



The meanings of rights in refugee settlement

Australian Research Council Linkage Project



Centre for
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Arts & Social Sciences

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A STEP IN THE RIGHT DIRECTION

THE MEANINGS OF RIGHTS ACROSS CULTURES:
AN EXPLORATION OF THE INTERPRETATION OF THE
HUMAN RIGHTS FRAMEWORK IN REFUGEE SETTLEMENT
MID-PROJECT REPORT - SUMMARY

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INTRODUCTION

This short summary details the key issues which refugee and service provider participants shared in the first year of a three-year project 'The meanings of rights across cultures: an exploration of the interpretation of the human rights framework in refugee settlement'. This project is a partnership between the UNSW Centre for Refugee Research (CRR) and five refugee settlement services in three states: TMSG (Townsville), QPASTT (Brisbane), STARTTS (Sydney), AMES (Melbourne) and Diversitat (Geelong). It is funded by the Australian Research Council. A more detailed mid project report can be found on the CRR website, crr.unsw.edu.au.

BACKGROUND TO THE PROJECT

The project was developed in response to growing awareness that family conflict and separation are amongst the most painful problems for refugee families and communities settling in Australia. In CRR projects, issues of family conflict were frequently attributed by community members to the 'human rights' in Australia.

Newly arrived refugees welcome the human rights which life in Australia promises, but often have incomplete information about 'human rights' and how they are reflected in Australian law and practice. Changes in women's and children's rights are especially contentious. Instead of being seen as positive, these rights may be seen as a problem for the family or community. In some cases, the consequences of these changed rights can be seen to negatively affect settlement.

Just imagine 20 years in suffering, then you reach here and face some of these issues . . . "rights" destroy our families – our women leave and our children rebel against us. (Refugee community member, Melbourne)

This project aims to improve the settlement of refugees by increasing our knowledge of the different ways that resettling communities understand and adapt to human rights and law in Australia, and by enhancing the work of services and communities in supporting this aspect of resettlement.

YEAR ONE WORKSHOPS

In year one, workshops were held in Sydney, Melbourne, Newcastle, Geelong, Brisbane and Townsville between May and November 2014. At the end of this first round of workshops, a partner meeting was held at the University of New South Wales, attended by two staff and two refugee community representatives from each partner organisation.

The introductory workshops confirmed that overall, new arrivals value the human rights they have in Australia, but that there are still strong contentions amongst refugee communities about some rights, especially rights for women and children. There is, however, great diversity within and between groups from refugee backgrounds.

Both service provider and community groups in the introductory workshops stressed a need for tangible project outcomes to inform improved service delivery. They also stressed the importance of the development of practical resources and assistance to increase refugee communities' resources to support their members in the settlement process, in particular in understanding human rights. The following themes were seen as important to addressing the issue.

WHERE AND WHAT DO WE LEARN ABOUT HUMAN RIGHTS?

People intrinsically have a sense of rights. (Service Provider, Geelong)

Almost all participants reported they had no formal education about human rights, but had learned about rights through informal channels, including family, religious and cultural influences. Many felt that refugees understand more about human rights than the wider Australian community, who have not had to fight for their rights.

If you ask the mainstream Australian people, what are human rights, they wouldn't even think or even know. . . We know more about it because we have had to seek for it; and they probably don't even realise how privileged they are. (Refugee community member, Melbourne)

Participants identified respect, freedom, dignity, equality, autonomy and social justice as key values underlying their understandings of human rights: there was strong cross-cultural similarity in this. They felt that family, especially parents, played the central role in developing these values and their knowledge about 'rights'. Attitudes to rights are not static, but can change over time and context. They discussed how a person can be fully cognitive and accepting of rights in one area, for example the right to free speech, or to be free from violence, and totally ignorant or rejecting about rights in another, such as women's rights or the right to religious freedom.

LEARNING ABOUT RIGHTS AND LAW IN RESETTLEMENT

I've been here five years and there are no community development specific programs that really discuss human rights in communities. . . What you discuss is basic living. . . No-one tells you about rights. (Refugee community member, Brisbane)

Overall, participants felt that there was little systematic education for new arrivals about rights, laws and rules in Australia. They felt that information that was provided was given too early and was not repeated or adequately reinforced throughout settlement. Community members shared other ways in which they became aware of rights, law and culture in Australia over time and that information shared by longer settled community members was seen as most influential.

PERCEPTIONS OF CONFLICT BETWEEN HUMAN RIGHTS IN AUSTRALIA AND TRADITIONAL CULTURE AND IDENTITY

Many community members said they feel that people from refugee backgrounds are expected to change to 'fit in' with the 'Australian culture' and with Australia's approach to rights. They felt their culture is judged negatively compared to 'the Australian culture' and 'Australian rights', resulting in feelings of defensiveness and isolation.

There is actually discussion in regards to newcomers who arrive in Australia: should they forget their culture and identity...should you forget about your own human rights and fit into the human rights that fit into Australia? (Refugee community member, Brisbane)

There was no universal agreement in the workshops about equal rights for women and children in Australia. However, while some community participants saw rights and laws in Australia negatively affecting their family or culture, others saw settlement as an opportunity to ‘throw out’ negative aspects of traditional cultural norms, whilst retaining the positive.

The good side of the culture you accept and the bad side of the culture you have to throw it away. . . There's an opportunity here to change things. (Refugee community member, Townsville)

It was acknowledged that family domestic violence was widespread in many refugee communities. Questions were raised about whether it is better to overlook family violence to maintain family integrity, and whether there should be some mechanism to enable traditional resolution of disputes rather than resorting to State intervention in family life. There was general agreement that more needs to be done to support family unity and harmony.

A HIERARCHY OF RIGHTS? – CHILDREN, WOMEN, MEN

Participants from diverse ethnic backgrounds presented the view that there is a ‘hierarchy’ of rights in families in Australia.

This is becoming very common within communities, that they are even making fun of it. They are saying . . . “Don’t you know with this [Australian] government? First it’s my kids, second it’s my wife, third it’s my dog, then myself. . . Things have changed my friend!” . . . It is said in a satirical way, but . . . (Refugee community member, Brisbane)

Most men and women felt this is a significant factor contributing to family disharmony in settlement, with problems between parents and children and changes in family roles and power. Difficulties for individuals and for families caused by the different (and in many cases diminished) role of men in the family emerged as a very important and painful issue in the workshops.

CHILD RIGHTS ABOVE PARENTS RIGHTS?

The majority of both community and service provider participants felt that, for some children, greater awareness and assertion of their rights in Australia results in changed family dynamics, family conflict and, in some cases, family separation.

The children know their rights! So when we deliver information about family and children's rights, the parents don't want to send their children anymore. They say, "When the children come to know their rights, all of the families split." And this is harder than their experiences in the refugee camp. (Service provider, Brisbane)

WOMEN'S RIGHTS ABOVE MEN'S RIGHTS?

Similar to children, women were seen as having more rights in Australia compared to their pre-arrival life (and seen by many as having more rights than men.)

When we were in Africa, my husband, he was head of the family and head of me. [He could] say to me "do this, do that! I'm head of the family!" But. . . when we come here, my husband can't say to me "do this, do this!", because I know my rights! It's a big, big conflict in the family" (Refugee community member, Townsville)

Related issues of family violence and family separation were mentioned in most workshops but not explored in detail due to the limited time and scope of these introductory workshops.

HOW ARE HUMAN RIGHTS REFLECTED IN SERVICES?

Service providers also reported that detailed and consistent information about rights and laws in Australia is not routinely provided in settlement orientation programs. They felt that some practical aspects of Australian law are addressed, such as those relating to road rules and public transport, but that broader education on human rights principles in Australian law (such as equality of women and the rights of children) is more ad hoc and less consistently available to all new arrivals.

Several service provider participants felt that their engagement with clients was informed by a commitment to refugees' human rights even when it was not expressed in those terms, but that they also need more information and support to adapt their practice to meet new arrival individual's and communities' needs.

How do we work together with all these different backgrounds . . . to be able to adjust your practice and transition to more flexible delivery? It's a two way street of engagement. (Service provider, Townsville)

EMERGING PROJECT THEMES

The key Human Rights issues raised by participants are outlined below. These are being further explored in the current fieldwork.

State intervention vs community management of family life

State intervention in family life in Australia is a new thing to many new arrivals, who may not even be aware of the legislation and policy governing what is lawful within families.

Information sharing and leadership in communities

Information shared within communities, especially by community leaders is very powerful and has an important role in helping people to understand and adapt to rights issues in Australia, or has the potential to perpetuate misunderstandings and inappropriate responses.

Men's status and identity in settlement

The role, authority and status of many men are very much changed in Australia. This has an extremely detrimental impact on the settlement of some individuals, families and communities.

Women's rights and roles

Women who have new 'outside' roles are still being held fully responsible for supporting the home and family, including supporting their husband with his problems, while sometimes also facing domestic violence.

Shame in communities

The issue of 'shame' in communities, common in people's narratives about their pre-arrival life, appears to play an ongoing role in individual, family and community responses to changes in rights and law in settlement.

Family/community vs individual rights

Some participants shared the view that Australia 'destroys our families' by focusing on individual rights.

Changed parent/child dynamics

The roles and power between parent and child are confused for many refugee families in settlement. This can influence overall family relationships and in some cases, family integrity.

Conflicted cultural identity

Young people described how they have different ‘masks’ or identities to fit in with the Australian or home ‘culture’ depending on their situation. This is a source of anguish or confusion, with imminent potential for family conflict if their outside persona is discovered.

Intersection between settlement difficulties and rights issues

Settlement difficulties, such as housing, racism, work, isolation and low income, intersect with and impact on how people understand and respond to changed individual and family rights and law in the Australian context.

RECOMMENDATIONS RE HUMAN RIGHTS EDUCATION AND UNDERSTANDING FROM YEAR ONE PARTICIPANTS

More education about rights and law that is consistent for all family members, and available at different times through the settlement process. Such education should include building advocacy and community development strengths in communities.

Building stronger links between services, government agencies and communities to learn from each other to better support more recently arrived refugees. This might occur through the sharing of information and good practices between services and by community leaders.

Assistance to support family integrity, including joint services/community education approaches and programs to support families and to facilitate adaptation. Strengthening support for and access to Families in Cultural transition (FICT) programs

Incorporating community development programs into settlement services including HSS, to assist communities in building their social capital in settlement and to ensure that information shared in communities is accurate and supports positive integration.

Strategies to increase awareness in the general population of the refugee journey and strengthen knowledge of, and respect for cultural diversity, including as a strategy towards reducing discrimination.

What seems to be difficult is that people don't really understand why you leave your country to come here. . . So maybe to set up a program . . . for Australians to understand what is a refugee; that your rights have been violated; we went through more difficult things. Most of the people don't know . . .
(Refugee community member, Townsville)

Increased employment of bicultural workers in settlement services and improved training for them, both to facilitate effective settlement support for new arrivals and to support community development through providing employment pathways.

Programs to strengthen engagement between schools and refugee parents, including finding ways to improve communication between teachers and parents.

NEXT STEPS

In the latter part of 2015 and early 2016, the research team will undertake training with diverse groups, to pilot and refine training to meet the information needs about rights and law in Australia identified in the fieldwork. This will be a complementary resource to the existing booklets about human rights in families in Australian law and policy. These booklets are available on the CRR website:

<http://www.crr.unsw.edu.au/education-and-training-resources/human-rights-booklets/>

Continuing academic research and analysis of the research data is also being done, from which further responses to concerns raised in the project will be identified. Several academic and conference papers are being written, and conference presentations on project findings will take place in Melbourne in October and Canberra in December 2015. Further activities at local and national levels are planned for 2016. The project will finish at the end of 2016.

We deeply thank all participants for their contributions to this initial phase of the project.

For further information or to express your interest in being involved in any of the project activities, please contact Geraldine Doney or Linda Bartolomei, at the Centre for Refugee Research, UNSW:

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A longer version of this report is available at crr.unsw.edu.au