting from its implementation as community emerging to decrease in the extent to the school is located as a center for management and implementation of the glocal policy of inclusion and development international and multicultural, that transforms the fabric of societies and promotes life in stable and lasting coexistence.

It is important to note the positive impact of skilled immigration on wages and employment both of the native inhabitants that have a university education and of those that do not have it. These conclusions are consistent with the view that skilled immigrants are often complemented by native workers, especially when they are experts.

In consequence, the school must assume its engagement with communities and initiate the integral transformation of the subject that it inserts (migrants).

Must be a space of interdisciplinary dialog where each one of the subjects they feel part of the educational community, at the time that distributes its interest and responsibilities charges between their social life and the socialization of the school in their life.

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