How “Universal” Are Human Rights?
Listening to the Counter-stories of Subaltern Refugee Women Resettling in Sydney, Australia

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Abstract: Currently there are more than 51.2 million people forcibly displaced worldwide (UNHCR 2014), with women and their dependent children comprising approximately 70–75 percent of the world’s displaced population. Through a critical, feminist reading of citizenship and social inclusion following scholars such as Ruth Lister, Iris Marion Young, Gayatri Spivak, Chandra Talpade Mohanty, bell hooks, and Chantal Mouffe, this paper explores a qualitative research study of how a small group of Sierra Leonean refugee women resettling in Sydney, Australia experience educational access and family protection before, during, and after forced migration. Drawing upon the participants’ narrative accounts, this paper investigates the complex human rights challenges faced by women who are socially positioned as subaltern and as refugees. Their voices depict how certain groups of women may be excluded from the “universal” human rights of education and family protection as outlined in the principal human rights document, The Universal Declaration of Human Rights (United Nations 2015). It is argued that in order to advance human rights culture and democratic participation in civil society the voices and experiences of subaltern women refugees and forced migrants must be centred in the construction of knowledge about the complex social factors leading up to forced migration and the actualities of refugee resettlement.

Keywords: Refugee Women, Human Rights, Citizenship

Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. (Universal Declaration of Human Rights, Article 26.1 United Nations)

I didn’t go to school, I didn’t write since I born. I never own pen to write…no opportunity because my dad when I was 5 years old my dad pass away so my mum cannot afford money to make me go to school. Because…if we don’t have money, if your parents cannot afford the money for you to go to school then you cannot go to school. That why I didn’t go to school. (“Makeda,” refugee woman from Sierra Leone)

Introduction

According to the United Nations High Commissioner for Refugees’ (UNHCR) Global Trends Report (2014), out of the world’s 51.2 million forced migrants, 16.4 million people had refugee status by the end of 2013. In that same year less than 1 percent of the total refugee population, or approximately 98,000 refugees, were resettled in twenty-one countries (Capps et al. 2015). Considering the magnitude of forced migration as exemplified in the above statistics, this paper’s purpose is to raise questions about the reality and accuracy of appeals to “universal” human rights by voicing the ways subalterns (Gramsci, Hoare, and Nowell-Smith 1972; Spivak 1988) often face exclusionary conditions that prevent them from accessing human rights. Subaltern voices (Mohanty 2007; Eastmond 2007; De Haene, Grietens, and Verschueren 2010; Apple and Buras 2006; Bird et al. 2009; García Yeste, Frerrada, and Ruiz 2011; Gluck and Patai 1991) reveal tensions and contradictions with the popular perception that humans possess and have access to certain rights purely by virtue of being human.

The human right to education outlined above in Article 26 Section 1 of the Universal Declaration of Human Rights (UDHR) (United Nations 2015) stands in stark contrast to Makeda’s testimony of her inability to access education as a young girl in Sierra Leone. Makeda’s subaltern status as a poor girl excluded from the human right of a basic elementary
education predated her legal recognition as a refugee woman. The UDHR, as the central document defining the universal human rights of all persons, provides a useful platform to illustrate the complex dynamics of subaltern refugee women’s access to human rights. Comparing and contrasting refugee women’s counter-stories to the UDHR is a useful way to apprehend the shortcomings of contemporary human rights when applied to subalterns living in the absence of full citizenship and human rights.

Drawing on empirical findings from a larger study I conducted (Fuller 2012), this paper reports the insights from a qualitative research study among a small group of Sierra Leonean refugee women resettling in Sydney, Australia. Each of the participants in this study are women from Sierra Leone who had their claims of refugee status authenticated by the UNHCR and the Australian government, consequently they obtained a legal status designating them as refugees entitled to protection under international law. Primarily, the paper critiques on two aspects of universal human rights: the right to education as outlined in *Universal Declaration of Human Rights* Article 26 (hereafter referred to as Article 26) and the right to family protection as outlined in *Universal Declaration of Human Rights* Article 16 (hereafter referred to as Article 16) of the document.

Positioning the women participants as subaltern refugee women puts boundaries on who I am referring to, while also acknowledging that the term “refugee” is essentially applied to persons as a legal status and that international law is not binding. This paper draws on Gayatri Spivak’s (1988) understandings of the term subaltern to refer to persons “completely excluded from hegemonic discourse” (6). By utilising subaltern in a more specific sense, the paper avoids the dangers of applying the concept to non-subaltern groups who are competing for resources as part of the hegemonic power dynamic. The Sierra Leonean refugee women in this study—with little to no formal education; limited access to paid employment; histories of displacement and severed family relations; and arriving to their host country of Australia with non or pre-citizenship statuses—are reasonably positioned as subalterns.

Throughout their forced migration and resettlement journeys, refugees are likely to encounter alterations in their subaltern statuses as demonstrated by their experiences gaining access to human rights. Rather than adopting a polarised view of subaltern positionality, it is helpful to conceptualise subaltern social spaces as a dynamic continuum, which takes on hierarchical configurations exhibiting back and forth socio-spatial polynucleations that are subject to change over time. This vantage point assists in trying to make sense of subaltern social statuses, who occupies these locations, and how these positionalities are acquired. Due to various intersecting factors, including different historical moments in time and changing geographical locations, refugees may experience shifts in the magnitude or level of their subaltern statuses. As subaltern refugee women move through different temporal, historical, and geographical spaces their surrounding social conditions and environments fluctuate in ways that open up or constrain their access to universal human rights, including the right to education and the right to family protection discussed in this paper.

**Methodology**

Informed by critical feminist politics and theory of citizenship, this paper seeks to construct knowledge of how the lived actualities of refugee women expose shortcomings with universal human rights. This discussion highlights the exclusionary force of citizenship towards an increasingly substantial body of outsiders (Lister 2003), while developing ways to remake citizenship and human rights to live up to their inclusive ideals. The study referred to in this paper followed postcolonial feminist principles of opening discursive spaces in research among subaltern refugee women. The participants’ “passion of experience” (hooks 1994) gives them a privileged position of expertise emerging from their embodied experiences with forced migration and resettlement. Conceptualising refugee women as experts of their own social reality supports
this analysis by opening up discursive spaces for the women to lend their “decentred knowledge” (Mohanty 2007) of their struggles to access the human rights of education and family protection. The women’s narrative accounts function as counter-stories revealing tensions with so-called universal human rights. Through counter-stories, which is “a method of telling the stories of those people whose experiences are not often told” (Solorzano and Yosso 2002, 26) subaltern experiences can be effectively presented to serve as the foundation for producing “non-majoritarian” (Solorzano and Yosso 2002) knowledge of the “Other” (Said 1978). As spaces are opened through the research process for subaltern women to speak of their life histories of forced migration and resettlement, the women’s voices produce counter-stories often characterised by “suffering oppression, domination, and physical or mental brutalities” (hooks 1994, 91). Clearing discursive spaces for subaltern refugee women to share their counter-stories provides a platform for the research to obtain decentred voices that express, verify, and build knowledge of how human rights are accessed by or, more often, denied to refugee women before, during and after their forced migratory journeys. In light of this, postcolonial feminist theory and critical citizenship theory (Spivak 1988; Lister 2003; Young 1992; 2000; Yuval-Davis 1992; 1997; Mouffe 1992; 1993; Mohanty 1992; 2007; Yeatman 1993; 1994; hooks 1994) provide appropriate theoretical and epistemological frameworks for exploring how human rights emerge out of formal and substantive modalities of citizenship.

According to postcolonial feminist thought research “is a process that occurs through a medium of a person—the researcher (who) is always and inevitably in the research. This exists whether openly stated or not” (Stanley and Wise 1993, 175). My positionality as a white female researcher with outsider status to the refugee women made it necessary for me to find culturally sensitive ways to approach them, enlist their participation in the study and construct knowledge with them. After meeting with respected community leaders who served as “cultural brokers” (Jezewski 1995) and gatekeepers (McAreavey and Das 2013; Sanghera and Thapar-Bjorkert 2008) introducing me to the women, I gained access to women involved in a Sierra Leonean refugee community group located in the western suburbs of Sydney. Enlisting the support of community leaders was a crucial step in establishing contacts with the women who welcomed me to attend their community group functions. After numerous informal meetings the women asked me to become a volunteer English teacher for their group. I viewed this request as an opportunity for the study to engage in participatory action research (PAR) (Greenwood and Levin 1998; Reid, Tom, and Frisby 2006; Williams and Lykes 2003; Yoshihama and Carr 2002) by collaborating with the participants to find useful ways for the research process to be responsive to their needs. I accepted their request and taught English to the women twice a week, a role that I continued in for over a year after the research study ended. Maintaining regular contact with the participants not only kept the study ethnographically grounded in the everyday lives of the women, this practice was also invaluable for following up with later questions, revising findings and keeping the participants aware of the research development.

Participatory action research methods are highly compatible with a postcolonial feminist theoretical stance because both approaches encourage researchers to meaningfully engage and collaborate with participants in ways that can assist in their social change objectives. PAR is particularly suited to build rapport and trust among hard to reach research populations, such as refugee groups. Because of my outsider status to the women trust could not be quickly engineered, but it happened over time as I applied PAR methods. The more formalised methods of data collection, including semi-structured interviews and focus groups, took place after approximately four months of PAR methods consisting of 160 hours of participant observations. Participant observations among the women occurred as I voluntarily taught English and attended various meetings, social activities, classes, workshops, and community events with the Sierra Leonean women’s group. The qualitative data in this study draws upon the women’s words from the interviews and focus group talks. These methods of data collection were found upon months dedicated to building trust and rapport with the women through participant observations.
and informal talks. In this way participant observations served as the backdrop enabling later data collection methods to yield more valid results. “Validity” as it is applied here is not to be understood in the technical sense of measurement, but as a process of achieving reciprocity and demonstrating a clear “correspondence between the research and the real world” (Wolcott 2005, 160). Built into the research design as “an excellent data collection technique” (Everhard 1977, 10), reciprocity occurred as I moved from the position of stranger to a trusted person. Gaining the women’s trust was essential to this project because of the highly emotive and personal nature of their embodied knowledge.

This paper’s discussion of human rights draws upon excerpts of conversational dialogues between the five participants and myself that took place during individual semi-structured interviews and focus group sessions. In total, there was approximately ten hours of interview and focus group data, which I audio recorded and transcribed. For the purposes of this paper the study’s data is analysed in relation to the UDHR document, particularly Article 16 dealing with the right to family protection and Article 26 dealing with the right to education. The five participants in the study were purposively selected because they fit the research criteria of being adult refugee women from Sierra Leone living in Sydney. The women range in age from 24 to 53 years old with an average age of 41 years. All the participants live in the western suburbs of Sydney and on average have been resettling in Australia for seven years. Each participant chose a pseudonym to protect her identity and confidentiality. With regards to education, two of the participants had no access to primary education as children in Sierra Leone and three of the participants had limited access to primary education. All of the participants attended two years of Adult Migrant English Programme (AMEP) classes upon arrival in Australia. Additionally, all of the women took part in non-formal education via their community group’s access to English, sewing, and computer classes, along with various workshops, cultural events and social activities. At the time of the study only one woman, the youngest and the most recent arrival, was able to find casual employment. With regards to family circumstances, only one out of the five women migrated to Australia with her immediate family intact.

Adopting an appropriate research methodology is an important consideration for meeting the challenges of conducting research among hard to reach populations, such as refugee women. Although a time intensive process, particularly in the beginning stages of research, it is imperative to take steps toward building rapport, developing trust and reciprocity, and acknowledging that persons from refugee backgrounds may not initially feel comfortable to lend their voices in formal interviews, particularly when they are not familiar with the researcher. Research aiming to open spaces for the decentred and “subjugated knowledge” (Hill Collins 1991) of subalterns must take into serious consideration developing research processes that are sensitive and responsive to potentially emotionally laden embodied knowledge. Developing reciprocity and trust between the participants and myself was the key to the research’s success in producing knowledge based on the women’s counter-stories. Their counter-stories reveal the uneasy way universal human rights fit into the lives of subaltern forced migrants.

**Citizenship-based Rights to Human Rights**

With the advent of UDHR in 1948, the responsibility for protecting people’s rights shifted from the state via citizenship rights to that of the international community via *human rights*. This development was thought to be of benefit for dealing with “the world refugee problem” (Turner 1993) because forced migrants, including refugees, asylum seekers, internally displaced persons (IDPs), and stateless persons, could not readily appeal to their citizenship rights while being persecuted or discriminated against by their nation-state. As a result the human rights framework is often regarded as a more progressive and universal way to secure people’s rights because it is not tied to the nation-state, but rather to the international community (Turner 1993).
From a historical perspective, it is important to understand how global political forces worked to shape the current formation of the international refugee protection system. In a political move to encourage nation-states to sign the 1951 Convention Relating to the Status of Refugees (CRSR) no one was specifically assigned a duty bearer responsibility for protecting and maintaining human rights. This strategy, now referred to as the “grand compromise of refugee protection” (Cuellar 2006), made it easy for states to sign the CRSR because nothing in the document specifically tied nation-states to onerous human rights responsibilities. The legacy of leaving human rights responsibilities unassigned has resulted in the current situation where no political authority assumes the duty to protect human rights. Even post-forced migration, human rights violations continue to occur among subaltern refugees who are often relegated to the “status of persons with limited global citizenship” (Sagy 2014, 271).

Critical feminist citizenship theory is particularly valuable for conducting inquiries into human rights among subalterns because this lens apprehends human rights as a transnational discourse (Sagy 2014) taking place within and between nation-states and institutions. According to feminist citizenship theory international human rights norms are negotiated and worked out at localised sites where meaning is imbedded in the social practice and context. As localised sites, nation-states play a significant role in regulating the boundaries of exclusion due to their power to prohibit and limit certain groups of outsiders from residence and citizenship. Applying a critical citizenship theoretical lens helps to identify simultaneous, and at times contradictory, inclusionary and exclusionary tendencies of the human rights framework as human rights are negotiated on the ground in nation-states among various social actors. By starting with refugee women’s voices, which are often marginalised and silenced by more powerful social groups, this research contributes to the construction of decentred knowledge of how the transnational discourse of human rights operates in the lives of subaltern refugee women.

A key insight of critical citizenship theory is that human rights practices “operate at both a legal and a sociological level through ‘formal’ and ‘substantive’ modes of citizenship” (Lister 2003, 43). This observation offers a useful tool for making sense of the complex ways human rights develop and dissolve among the women in the study. While formal citizenship rights denote having a legal status of nation-state membership, it does not necessarily follow that those with formal citizenship will also experience substantive, or participatory, citizenship’s equal rights and opportunities because “social divisions and poverty are corrosive of full citizenship” (43). Another aspect of citizenship-based rights and human rights that needs to be considered in this “age of migration” (Castles and Miller 1993) is the existence of a hierarchy between citizens and non-citizens as well as between different categories or classes of citizens and non-citizens. Subaltern refugee women are particularly susceptible to being denied formal and/or substantive citizenship rights because they are structurally located in the periphery of access to these modes of citizenship. As the women in the study moved through different historical, temporal, and geographical locations they encountered a variety of configurations of formal and substantive citizenship rights. In this way formal citizenship-based and substantive participatory-based citizenship rights operate as mechanisms restricting and at other times expanding the women’s admission to “universal” human rights.

Counter-stories of Forced Migration and Resettlement

In this section the women’s words are presented to describe how their lives were shaped by a variety of factors taking place before and during forced displacement as well as in their current lives as subaltern refugee women in Australia. Through their counter-stories the women raise key human rights challenges they faced with education and family protection as well as the spaces and places where they gained access to human rights. The women’s narratives are analysed by looking at how the transnational discourse of human rights operates during different historical, temporal, and geographic locations occupied by the participants in the study. To bring forth the
tensions and contradictions this group of women have with regards to accessing universal human rights, the women’s narrative accounts of severed family relations and disadvantaged educational opportunities are held up against the human rights to family protection and education as defined in the UDHR document.

Severed Family Relations and Human Rights

Separation from family members was a major concern that the women consistently brought up in their talks. “Okoro,” a 47-year-old widowed woman, arrived in Sydney in 2005 after leaving behind two adult children in Sierra Leone. In the narrative below she describes the circumstances causing her family’s separation during forced migration and how this situation of family separation has not been resolved post-forced migration as she attempts to resettle in Australia.

D: Are members of your family here with you?
O: Only my son here. He don’t be in Sydney here.
D: Is he in Australia?
O: Yeah.
D: How old is he?
O: Big boy. 29.
D: Did he come here with you?
O: No. He brought me here.
D: Was he here first?
O: Yeah, he here first.
D: For how long?
O: Yeah, a few years.
D: He filled out the paperwork to have you come over?
O: Yes.
D: Do you have other children?
O: Yes. Back home.
D: In Sierra Leone?
O: Yeah.
D: How many are there?
O: I have 2. That is my main problem in my thinking. I don’t know how to bring that one here.
D: So there’s 2 children in Sierra Leone?
O: Yeah.
D: How old are they?
O: The younger one I think 21.
D: Girl or a boy?
O: Girl.
D: And the other one?
O: 32.
D: And that’s a girl or a boy?
O: Boy.
D: Do you have other family here with you?
O: No, only friends. That’s why I like to come in this place because when I be at home I’m very lonely. I don’t have anyone with me.
D: Would you like your children to come to Australia as well?
O: Yeah, I want that to happen. That is my main problem because I don’t know where they live before I came because when I tell my son I tell him you don’t just have to put paper for me alone, you have to do it for them… he say, “I don’t know where they live
now and if I put for you and them it will take a long time. You don’t know how to find them.” So that’s when I left them there.

D: When you were in Sierra Leone were you with your children or were you separated?
O: We separate cause when the war come in the country we separate. We don’t know where each other is. That is the main problem.

D: When did you separate?

D: So at that point you were in Sierra Leone?
O: No, not Sierra Leone. In Guinea that time.

D: At a refugee camp?
O: Yeah, I be in the refugee camp. So I don’t know where is the one is. When I come in Australia now. I hear bout them said them started talking now. They live in Conakry now.

D: So you can talk to them now?
O: Yeah because they live in Conakry now. They don’t go Sierra Leone anymore.

D: Where do they live?
O: Conakry, Guinea.

D: So you can talk to them now?
O: Yeah. Talk on the phone.

D: How often?
O: When I have money. Not all time.

Okoro’s counter-story shows how powerful outside forces, including a civil war, separation from her family, living in refugee camps, and the opportunity for her, but not her two children, to move to Australia, have shaped her migratory and resettlement experiences. She confirms that, as she and her family members fled a war zone, the conflict caused them to separate and many years later she still cannot reunite with her son and daughter.

At three points in Okoro’s narrative she characterises the situation of severed family relations as a “problem” that happened to her and her children during forced displacement and this problem continues to persist during her resettlement in Australia. What Okoro describes as a significant problem in her life can be understood through feminist citizenship theory as the transnational discourse of the human right to family protection not being realised for her. Her subaltern refugee status excludes her from formal and substantive citizenship rights and these exclusionary mechanisms act as barriers keeping her from accessing the universal human right to family protection. What Okoro experiences and perceives as a personal problem is actually an institutionally created condition where subaltern refugee women are systematically denied access to universal human rights. This institutionally structured problem results in Okoro experiencing loneliness and isolation in Australia “because when I be at home I’m very lonely. I don’t have anyone with me.”

It is evident that the human right to family protection was not upheld for Okoro and her children during and after forced displacement when investigating her narrative account in terms the human right to family protection in Article 16, Section 3:

“The family is the natural and fundamental group unit of society and is entitled to protection by society and the State. (UDHCR 2015)

In Sierra Leone Okoro and her children’s citizenship-based rights did not adequately secure their human right to family protection during the civil war. Their human right to family protection continues to be infringed post-forced displacement. Although all persons are “entitled to protection by society and by the State” to uphold the family as the “natural and fundamental group unit of society,” this transnational discourse of human rights does not reach certain groups, such as family members of resettled refugees who can only be “admitted under ‘sponsorship’ of a
relative who is then responsible for their maintenance” (Lister 2003, 209). Because Okoro has been in Australia for more than five years the only option available to secure her and her children’s human right to family protection is through family sponsorship. To apply for sponsoring children over the age of 18 for family stream migration Okoro is required to pay for her family members to come to Australia and complete an Assurance of Support (AoS) commitment. The key aspects of an AoS commitment are the presence of independent financial support and “commitment to repay the Australian government should they receive welfare payments” (DIBP 2015).

The financial requirements of the family sponsorship scheme are simply not feasible for many subaltern refugee women, like Okoro, who had no access to primary, let alone secondary or higher, education and are unlikely to gain paid employment in Australia. In her interview she describes her difficulties with securing employment, “I have nowhere to go cause now I’m not working so I can’t go to work so I have to go to class to learn something, mix with people, friends.” Okoro’s elaborates this with, “I am learning because you know I don’t go to school before and now I’m talking English.” Her counter-story shows that, as a subaltern woman in Sierra Leone, she had no access to education prior to forced migration, yet her post migration positionality as a refugee woman in Australia has opened up opportunities for her to access some level of education. While the human right to education has improved for Okoro post-forced migration as an adult, she is excluded from the human right of family protection because she lacks employable skills in Australia and, therefore, cannot afford to sponsor her children. When Okoro says “if I learn to sew I can sew for myself or if I know how to do it properly I can get my own place to do my own business if I learn, can learn something” she indicates that she holds some hope that learning to sew could provide an avenue to employment in the future and that this might be a sufficient way for her to sponsor her children to migrate to Australia.

Viewing Okoro’s counter-story in relation to the transnational discourse of the human right of family protection brings to light what Tehila Sagy refers to as the privatization of human rights: “the authorities reject their role as providers of human rights while propelling their constituents to assume personal/private responsibility for the actualization of these rights” (2014, 216). As the human right to family protection is acted out on the ground in Australia current institutional practices may result in placing the responsibility of family sponsorship squarely on the shoulders of subaltern refugee women, rather than on the international community and the State. Privatizing human rights shifts human rights responsibilities to subaltern refugee women who have the least access to substantive citizenship’s “full and equal rights and opportunities” (Lister 2003, 43). Okoro, who never obtained a primary education or higher education credentials, and is unable read or write in her native tongue of Krio or in English, has restricted opportunities to enter the Australian workforce to earn the money necessary for family sponsorship. Based on Okoro’s counter-story it seems that she is accepting, or internalizing, the dominant institutional discourse of being personally responsible for the actualization of her human rights and is taking steps that she hopes will result in her ability to sponsor her children in the future.

Another participant, “Abdalla,” a 24-year-old married woman who migrated to Sydney in 2009, talks about the circumstances that led to her leaving her husband and son, who was 4-years-old at the time, behind in a Guinean refugee camp. When arriving in Australia she was pregnant so her second child, a daughter, was born in Sydney in 2009.

D: Who came first?
A: Um, I came last. Me and my younger brother came last. All the others came before me.
D: Ok. Did you come with your brother?
A: Yeah, my younger brother.
D: So did you say before that you were pregnant when you came?
A: Yeah, I was pregnant.
D: Are there still family members in Sierra Leone?
A: In Guinea.
D: Okay, are some of them trying to come over now?
A: Um, I don’t know yet because I do the application for them…
D: So you’re applying for them?
A: Yeah. For my husband and my son.
D: You have a son too?
A: Yeah.
D: So you have two children?
A: Yeah.
D: How old is your son?
A: Seven. (He was four when she left.)
D: Seven. They’re together? Are your husband and your son together in Sierra Leone?
A: In Guinea.
D: So you’re in the process of trying to get them here?
A: Yeah, they do the interview.
D: I mean this is just a question I thought of now…um, how is it that…cause I’m trying to learn about this process…that you were able to come over but they weren’t? Do you have any idea why you were able to come but not them?
A: I left them (my husband and son) because my elder brother he the one that bring me here. The time when my elder bother filled the application for me he doesn’t know that I got married because he separate, me and my elder bother, since during the war since 1999 when the rebel attack our village.
D: Your older brother has been here since 1999?
A: No, we separate me and my elder bother when the rebel attack our village so we are not seen since 1999. We travel in Guinea. When we are going in Guinea my elder bother have umm, umm my elder bother have a visa for Australia in 2003 so when my elder bother came he doesn’t know that I was married…
D: Was there any way to communicate?
A: No communication. So my elder bother’s friend find me. He told my brother that he find me and put the application so when he put the application…I can’t bring them (husband and son) too because our government say you can only come if you are in the application.
D: Even though you have a child?
A: Yeah, if that child is not in the application he can’t go too.

Abdalla’s narrative shows that she experienced family separation during forced migration and that she is continuing to experience family separation after forced migration. While Abdalla had formal citizenship in Sierra Leone, her citizenship-based rights neither protected her nor her family “during the war since 1999 when the rebel attack our village.” In this instance the universal right to family protection could not be upheld for Abdalla via her formal citizenship-rights as her family separated due to the violence and upheaval of the war. Abdalla’s experience with family separation during forced migration is linked to her lack of adequate access to substantive citizenship rights, which may have been available to more economically empowered citizens in Sierra Leone or to those who lived in different areas of the country. During the intensity of civil wars and other conflicts human rights violations may be expected among formal citizens regardless of their social status and access to substantive citizenship, but Abdalla’s counter-story shows that her access to the human right of family protection has not greatly improved post-forced migration. In fact, it could be reasonably argued that Abdalla’s human
right to family protection has degraded post-forced migration as she resettles in Australia with her daughter, but without her husband and young son.

When assessing Abdalla’s counter-story against Article 16 in the UDHR, it becomes obvious that Abdalla’s human right to family protection is neither being protected by society nor by the State. Although Abdalla is a recognised refugee woman in Australia, her lack of formal and substantive citizenship-rights works against her in the current globalised political environment characterised by the privatization of human rights. There is, however, scope for the transnational discourse of the human right to family protection to occur among some refugees resettling in Australia. Although, due to the cumbersome and complex requirements applicants must meet, this process moves very slowly and the outcome does not always reunify separated refugee families. Refugees, like Abdalla, can apply for “split family provisions” through Australia’s Department of Immigration and Border Protection (DIBP). To apply for split family provisions applicants must satisfy a list of eligibility requirements, including making the application within five years of the grant of the proposer’s visa and having declared the relationship to the department before the grant of the proposer’s visa (DIBP 2015).

Abdalla’s counter-story clearly shows that she wishes to be reunited with her husband and young son. When asked if her husband and son are going to come to Australia she responds, “Um, I don’t know yet because I do the application for them…….” Her response indicates that after three years of separation she is still trying to reunite with her family and she is actively working toward this goal. She provides additional information, “Yeah, they do the interview,” suggesting there has been some progress in the possibility of family reunification. At the time of our discussion she had no way of knowing if the interview process her husband went through in Guinea will result in the reunion of her family.

Okoro and Abdalla’s counter-stories reveal that their human right to family protection during and post-forced migration has not been met. Significantly, the women’s voices provide evidence showing that four out of the five participants in this study were denied the “natural and fundamental” social unit of family protection by society and the State after forced migration. The women’s counter-stories of families divided during and after forced migration highlights that the human right to family safety is at odds with the actualities of subaltern refugee women and their families. A key finding to take away from this study is that family separations caused during forced displacement continue to exclude refugee women post-forced migration from the universal human right to family protection. Institutionalised practices privatizing human rights via complex family reunification requirements create structural barriers preventing refugee women in Australia from accessing the transnational discourse of human rights.

Disadvantaged Educational Opportunities and Human Rights

Lack of educational access was a reoccurring theme the women spoke of during interviews and focus group discussions. The women’s counter-stories describe how, as young subaltern girls in Sierra Leone, they were denied the chance for education and, as subaltern refugee women, their lack of educational access continues to hinder their life prospects as adults. Three out of the five participants in the study never learned to read or write in Krio or in English and the remaining two women had basic literacy skills. The women’s obstacles in obtaining education in Sierra Leone continue to limit their opportunities for educational pursuits, employment possibilities, financial security, and personal independence, all of which directly affect their access to substantive citizenship and human rights in Australia.

“Makeda” is a 53 year-old widowed woman who arrived in Sydney in 2006 with her three children and a grandson. In the following narrative account Makeda describes her lack of access to education in Sierra Leone and the educational opportunities she has been able to access as a refugee woman resettling in Sydney.
M: In my country I didn’t go to school, I didn’t write since I born. I never own pen to write. When I came here I write pen like you see I write my name, I started to learn to write my name, I started to sign my name. Little, little.

D: So in Sierra Leone did you go to school?

M: No, no opportunity because my dad… when I was 5 years old my dad pass away so my mum cannot afford money to make me go to school. Because… if we don’t have money, if your parents cannot afford the money for you to go to school then you cannot go to school. That why I didn’t go to school.

D: Also pens and paper were not available to you in Sierra Leone?

M: Yeah, but when I come here there is pen and paper to write.

D: How does it feel to go to class here?

M: I like going to class because I get an opportunity here, I like to go to class cause when they explain something to me never mind I can’t read, but can remember something. Oh, I learn this something in class. Yes.

D: What about the sewing class?

M: I like the sewing the class because I want to learn to sew. Maybe sometimes I don’t know (laughs) fortunately I can open my own small shop.

D: Do you plan on participating in the sewing class?

M: Yes.

D: Do you think going to class has helped you with your life in Sydney?

M: Yes, because maybe if I go to class and know some small thing I could find job, work, and get money to raise my family up.

D: Do you have a job now?

M: No.

D: In the future?

M: Maybe. (laughs) Maybe.

D: So you think maybe you are getting some skill for a job?

M: Yeah, I get skill for a job.

There is quite an evident disparity between Makeda’s exclusion with primary education and the human right to education described in Article 26 Section 1:

Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Education shall be compulsory.

Drawing upon Makeda’s narrative account and comparing it to Article 26 illustrates how human rights principles as they are worked out on the ground do not always reach those who they are most intended to protect, namely the most vulnerable and marginalised persons in society. Even though Makeda had formal citizenship in Sierra Leone, these citizenship-based rights were not sufficient to allow her access to the human right to primary education as a child. The subaltern status of Makeda’s family obstructed their ability to access substantive citizenship. Having less than equal opportunities to participate in social, cultural, and economic spheres of society prevented Makeda from attending school and resulted in her illiteracy as an adult. Her comment, “if your parents cannot afford the money for you to go to school then you cannot go to school. That why I didn’t go to school” raises the point that finances, not human rights, are the ticket to education in Sierra Leone.

Makeda’s post-forced migration access to education as a pre-citizen refugee woman in Australia is an improvement over her pre-forced migration educational exclusion as a formal citizen in Sierra Leone. Her positionality as a refugee woman in Australia allows her to access free educational programs, including two years of Adult Migrant English (AMEP) classes offered by the Australian government for humanitarian arrivals. Currently, Makeda’s involvement as a member of a refugee women’s community group provides a way for her to contribute to
decision-making processes about what sort of educational classes, workshops, and courses she and her group will attend. Her narrative shows that, rather than being tied to formal citizenship rights, educational access, at least in Makeda’s case, is largely dependent on opportunities to practice substantive citizenship. As Makeda’s community group regularly meets, the women come together to socialise and discuss the activities they are interested in doing and the skills they are interested in learning. Becoming a member of a refugee women’s community group in Australia has opened spaces for Makeda to practice substantive citizenship through “collective deliberation in the public sphere for the articulation of the interests of women and minority groups” (Lister 2003, 24).

Even though Makeda was denied formal education as a girl in Sierra Leone during our talks she revealed that she is quite enthusiastic to learn as an adult and is actively participating in English and sewing classes via her community group. Her counter-stories illustrate how her lack of educational access followed into adulthood and restricted her capacity to become financially self-sufficient, as she is unable to find a job in Australia. Makeda explains that she is keen to learn “because maybe if I go to class and know some small thing I could find job, work, and get money to raise my family up.” She links learning to sew with the possibility of gaining employment in the future with the comment, “Maybe sometimes I don’t know (laughs) fortunately I can open my own small shop.” Taking part in learning through the social space of her community group is largely positive for her, as this participation contributes to her feeling a sense of accomplishment and hope for the future. It is questionable as to whether at this point in her life (Makeda was 53 at the time of the study) she will be able to enter the work force in Australia. Her English literacy is basic and she has no formal qualifications, which most jobs seek out in employees. Makeda’s counter-story shows that it is possible for subaltern women to finally gain access to some level of education as adult refugees in Australia and that having social spaces to learn can be a positive and enriching experience for women who were largely denied access to education before and during forced migration.

“Neema” is a 41 year-old married woman who arrived in Sydney in 2006 with her husband and four children ranging in age from 3 to 15 years old. She is the only participant in the study to migrate with her immediate family intact. Neema’s counter-stories show that she had limited educational access as a young girl in Sierra Leone, but that as an adult refugee woman in Australia she is interested in and able to participate in her community group’s English and sewing classes. In the interview excerpt below Neema supplies information about why she was not able attend school as a young girl.

N: Like me my situation my father and mother separate when I was younger…my mother leave me alone with my father. So my auntie brought me up and she didn’t put me to school.
D: Why didn’t she put you to school?
N: I don’t know.
D: She never talked about it?
N: No. She get married so she have me and…two children. She put them to school.
D: They went to school?
N: Yes. But not me.
D: Why do you think that was?
N: She selfish, that’s why she do that to me.
D: What did you do instead?
N: She told me I will not put you through school. You have to stay at home and do the work. You have to clean the house, cook, like slavery. Yeah.

Comparing Neema’s counter-story to Article 26 of the UDHR reveals that for Neema primary education was not compulsory, as her auntie kept her from attending school so that she
could “stay at home and do the work.” Neema’s right to education was not actualized due to the separation of her parents and the ability of a family member to capitalise on the situation by using Neema as a source of free labour. Her narrative account supports Lister’s observation that “substantive citizenship, in the sense of ‘full and equal rights and opportunities’ does not automatically follow from formal” (2003, 43). Although Neema had formal citizenship rights in Sierra Leone, her subaltern status as a young girl functioned to exclude her from the right to a primary education.

In the following narrative account Neema describes how the social space of her community group opened up access to sewing, English, and other classes among the refugee women.

D: When did you start the sewing classes?
D: Ok. And when you started the sewing class what was your interest? What did you want to learn?
N: Yeah, I like to make dress for my kids, for me like you know maybe I’ll turn it into business one day.
D: Ok.
N: Because I didn’t go to school I don’t know how to read and write. So maybe if I did that it will help me…yeah.
D: Ok. And how did that happen? How did the sewing class start? Who did you talk to?
N: Awe, we talk to (a community worker).
D: Ok, so who’s idea was the sewing class?
N: The group idea.

When Neema states, “Because I didn’t go to school I don’t know how to read and write. So maybe if I did that (attend her community group’s sewing classes) it will help me…yeah,” she shows that being excluded from formal education in Sierra Leone resulted in her illiteracy as an adult and this makes it difficult for her to find paid employment in Australia. When asked why she is interested to attend this class she elaborates with, “Yeah, I like to make dress for my kids, for me like you know maybe I’ll turn it into business one day.” Neema’s statement echoes the sentiments of Okoro and Makeda, showing that she too hopes that learning to sew could turn into a business someday.

Neema confirms that starting up the sewing class was a group initiative that was carried out by meeting and collaborating with the other refugee women in her community group who then sought out the assistance of a trusted community worker. As the women gathered together for their weekly community group meetings, they used these social spaces to talk and decide what they want to do. Their collective efforts resulted in the development and creation of the women’s weekly sewing group, English and computer classes, and various cultural and social events where they support each other to resettle and develop a sense of belonging in Australia. Neema’s narrative account supports a major finding from the study: social spaces for refugee women to meet together and voice their desires and interests can assist in promoting substantive citizenship practices by creating opportunities for subaltern refugee women to access the human right to education, albeit later in life.

Conclusions

This paper identified human rights exclusions among the participants in the study at three key points in the women’s lives: pre forced migration, during forced migration, and post forced migration. The presence of a dichotomy between different social groups’ access to human rights becomes more apparent as subaltern refugee women talk about how they personally experience exclusions and inclusions with education and family protection. While the refugee women’s
voices bring to light instances where their human rights to education and family protection have not been upheld, their counter-stories also show that their relations to human rights change as a result of their differing levels of access to formal and substantive citizenship rights throughout their forced migration and resettlement journeys. Obtaining the legal and social status of a refugee woman in Australia has in certain respects opened up spaces for the women to access human rights, particularly with educational access. In other respects refugee status has acted to further exclude their human rights, particularly with regards to family protection. Building knowledge based upon refugee women’s narrative accounts of their embodied actualities with education and family protection signifies an important step for exploring the tensions and contradictions of universal human rights among subaltern women refugees.

Currently there is a lack of global citizenship infrastructure overseeing and enforcing nation-states, like Australia, and institutions, like the UNHCR, to ensure that universal human rights are applied to all persons, particularly those who are the most at risk for human rights exclusions. With this situation in mind, this paper contends that (1) universal human rights are not as universal as commonly thought and this is particularly evident when applied to the lives of subaltern refugee women and (2) in order to identify the complex ways refugee women are excluded and included in the transnational discourse of human rights it is imperative to open discursive spaces in research for subaltern refugees to voice their forced migration and resettlement counter-stories. Based upon the women’s counter-stories from the study there is evidence indicating that, as subaltern refugee women gain access to social spaces to practice substantive citizenship, these settings can assist refugee women to incrementally begin to access “full and equal rights and opportunities” (Lister 2003).

Human rights exclusions among the women in the study were linked to their social positioning, initially as subaltern girls and women in Sierra Leone and later as subaltern refugee women in Australia. Subaltern statuses are not fixed; rather the women’s positionalities changed in rather complicated and often contradictory ways. As the women’s positionalities evolve over time and space, this state of flux creates conditions and opportunities for ongoing negotiations to occur between the women and their connections to human rights. The individual and collective experiences the women had with human rights were shaped and reconfigured thorough numerous movements and upheavals both as subalterns and as forced migrants. The women’s forced migratory experiences took them through a complex web of institutional settings, where they entered into new spaces and places offering differing opportunities and barriers to formal and substantive citizenship. The women’s access to “universal” human rights were found to be highly contingent upon a complex configuration of formal and substantive citizenship, as well as the historical, temporal, and geographical locations occupied by the women.

Perhaps in her observation regarding the infrastructure of global citizenship and human rights Yeatman is correct in writing, “all that can be done is to substitute a new order of inclusions and exclusions” (1994, ix). However, if nation-states, citizens, and the international community exercise their power to create new boundary-marking gates to citizenship-based rights and human rights this move could “mean a substantive step in respect of correcting particular wrongs” (Yeatman 1994, ix). The participants’ voices provide vivid accounts of how their subaltern positionalities before, during, and after forced migration often relegated them into the periphery the transnational discourse of human rights. These counter-stories also reveal how subaltern refugee women’s movements across historical, temporal, and geographical locations constrain and expand their opportunities to access human rights with regards to family protection and education. While exploratory and small-scale in nature, the study drawn upon by this paper provides evidence indicating that, regardless of their formal citizenship status, as refugee women acquire opportunities to practice substantive citizenship they can begin to shift their positionalities from that of exclusion towards inclusion in the transnational discourse of “universal” human rights.
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The International Journal of Diversity in Organizations, Communities, and Nations: Annual Review creates a space for discussion for anyone with an interest in, and concern for, mediating cultural difference and diversity. The journal examines the realities of difference and diversity today, empirically and critically as well as optimistically and strategically, touching upon the topics of globalization, identity and social group formation. At a time of virulent reactions to difference and globalization (ethnonationalism, racist backlash, parochialism and protectionism), there is a pressing need to reflect critically on the shape and the possibilities of the normative agendas of diversity and globalism. The journal is a place for thinking about and discussing these pressing matters, and in ways that range from the “big picture” and the theoretical, to the practical and everyday business of negotiating difference and diversity in organizations, communities and civic life.

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