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Sexual and gender-based violence and social justice: parity of participation for forced migrant survivors in the UK?

Keywords: SGBV, forced migrants, social justice, asylum and resettlement

This paper examines the extent to which forced migrant survivors of SGBV encounter social justice once resettled in the UK. Nancy Fraser's parity of participation framework is used to assess whether survivors, as non-citizens, are recipients of social justice. We show how immigration and resettlement policies aimed at forced migrants in the UK undermine rather than reinforce social justice. SGBV against women and children has been documented in countries of asylum and resettlement, and asylum support practice increases the risk that survivors will experience further abuse. A key starting point from which to begin to provide for recovery is ensuring that forced migrant SGBV survivors benefit from social justice.

Introduction

Forced displacement has reached an all-time high (UNHCR, 2016). Until relatively recently Europe and Australia were major destinations for resettlement of those recognized as

UNHCR Convention forced migrants. However, with the advent of the Syrian conflict in 2011 responses to supporting forced migrants fleeing from conflict have needed rethinking as the situation began to be described as a "crisis". Countries adjacent to Syria received millions of forced migrants over a short period of time many of whom are victims of sexual and gender-based violence (SGBV).

Many EU states have introduced measures to attempt to reduce the number of asylum seekers arriving through increasingly restrictive welfare regimes. This is particularly evident in the UK where the Government is explicit about its "hostile environment" policy which is aimed at discouraging asylum seeking and irregular migration by making the lives of those targeted miserable. Thus, states seek to meet their obligations under the 1951 UN Forced migrant Convention while signalling to the general population that they are doing everything they can to discourage asy-

lum seeking within their shores (Vargas-Silva & Markali, 2011).

SGBV against women and children has been documented in countries of asylum and resettlement (Freedman, 2016). Having sought sanctuary, forced migrants are frequently housed in makeshift, over-crowded accommodation. A lack of single-sex or secure facilities leaves forced migrants vulnerable, with cases of sexual abuse at the hands of other forced migrants, staff, guards and volunteers reported (WRC, 2015). Boys in detention are said to be at greater risk than girls (UNHCR, 2013). Forced migrant women and their children often report family violence throughout the process of resettlement, and meet barriers to service uptake including services' inability to respond to the complexities of forced migrants' SGBV experiences.

In this paper, we refer to forced migrants that include all individuals who have fled their country of residence for whatever reason this includes asylum seekers, failed asylum seekers and those categorised as refugees. An asylum seeker is "a person who has left their country of origin and formally applied for asylum in another country but whose application has not yet been concluded" (Forced Migrant Council 2017). A further category of asylum seeker are those categorised as "failed" whose cases have been concluded but are unable, or unwilling, to leave the country of asylum. A refugee is someone whose case has been successfully concluded.

Understanding the needs of vulnerable groups, especially women and children, has become urgent, not only because they now represent over half of the displaced, but also because of their increasing vulnerability within host communities (UNHCR, 2016). The lack of mechanisms and infrastructure for preventing physical and psychological violence has become ever-more apparent. This paper examines the extent to which forced migrant survivors of SGBV encounter social justice once resettled in the UK. It uses Nancy Fraser's (2008) parity of participation framework to assess whether survivors, as non-citizens, are recipients of social justice.

Migration and social justice

John Rawls in *A theory of justice* (1971) outlined a series of basic freedoms including those of thought, politics, association, freedom of movement and choice of occupation and access to legal rights, which he argued all good societies should guarantee. His focus was upon the desire for citizens to have access to equality. The only inequality he considered acceptable was when unequal ac-

tions would result in redistribution to those with least resources and was for the general good of society. In policy terms, social justice has increasingly been considered in relation to "fair and compassionate distribution of the fruits of economic growth" (The United Nations, 2006: 16). Craig et al.'s (2008) focus on persons, rather than citizens, overcomes one of the key problems associated with early social justice theory. Truong et al. (2013) argue that national responsibilities for social justice enable states to deflect responsibilities and that instead a transnational justice, which takes account of global connections, is required. Nancy Fraser's work (2008; 2010; 2015) offers a model of social justice that is applicable in an era in which mobility is increasingly the norm.

Fraser and parity of participation

Fraser (2008) proposes a reflexive and dialogical approach to social justice that calls for the end to mis-framing of migrants in ways that reproduce hierarchies of power. She argues that all individuals subjected to governance or power structures should be equally subject to social justice based on lived realities rather than the hegemonic categorisations intentionally restricting rights and entitlements. In her view, "all members of society" should be able to interact as peers. She considers the exclusion of non-citizens a critical form of injustice and outlines three conditions necessary for participatory parity, all of which must be satisfied:

First, the distribution of material resources must be such as to ensure participants' independence and 'voice'.

Second, the social status order must express equal respect for all participants and ensure equal opportunity for achieving social esteem.

Finally, the political constitution of society must be such as to accord roughly equal political voice to all social actors.

Using the three conditions for participatory parity enables us to explore the access of forced migrant survivors of SGBV in the UK to social justice. In order to assess the extent to which survivors have such access we must explore the extent to which they experience equality in distribution of resources, social status and political voice.

Methods

The findings presented in this paper come from an initial analysis of 15 interviews with

stakeholders working with forced migrant SGBV survivors in the UK and the literature review which underpinned this work focussed on 93 studies identified in multiple databases. The research was undertaken as part of the *Sexual and gender-based violence in the refugee crisis: from displacement to arrival* (SEREDA) project.¹

Equality of distribution of resources

This dimension of parity considers whether structures that ensure inclusion enable independence and voice in economic resources and distribution of earnings (Fylkesnes, 2016). While forced migrants await a decision to their asylum claim they remain in a limbo state unable to work or study for future careers. In the UK they are not permitted to work for 12 months after which time the process for applying for the right to work is so opaque as to be unutilised. Many forced migrants wait months or years for a decision during which time they live in a state of uncertainty. Lack of employment or study opportunities means they often are unable to get on with their lives and live in fear that they may be deported back to the place where persecution occurred. During this period, they live on an income that is lower than state benefits. Whilst asylum seekers and failed asylum seekers are not permitted to work, some do access employment in a bid to repay debts to people traffickers, remit to family, or to simply survive. Their vulnerable position as illegal workers puts them at risk of exploitation – with women particularly vulnerable to sexual exploitation (Phillimore 2011; 2016) and few receiving anything like the minimum wage (Lewis et al., 2014).

The reality for many forced migrants is movement between meagre state support and destitution. As we outline below it is difficult for those who have experienced SGBV to disclose or “prove” that they are survivors. The majority will fail in their first attempt at getting refugee status whereupon they are evicted from their housing in under 24 hours, and made destitute with no recourse to public funds whilst still not permitted to work. Women are at great risk of further SGBV when homeless with some having to depend on transactional sex in order to gain access to shelter.

Forced migrants are also denied the right to adequate living conditions. The Government has contracted out asylum housing to private companies whose prerogative is to make a profit. They have no choice where

they live and are dispersed across the UK. Dispersal separates them from support networks, from established medical care and the NGOs that provide them with support. Some are sent to hostels that are mixed gender. Such housing is located in some of the most deprived neighbourhoods (Phillimore & Goodson, 2006) in conditions that are below the minimum standards acceptable for the general population (Phillips, 2006). There is clear evidence that the dispersal system impacts negatively upon the economic and well-being outcomes of refugees even years after they have received leave to remain.

While dispersal and destitution are clearly highly problematic some asylum seekers, whether failed or still in process, are even less fortunate. Despite the High Court ruling that Fast Track Detention was unfair, over 10,000 asylum seekers have been detained on arrival since 2005. The brevity of the assessment process was such that many were assessed and deported within weeks of arrival – incarcerated despite not having committed any crime (Taylor, 2017). Others are detained for long periods prior to removal in extremely poor conditions wherein they are denied access to critical medications such as HIV retro-virals or support to address conditions such as PTSD following SGBV (Phillimore & Thornhill, 2010). Despite eventually admitting thousands of refugees to the UK in recognition of their experience of SGBV, resources to support recovery are scant. Having lived in limbo and poverty for years with the aftermath of trauma or continuing to be subject to SGBV it is difficult for survivors to recover sufficiently to be socially mobile.

Equality of social status

This dimension of parity expects that everyone has equal opportunity to achieve social esteem and be equally respected and that no one is excluded from social interactions on the basis of perceived unequal cultural values. A key problem for asylum seekers and failed asylum seekers is misrecognition. Repeated Immigration Ministers have claimed that asylum seekers are economic migrants.

In the asylum determination process asylum seekers are deemed “bogus” unless they can prove otherwise. They are asked to repeat their asylum story over and over again with consistency and detail seen as evidence of authenticity (Herlihy & Turner, 2007). Neuropsychologists have demonstrated using brain scans that individuals who have experienced trauma and have PTSD experience physical changes to their brain that compromise both cognition and memory. It is likely to be im-

1 <https://www.birmingham.ac.uk/research/activity/superdiversity-institute/research/projects/sereda.aspx>.

possible for forced migrant survivors to tell their story in exactly the same way at every interview. Evidence shows that some women fear further persecution if they disclose and they feel ashamed of what has happened to them. Further, after interviews which ask for detail such as what happened, how many times, what with and by which people forced migrants are sent away without any psychological support. One of the NGO interviewees in the SEREDA study told us how experiences of the asylum system led to survivors losing all trust in the state, something which affected their ability to settle in the long term;

Or would you trust those services to actually help you when all the evidence so far you have experienced in the UK, is just sometimes horrific and then that lack of integration as well, you know resilience is built up through supporting networks, being loved and feeling safe, you know feeling like you are looked after and if you are not allowed to integrate I think that would have an impact...

The vulnerability of forced migrant asylum seekers is obscured by a media that portrays them as a security risk, with asylum seeking conflated with terrorism in some tabloid newspapers. Mis-framing frequently results in discrimination and racist harassment leaving forced migrant and asylum seeker populations isolated at a time when they had been separated from everyone they knew (Phillimore, 2011).

The failure to recognise individuals' skills and experience and their willingness to contribute (Stewart et al., 2008), instead portraying them as feigning persecution to access benefits is insulting to individuals who, until conflict or persecution in their country of origin, were financially independent with a decent quality of life. The denial of individuals' losses, of friends, family, home and country is a further insult. Unable to reach the income target needed to apply for family reunification forced migrants are frequently in the humiliating and emotionally painful position of gaining some kind of refugee status but being unable to reunite with their spouses or children.

Equality of political voice

This dimension implies that everyone should have a fair chance to influence decisions that affect them. Hölscher (2012) outlines mis-framing as the set of criteria that determine admission and membership. While the UK has obligations under the 1951 Convention, the majority of its efforts in relation to

forced migrants have concerned hardening borders with a view to preventing entry. Once arrived asylum seekers are denied sufficient and adequate legal advice to make sufficiently robust claims with high burdens of proof placed upon traumatised individuals who frequently lack the language skills, legal knowledge or financial resources to evidence their claims sufficiently. The UK asylum system has been designed to exclude, rather than admit, forced migrants.

Those who are successful in their asylum claims are still not permitted political voice, with citizenship dependent on multiple factors including length of residence, good behaviour, passing tests and demonstrating financial independence. Although asylum seeking has become increasingly politicised, successful forced migrants (i.e. refugees) are unable to vote and thus to collectively act to undermine misrepresentation and mis-framing. Failed asylum seekers live in fear of deportation with many incarcerated awaiting forced return thus they exist in a liminal state the uncertainty of which is psychologically damaging (Burnett & Peel 2001; Phillimore 2011). The vulnerability of forced migrants and the often horrific nature of SGBV experienced by many is a hidden reality of the so-called refugee crisis.

Discussion and conclusion

Many forced migrants have experienced, are experiencing or are vulnerable to SGBV across the refugee journey with vulnerability continuing once in the country of refuge with forced migrants living in impoverished conditions frequently dependent upon their abusers for survival. Nonetheless, SGBV has a low profile in the discourse around forced migration which are dominated by unfounded claims of forced migrants as a threat to nation states. Given the vulnerability of SGBV survivors, we might expect their safety, recovery and ability to resettle would be a priority yet the UK explicitly pursues a social injustice agenda whilst simultaneously condemning the social injustices to which forced migrants are subject to in their countries of origin. There is a need to recognise the multiple, over-lapping, multi-scaled and institutionalised social injustices experienced by forced migrant SGBV survivors within the UK. These include detention when no crime has been committed, living and working conditions that increase vulnerability, restricted access to health and welfare, racism, discrimination and the failure to provide support with recovery. Instead of looking at the needs of vulnerable survivors and taking actions to re-

duce that vulnerability, the UK exposes such individuals to further harms be that psychological through the insensitive determination process or physical through enforced homelessness and destitution. Asylum support practice increases the risk that survivors will experience further abuse, a situation that would be deemed outrageous if applied to UK citizen SGBV survivors.

Fraser (2008; 2015) argues that structures for social justice through redistribution and social recognition should occur at global level. While we might argue that attending to the global injustices which drive forced migration and associated SGBV is difficult at national level, the actions taken within national borders by states responsible for provision of refuge is entirely within their power. Yet the UK Government steadfastly refuses to address these issues while forced migrants are in the liminal space that is the asylum system. Ensuring social justice for forced migrants survivors seeking refuge within the UK's national borders is feasible if there is political will to change. Striving for social injustice would mean ensuring parity of participation for forced migrants in terms of economic, social and political equality. Equality would mean the introduction of humane determination processes, levels of support and living conditions, free access to health care, specialist services for forced migrant survivors, the abolishment of appeal and leave renewal application fees and greater access to family reunion amongst other things. These would have associated political and financial costs but in the longer term would help support integration and reduce the likelihood of the moral slippage associated with institutionalised social injustice (Phillimore, 2018).

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X Valtakunnallinen Muuttoliikesymposium: Mihin suuntaan Suomi kehittyy? Liikkuvuuden ja muuttoliikkeen dynamiikka

Turku 17.–18.10.2019

Siirtolaisuusinstituutti järjestää kymmenennen valtakunnallisen Muuttoliikesymposiumin teemalla Mihin suuntaan Suomi kehittyy? Liikkuvuuden ja muuttoliikkeen dynamiikka. Symposium pidetään 17.–18.10.2019 Turussa.

Yhdeksi keynote-puhujaksi on lupautunut professori emeritus Patrick Manning, (University of Pittsburgh). Hänen esitelmänsä aiheena on Migration in World History.

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