"BEYOND CONCRETE AND STEEL"
Power-Relations and Gender: The Case of Vietnamese Women in the Detention Centres in Hong Kong

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"If ever I succeed in getting out of this situation,

what destiny will be still reserved for me?

As a graceful young woman whose fate seems so precarious,

how can I hope for a safe escape

from this deep and tempestuous ocean?"

— Ex libris Nguyen Du (1813), Kim Van Kieu, English Translation by
Le Xuan Thuy (1968), The Tale of Kieu, Khai Tri Publishing House,
Saigon, p.265.

Acknowledgements

Dedicated to Nguyen Thi Yen and all other Vietnamese women who remain in detention in search of asylum.

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CHAPTER I

INTRODUCTION

Over the last three decades the face of the refugee phenomenon has undergone rapid changes in scale, dimension and location. The problem has received a wide variety of policy responses ranging from sympathy and welcoming attitudes to hostility and outright deterrence. Current practices are characterized by increasingly restrictive measures of detaining asylum seekers in prison-like institutions for prolonged periods of time. Very little research has been conducted on asylum seekers trapped within such confinements, and even less is known on how women fare under such conditions.

The concept of 'refugee' is treated largely as if there were no gender attached to it. This is equal to silencing those who make up the major bulk of today's 20 million refugees worldwide. It is refugee women who often have to fend for themselves in 'female headed households', who carry the main responsibility for the care of children, and who are at the same time subjected to multiple forms of violence, suffering from a serious lack of protection regarding all aspects of their lives.

Since the United Nations Decade for Women the myth that international refugee instruments are applied equally to men and women has been exposed and challenged. However, what has also become clear during the decade, which ended in 1985, is that too little has been done for refugee women until now. Only scarce information exists about even the most basic questions relating to refugee women, the availability of statistical data is minimal, and the general interest in such information is still low. This lack of interest in data collection is accompanied by a lack of research specifically aimed at refugee women. There is a dearth of literature published on the subject. Policy makers, donors, researchers and refugee workers tend to neglect both the specific problems faced by refugee women as well as the resources they can offer even in the most difficult circumstances.

Such negligence has helped to hide and perpetuate the wide spread violence refugee women are subjected to. This becomes ever more important in view of the increasing practice to incarcerate men, women and children where no legal framework is made available for the individual's protection and the protection of their most basic human rights.

This study will focus on Vietnamese asylum seekers in detention centres in Hong Kong under a policy disingenuously referred to by the authorities as "humane deterrence". Particular attention will be paid to Vietnamese women attempting to highlight the extent and forms of suffering they have to endure because of their gender identity. In doing so, it is my intention to bring the issues out into the open. Under the current conditions all Vietnamese, and women in particular, have no opportunity to voice their grievances publicly. Yet, as Harding puts it so aptly, "for marginalized people, naming one's experience publicly is a cry for survival" (1992:187).

It is this cry, suffocated as it is, that prompted me to undertake this study. A cry which neither the British nor the Hong Kong Government (or for that matter all of those who know about

these detention centres) can permit to be heard. They will be confronted with the merciless accusation that they just let it happen or that they were directly or indirectly a party to it, even by keeping silent. I hope that this study will help us to understand the phenomena at work in such circumstances, and that it will be useful to similar situations elsewhere.

1.1 HISTORICAL BACKGROUND AND STATEMENT OF THE PROBLEM

The Vietnamese boat-people 'problem' in Hong Kong, which currently is a crown-colony of the United Kingdom, must be related to the looming reality of the return of the territory to the People's Republic of China in 1997. On the one hand, the plight of the Vietnamese becomes an intimate and real problem for those Hong Kong residents unable to leave the territory before 1997. On the other hand, China has repeatedly warned the Hong Kong Administration to solve its refugee problem before this time. Judgments of the local Chinese population on the Vietnamese must also be viewed in relation to the illegal immigrants from mainland China who cross the border to Hong Kong almost daily and who are immediately extradited regardless of whether they have family links in Hong Kong or not[1].

The first influx of Vietnamese refugees in Hong Kong dates back to 1975 when the second Indochina War formally ended. They consisted mainly of people closely related to the South Vietnamese government and/or to the government of the United States of America involved in the war. Their status as 'refugees' at the time was rarely questioned. They were accommodated in open centres, awaiting resettlement in a third country while enjoying freedom of movement and permission to work in Hong Kong.

A peak was reached in the first months of 1979, when a total of 68,748 refugees arrived in the colony. Many of those were ethnic Chinese. In response to the crisis the United Nations High Commissioner for Refugees (UNHCR) convened a conference in Geneva in July 1979. Participating countries pledged to increase their resettlement intake in return for an agreement on the part of Southeast-Asian nations and Hong Kong that they would continue to grant temporary refuge, so-called 'first asylum'.

However, during the early 1980s this arrangement began to unravel, despite the fact that the intake of Vietnamese boat people by Southeast-Asian nations and Hong Kong continued. The number of refugees taken for resettlement by third countries declined. Therefore, the Vietnamese refugee 'problem' became increasingly confrontational. The requirements of countries of first asylum could not be reconciled with those of the traditional resettlement countries. In early efforts to 'deter' new arrivals, countries of first asylum in the region increased the severity of conditions for the Vietnamese. In 1982, Hong Kong instituted a 'closed centre' policy

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1. See e.g. Davis L.: The total number of illegal immigrants from China over the last 10 years is approximately 630 000. For the year 1989, a daily average of 60 illegal immigrants were intercepted while attempting to enter Hong Kong, a figure that increased threefold by mid-1990. The separation of mothers from their children under the repatriation policy appears to have become a frequent occurrence, and painful exercise. No political screening process exists for those arriving from China (1991:2-3).

which provides for the detention of all new arrivals on or after 2 July 1982, with no access to outside employment or education.

In 1986 and 1987, arrivals in Hong Kong rose by more than 50 percent while the rate of resettlement from Hong Kong fell by 44 percent. Particularly in Hong Kong, an increasing number of ethnic Vietnamese began to arrive from northern Vietnam. Many failed to meet the required resettlement criteria of the main intake countries such as the U.S.A. and Australia. Northern Vietnamese were generally held to be the beneficiaries of the revolution and hence were regarded as 'ordinary migrants' rather than 'genuine refugees'.

A tremendous upsurge in Vietnamese arrivals in 1988 prompted the Hong Kong government to implement a Refugee Status Determination Procedure ("screening"). According to these procedures all those arriving after 16 June 1988 would no longer be automatically classified as refugees but were considered as 'asylum seekers'. As asylum seekers they were to undergo an individualized 'screening' procedure, in which a differentiation was attempted between 'political refugees' (or genuine refugees), as opposed to 'economic migrants'. This was in accordance with the 1951 United Nations Refugee Convention and the UNHCR Handbook on Procedures and Criteria For Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees.

Upon their interception in Hong Kong waters, asylum seekers were informed that they were illegally entering the territory and that if they chose to remain they would be detained until such time when their status could be determined. This meant on average a three years waiting period in detention under harsh prison-like conditions. The Hong Kong Government maintained that detention merely brought the territory into compliance with other regional practices. While it is generally accepted that Hong Kong has not implemented a so-called 'push-off' policy (sending boats back into the open seas as is the case in Malaysia and Thailand) the conditions in Hong Kong's detention centres are held by some to be among the most restrictive and inhumane within the region[2].

A strong emphasis is placed on total separation of the Vietnamese from the host community which in part serves the purpose of maintaining antagonist stereotypes referring to the Vietnamese as 'violent', 'dirty' and 'untrustworthy'. All information obtained by Hong Kong residents on the Vietnamese is received through the official media while official access to the detention centres for the press has been provided only since June 1990 (Davis, 1991:61). A report by a non-governmental pressure group, Refugee Concern Hong Kong (RCHK) described the situation as follows:

> the news black-out on the Vietnamese as human beings in detention, as children, mothers and fathers has made detaining them and accepting the violence that occurs easier to accept. They have become progressively dehumanized through the categorization they have been subjected to (refugee, economic

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2. See e.g. the interviews with aid workers with experience in other Southeast Asian countries besides Hong Kong reported by RCHK (1991:29).

migrant, asylum seeker, Vietnamese illegal immigrant, migrant, detainee, inmate, etc.) The Government's policy of selective access by media has resulted in an inordinate number of stories focusing on crime, violence, weapons, the costs of care and controversy. The Vietnamese as people have been trivialized (1990:205).

A definite change in attitude can be observed towards the influx of Vietnamese boat people into Hong Kong ranging from "humanitarianism at the outset in 1975, through an interim state of ambivalence, to the present stand of outright hostility" (Chan, 1990:94). Changing policies were accompanied by changing labels, starting off with 'refugee' to 'asylum seeker'. The former was fleeing communist Vietnam in search for the free world and democracy, unquestionably deserving the Western world's protection, while the latter's status had first to be determined on an individual basis, as *a priori*, they now were perceived as fleeing mere economic hardship in order to look for a better world. The terms 'economic migrant' and 'illegal immigrant' increasingly used by the media and the Hong Kong Government indicate this growing perception.

This study will focus on Vietnamese trapped in the detention centres under the custody of the Hong Kong Government, highlighting women and custodial violence. From a legal standpoint this includes asylum seekers and those classified as non-refugees. In my case study I will be using the term asylum seekers as reflecting both categories[3].

Against this background, the power structures in the detention centres may be delineated as follows. Firstly, there is the Hong Kong Government, and in particular its Security Branch, which holds overall authority on the formulation of refugee policy. The management of the centres is operative through this security administration. The centres are run by either the Correctional Services Department (CSD), Hong Kong's official prison authority, or by the Royal Hong Kong Police Force (RHKPF). Both of these departments have not been trained to deal with refugee situations; their main task is to control 'detainees'[4].

Secondly, although not directly related to the detention centres, is the government of the Socialist Republic of Vietnam (SRV), which must bear part of the responsibility for the continuing exodus of its citizens. With the U.S.A. leading the ongoing economic embargo against Vietnam, the outflow of some of its disgruntled citizens was even perceived as 'a good thing'

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3. This especially in view of the fact that many 'non-refugees' once they had undergone the 'screening' procedure were subsequently recognized as refugees by UNHCR in the exercise of its 'mandate' in case disagreement existed with the decision taken by the Hong Kong Government. The 'screening' process is thus an open one, and includes a notion of *sur place* refugee status.

4. The sole exception would probably be the one detention centre run by a non-governmental agency, the Hong Kong Housing Department, located on the remote island of Tai A Chau, of which the Government claims that it is designed to give more freedom to the asylum seekers. People can move in and out of the DC and walk around the island. The DC itself retains the prison design of the other centres though.

by the SRV. It increased Vietnam's bargaining power *vis a vis* its regional neighbours. A further aspect to be taken into consideration is the fact that the SRV was suspected of having informers in the detention centres of Hong Kong.

Thirdly, there is UNHCR, the body within the UN with primary responsibility for refugees. UNHCR's fundamental mandate is the protection of refugees for which it is accountable to the international community, and the search for permanent solutions[5]. In September 1988, the Hong Kong Government came to an agreement with UNHCR granting it access to all asylum seekers and persons determined as non-refugees. The Government also allowed the provision of services by voluntary agencies designated by UNHCR. UNHCR in turn agreed to monitor the Refugee Status Determination Procedure on a selective basis and to arrange for legal advice on appeals[6]. The costs of 'care and maintenance' of those living in detention should be borne by UNHCR, although since 1979 the financial burden has largely fallen on the Hong Kong Government. The UNHCR actually 'owes' several million Hong Kong Dollars to the Hong Kong Government[7].

The fourth party to be taken into account are the Vietnamese asylum seekers in the detention centres who are governed and monitored by the three parties mentioned above. The constellation of power relations leave them with very little space within which they can struggle to assert themselves and learn to cope with the situation. Even within this little space there are hierarchical relations among asylum seekers that leave some parties at a disadvantage of others. These are based on aspects of ethnicity, regional origin, gender, age, class, position within camp-organized leadership structures, etc.

From a gender perspective the relations which circumscribe the asylum seekers' daily lives are outcomes of an interplay of the various levels of power. In this process, the suffering experienced by the Vietnamese asylum seekers is not the same for men and women. The most painful and yet most hidden suffering Vietnamese women in detention are subjected to is sexual harassment and violence inflicted by security guards as well as by male community members. Sexual violence against women is a very complex phenomenon. This is additionally complicated in the context of detention centres as there is hardly any means of protection for Vietnamese women suffering sexual violence. The agencies which are involved in relief services and the determination of refugee status further exacerbate this situation by not recognizing gender as a crucial aspect of the deplorable condition these women are subjected to.

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5. The three permanent solutions, also referred to as durable or lasting solutions, are: - Voluntary repatriation; - settlement in countries of first asylum; - resettlement in a third country. In the Hong Kong context only one and three are viable options.

6. See 'Statement of an Understanding reached between the Hong Kong Government and UNHCR concerning the Treatment of Asylum Seekers arriving from Vietnam in Hong Kong (1989).

7. Due to the constraints of UNHCR's structure, being called upon by governments, and the 'debts' which the organization was to reimburse the Hong Kong Government, UNHCR's bargaining power was severely infringed upon. On the difficult role of UNHCR amongst wider power structures, see e.g. Cuenod J. (1989) 'EC Assistance to Regions with Large Numbers of Refugees', in: Report of the International Conference in The Hague, SIM special no. 10.

1.2 OBJECTIVE AND METHODOLOGY

The objective of this paper is three-fold. It will analyze the various structures of power that govern Vietnamese women in the detention centres of Hong Kong; it will illustrate how they are interrelated; and it will trace the gender-biases inherent to the various levels of power relations. The paper will further examine women's strategies for coping with the situation and their responses to power and domination. I will focus on the issues of self-protection, access to leadership, decision-making, and to resettlement.

My focus on Vietnamese women in detention is not to promote their interests at the expense of other groups of asylum seekers, but to demonstrate that current policies are gender-biased and have a detrimental effect on them. Single women, female heads of households and young unaccompanied girls are especially vulnerable. First, I intend to analyze the discourse of refugee policies and the changing rules and regulations; second, the process of policy making and implementation in the area of relief work; third, the dynamics within the established management regimes of day-to-day care of the Vietnamese; and fourth, operating gender relations and power structures within the refugee community.

The main questions are: How are the broad policy principles, governing detention centres in Hong Kong, applied in terms of day-to-day management of the centres? Are women's interests incorporated and if so how? What is the impact of the above on women asylum seekers? And how do women secure their interests?

I am drawing on two years work experience in Hong Kong's detention centres, as I was a social worker for one of the NGOs during 1989-90. The sources utilized are policy guidelines of selected agencies involved in relief work, in the status determination procedures for refugees and the management of detention centres as well as policy papers of the Hong Kong Government. Secondary data as well as my own observations, experiences and field notes are incorporated.

The limitation of this study to detention centres in Hong Kong with a particular focus on women is a conscious step to accomplish an in-depth analysis. I nevertheless realize that the detention centres are embedded in a wider social and economic context. My access to the detention centres over a significant period of time provided the background for this paper. I studied the operations of both centre management as well as relief-work, and followed social and cultural practices of the Vietnamese asylum seekers in these centres. By linking theoretical concepts to everyday issues in detention centres I hope both to elucidate power relations of domination that work to their detriment, and to contribute to the actions taken by women in the camps. Some of the findings will be specific only to the Hong Kong context, while others might be relevant as well to women in other refugee situations in the world.

1.3 ORGANIZATION OF THE PAPER

In chapter II I will attempt to map out the different theoretical concepts that provide a base for the analysis of power relations affecting refugee women. Firstly, I will discuss the concept of 'discourse' which I see as a useful tool to examine changing international relations shaping

the international response towards refugees. Secondly, I will be looking at the process of policy formation in the area of relief work and the concept of 'labelling' as one of the dominant discursive practices of the donor community. My third focus will be on the concept of 'gender relations' and 'patriarchy'. 'Patriarchy' will be discussed as consisting of six interrelated structures rather than a mere base-superstructure model, with a view towards unveiling the various patriarchal discourses that support, reinforce, silence and perpetuate violence against women. Refugee women here will not be seen as passive victims but as active agents, incorporating the potential for resistance and change, which will be the focus of the last section of this chapter.

In Chapter III I will be looking at refugee policy formulation incorporating a historical review of the refugee discourse, retracing the evolving legal categories and the development of policy responses on assistance. This will be followed by a discussion of the legal definition of the term 'refugee'. The second part of chapter III will focus on policy formulation within UNHCR with particular regard to refugee women.

In Chapter IV I will proceed to an examination of one detention centre in particular and the operating power relations within it, analyzing the role of gender in this framework. I will be tracing gender along the lines of principles and practices to be continued by the camp as a controlling institution, by aid-agencies, and by relationships within the Vietnamese community. I will especially focus on how gender is defined in these structures. I will also be looking at how power operates in gender relations within the community and I will analyze how the former levels of power are interrelated and do or do not reinforce each other.

In conclusion, I will summarize the main findings and discuss some of their implications with a focus on refugee women and the violence they have to endure in the detention centres in Hong Kong.

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CHAPTER II

POWER RELATIONS AND REFUGEE WOMEN: A CONCEPTUAL FRAMEWORK

To construct an adequate conceptual framework with which to analyze the complex situation of refugee women is a difficult task. It needs to draw upon theoretical insights from various disciplines in as far as the situation of refugee women involves issues which cut across different fields. A comprehensive study that would do justice to such an enterprise goes far beyond the scope of this paper. What I will attempt in this chapter, however, is to construct a framework which allows the analysis of the specific circumstances of Vietnamese women confined in detention centres in Hong Kong.

First of all, the concept of 'discourse' is introduced. I use this to analyze the maze of changing rules and regulations which govern the lives of refugees. I will then proceed to discuss the concept of 'labelling' to analyze more specifically the process of policy making and implementation in the area of relief work. Lastly, I will introduce the concept of gender-relations and patriarchy to analyze various forms of male domination, of men's control over women, of structural violence and patriarchal cultural beliefs and values. In this context I will also be looking at how women 'refix' their identity and power relations so as to cope better with prevailing circumstances, exploring the various forms of women's resistance and strategies in the face of suffering.

2.1   POWER RELATIONS AND DISCOURSE ANALYSIS

The theory on discourse originally goes back to Foucault in his work on changing systems of thought in Western culture[8]. His subject is history focussing in particular on how history is shaping modern culture in relation to the dominant forces of power and knowledge. One of his central concerns is the discovery of the origins of knowledge, in particular looking at the ways in which we apprehend, classify and know 'reality' which he perceives not as objective or true but rather as representing the 'dispersion of power'. In this venture his development of the concept of discourse is central. His use of discourse is very much related to context, enabling us to understand how 'what' is said fits into a network that has its own history and conditions of existence. Foucault is concerned in moving away from traditional forms of 'doing history'. He moves away from sociological inquiries based on empiricism and taken-for-granted truths. He avoids cultural totalities and a history that studies continuities representing absolute or true knowledge. Instead, he emphasizes a way of 'doing' history which is relative, produced within a web of power-relations prevalent at a certain point in time and in a particular context. Foucault's is a history which

> examines series, ruptures, limits, chronological specificities and types of relation. The latter are said to operate from anti-anthropologist, anti-humanist, and anti-structuralist premises. In sweeping statements, [he] spans the entire

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8.   He formally explains the concept of discourse in his major work The Archeology of Knowledge and it is in his substantive historical narratives that he seeks to recast our understanding of particular discourses (e.g. medical, penal or sexual).

intellectual universe, cuts through historical successions that exist behind revolutions, governments and famines, to other pasts, hierarchies and networks whose internal coherences constitute and maintain themselves (Wuthnow, 1984:148-149).

He attempts to explore the nature of historical change. He sets out to describe discontinuities, and by doing so seeks in them some kind of system. This system he refers to as the 'system of dispersion' of the statements, which in turn will gradually form a theory, science or discipline, a 'discursive formation'. The central question in this process is: how is an object of discourse formed and what are its rules of formation[9].

These rules of formation do not produce objects that can be readily labelled but rather the "object of discourse and discourse *per se* appear and develop together in one and the same process" (Daudi, 1986:142). The rules of formation consequently do not exist independently of one another but "interact in a complex pattern so as to constitute the conditions that make a discourse possible" (ibid., p.142). A discourse then is not about an object but rather produces its own objects and once a discursive formation begins to develop it states its own criteria of development. Therefore the rules of formation of a particular discourse will not only tell us what belongs to a discourse but also, and often with even greater emphasis, what does not.

This brings me to one of the central features of the concept of discourse, namely it being based upon principles of 'exclusion' and 'inclusion', The analysis of formation of a discourse ought not to be based upon its own statement, but rather upon that which is excluded in order for the articulation of the statements to be possible. An inherent production of power becomes apparent in the process of discourse development in the form of rules, criteria, and disciplinary patterns which determine what belongs to its territory and what remains outside (Daudi, 1986:148).

There is a close connection between Foucault's concept of discourse, truth and knowledge and power[10]. Rather than concentrating on the despotic power of the state, Foucault gears our attention to local and intimate operations of power, to a form of power that is all-pervasive. The concept of discourse is of central importance in its capability to produce and sustain hegemonic power. The concept of truth, as adhered to by Western humanism, gets dismantled by

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9. This question is posed by taking up a particular discursive formation, e.g. psychopathology. It is then distinguished between three types of rules, firstly the 'surfaces of emergence' which describe the special social and cultural areas within which certain discursive formation appears. Secondly, 'the authorities of delimitation' which in cases of e.g. madness would represent the medical profession or legislative authorities. The third rule is referred to as the 'grids of specification'. To stay with the example of madness these rules would specify the systems used by the psychiatric discourse to specify different types of madness and relate them one to another (Daudi, 1986:142-43).

10. It is widely believed that it is Foucault who introduced the theme of power to the analysis of discourse whereas he himself asserts that it was Nietzsche who already saw the relation of power as fundamental for the philosophical discourse. "Nietzsche writes about man's illusions and his 'collective lie'. He demonstrates that our highest values (as moral principles) rest upon a history that is far from decent. In this history both body and soul are objects of 'indoctrination' and 'normalization'" (Daudi, 1986:154).

Foucault who accuses its authors of favouring and primarily representing the experience of Western elite universals about truth. Accordingly, he asserts that "power's relation to knowledge is never separable, because within each society there is a regime of truth, with its own particular mechanisms for producing truth" (Diamond et al. 1988:x).

The introduction of the word 'how' is presented as a key dimension to his concept of power. He moves away from earlier perceptions when the central concern was 'who' possesses power. It thus suggested that his 'little question' of *what happens* ?

> ... does not pose any ultimate challenge to the metaphysics or ontology of power and is hence not attempting to eliminate the what, who and why of power: it simply allows a critical investigation of the thematics of power. The object of analysis changes from power as an absolute, or in itself, to power in terms of *power relations* (Barrett, 1988:136)[11].

The theoretical elaboration by Foucault on power comes to life in his substantive histories of discipline and normalization and the 'carceral society'. His work Discipline and Punish demonstrates how power operates in the modern era through complex networks of disciplinary systems, technologies and the development of techniques of surveillance. According to him they derive from three centuries of practice in other spheres, notably in education and the army. A frequently quoted metaphor in this context conveys that the increasing resemblance of prisons to factories, schools, barracks, hospitals (and for that matter camps or detention centres currently utilized for asylum seekers in many parts of the world) is no coincidence. Jeremy Bentham's famous 'panopticon', a circular building enclosing a central inspection tower, was recommended and implemented for all these institutions. Foucault describes, in minute detail, how the techniques of power up to the 18th century (such as torture), were increasingly perceived as inefficient and how they were gradually replaced by mechanisms of surveillance that offer high degrees of control over the bodies of the surveilled. Captured constantly by the overseer's gaze the body here is identified as a site of power, as a site of domination through which docility can be accomplished.

The most powerful discourses in today's society are the ones with a firm institutional base such as law, medicine, education, etc. The more secure the institutional location, the more power and social authority a discourse will have while subjugating those with no institutional base. Since institutions themselves are not monolithic blocs but rather sites of contest, there is, potentially at least, always the opportunity for individuals to resist dominating policies and practices that seek to govern their lives.

Chris Weedon writes in this context that "while a discourse will offer a preferred form of subjectivity, its very organization will imply other subject positions and the possibility of reversal" (1987:109). This 'possibility of reversal' remains very limited when power relations are asym-

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11. Looking at power in terms of relations also allows to analyze power as it structures relations between different subjects within and across discourses. This will become of particular relevance at a later stage in this paper when looking at discourses of refugee women which tend to be additionally subjugated within the dominating refugee discourse itself.

metric in such a way that one party exercises almost total control over the other, leaving the subjugated party with little to no social power to realize its version of knowledge. In such contexts it might be more appropriate to refer to forms of resistance produced by subjugated parties which attempt to thwart dominating discourses to their benefit by strategic compliance.

In summary, it is important to note the tight interrelationship between knowledge, power and truth. Therefore, emphasizing the question as to *how* power operates, forces us to look much more at multiple rather than single causes, at processes rather than origins, and urges us to question how certain hierarchies are constructed and legitimized. This approach to the study of power leads us towards a way of analyzing and inspecting meaning that emphasizes its "variability, volatility, and the political nature in its construction" (Scott, 1988:5). Hence, if meanings are not fixed but flexible and dynamic, then attention has to be given, not only to the conflicting processes that establish meanings, but also to the ways in which concepts seem to represent fixed, natural conceptualizations. This involves an analysis of the interrelationship of playing forces involved in any society's construction and implementation of meanings.

I think it is important here to discuss some aspects of the feminist critiques of Foucault's analysis. While several feminist writers draw theoretically, *inter alia*, on the discourse analysis of Foucault[12], feminist interventions have attempted to criticize and rework the above instead of simply adopting the approach. It has been recognized that Foucault's analysis and feminism are converging in several basic ideas and potentially can inform each other and act as mutually corrective[13]. For example, feminists too vehemently attack the notion of Western humanism and its claim for supreme knowledge and truth deriving from an autonomous and universal self. But they go a step further, identifying this autonomous and universal self as the domain restricted to privileged white men. Truth and knowledge is primarily determined by the male part of society, and consequently power is vested in individual men and men as a group. Feminists claim that Foucault fails to account for the gender configurations of power which hide the predominantly masculine nature of power and the subjugation of women[14]. Sexual violence against women, from verbal sexual harassment to rape, is just one phenomenon that exemplifies women's bodies being made the site for masculine power[15].

Although Foucault recognizes that dominant discourses suppress those of marginalized groups, and points out that these are a locus for resistance, he stops short there and does not pay any further attention to those discourses. Gender identity is relegated to no more than a

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12. See his The History of Sexuality, Vol. 1., An Introduction, Pelican, Harmondsworth, 1981. Other theories feminists have utilized the 'deconstructionism' of Derrida, Of Grammatology, John Hopkins University Press, Baltimore, 1976, and the 'post-modernism' of Lyotard, The Postmodern Condition: A Report on Knowledge, University of Minnesota Press, Minneapolis, 1978.

13. See e.g. Irene Diamond and Lee Quinby (ed), Feminism and Reflections on Resistance, Northeastern University Press, 1988. Linda Nicholson (ed), Feminism/Postmodernism, Routledge, USA, 1990.

14. See e.g. S.L. Barkty, "Foucault, Femininity, and the Modernization of Patriarchal Power", in Irene Diamond et al (1988) op. cit.

15. Exposused by Winifred Woodhull, 'Sexuality, Power, and the Question of Rape", in: Irene Diamond et al. (1988) op. cit.

subject position within a discourse (Pringel, 1992:54), and no explicit thought is geared towards asymmetric power relations between men and women. While Foucault takes power relations to be an always present structural feature of human societies, his theory does not describe what forms power will take in any particular society or area of social concern (Weedon, 1987:114). His conception of power is so dispersed that it poses difficulties to account for power relations of domination and subordination which are repeated in cross-cultural and historical continuity. Foucault's approach then, although undoubtedly offering a rich vein for analysis, at the same time runs the risk to trivialize and diffuse the notion of domination.

Notwithstanding the various lines of critique on Foucault's work, I nevertheless believe that the concept of 'discourse' offers a powerful analytical tool to investigate and analyze the construction of specific concepts, such as the concept of 'refugee', and its changing perception and definition. The fundamental guidelines to analyze discourse are provided in Foucault's work The History of Sexuality. In his view, espoused there on the issue of sexuality, the central issue

> is not to determine whether one says yes or no to sex, whether one formulates or denies its existence, or whether one asserts its importance or denies its effects, or whether one refines the words one uses to designate it; but to account for the fact that it is spoken about, to discover who does the speaking, the positions and viewpoints from which they speak, the institutions which prompt people to speak about it and which store and distribute the things which are said. What is at issue, briefly, is the over-all "discursive fact', the way in which sex is "put into discourse" (Foucault, in Wong D., 1989:276).

Applied to the refugee context, very similar questions may be raised. Refugees have become a 'discursive fact', and the contours of this discourse have been changing over time largely in correlation with wider power structures. The interpretation of the category 'refugee', ranging from more restrictive to more lenient versions, depends on the positions and viewpoints from which they are interpreted. The institutions that prompt people to speak about refugees range from those who wish to restrict numbers entering their territory, aiming to *exclude* people from this category, to those who speak in favour of refugees, advocating rather for their *inclusion*.

It is with these guidelines in mind that one can proceed to an analysis of the discursive formation of the refugee which I will come to in chapter III. In that analysis I will demonstrate that it is not a fixed but shifting concept. The transformation correlates with wider power structures and forces, different forces that can both reinforce or contradict each other and that are not necessarily visible but might be hidden behind political, economic or social interests. It will become apparent that the label 'refugee' is far from being stable and normative, but rather relative, dynamic and discursively produced within a contextual set of interests.

2.2. LABELLING AND THE PROCESS OF POLICY FORMULATION IN THE AREA OF RELIEF

The process of policy formulation and implementation has to be perceived as a determinant of the wider development of the refugee discourse which encompasses a.o. the concept of 'labelling' as one of the dominant practices of the donor community.

Changing attitudes towards refugees over time, from humanitarianism to hostility, manifest themselves in formulated policy responses and changing labels. In terms of policy formulation one can observe evident moves from 'integration' oriented models of refugee assistance, which allow refugees to integrate in host communities (e.g. Ethiopian refugees in Sudan) to models of predominantly 'care and maintenance' only (e.g. the Vietnamese in Hong Kong) which segregate refugees from host populations by confinement in camps, emphasizing the 'temporary' nature of their stay before a 'durable' solution can be found[16].

Assistance programmes to refugees in general are designed to be of a short-term nature with relief characteristics dominating, despite the fact that the refugee phenomenon has become one of a rather long-term nature calling for development oriented approaches. The world of refugees is becoming increasingly institutionalized, determined by governments, NGOs and intergovernmental agencies and a highly developed framework of public policy has evolved in the provision of assistance. It is within this framework that I intend to pay further attention to the conceptualization of the label 'refugee'.

2.3.1. Gender and the Concept of Labelling

Starting from the premise that labelling is a universal process in societies, a feature of all relationships in interaction, the issue is not anymore "*whether* we label people, but *which* labels are created, and *whose* labels prevail to define a whole situation or policy area, under what conditions and with what effects" (Wood, 1985:7).

The policy discourse in the refugee context has a strong 'donative' character expressing a one-sided, asymmetrical relationship between the donor and the recipient. The donative refugee discourse tends to frame refugees as clients to whom consequently bureaucratically assumed needs are attributed. In general, a highly non-participatory process[17].

Zetter contends that within the repertoire of humanitarian concern the term 'refugee' now represents one of the most powerful labels starting with procedures of status determination down to structural determinants of life chances (1991:39). Labels such as 'refugee' look inevitably natural and benevolent in the way they are constructed in the area of relief, and policy practices in response to this label are seldom questioned; on the contrary, they evoke notions of altruism and charity. The donative refugee discourse, in part, relies on the appearance of rationality and self-evident humanitarianism in which institutional action obtains its own legitimacy. This perception is further facilitated in situations of scarcity, a frequent accompanying

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16. The amount of money UNHCR spent on care and maintenance give an idea of recent tendencies. One can safely assume that over US $ 200 million per year have been spent under the UNHCR General Programmes on extended relief projects during the last few years. This represents about two thirds of the funds earmarked for all operations (emergency, care and maintenance, and durable solutions). Alone Pakistan, the ASEAN countries and Hong Kong, countries where durable solutions in the form of local settlement have been ruled out, have absorbed over US $ 65 million in care and maintenance during 1990 (ibid. p.162). See also Cuenod J. (1989), 'Development or Relief' and Smith G. (1989), 'On taking a Development-Oriented Approach to Refugee Assistance' (Bibliography).

17. See B. Harrell-Bond (1986) and Waldron (1987), De Voe (1981). Knudsen J. (1991) states that those types of camp organizations with the most complex relief systems paradoxically often leave their residents with the least control over their own lives which he sees as being brought about by a form of imposed aid which serves the relief workers' needs rather than those of refugees.

feature of refugee situations, where labelling tends to represent a necessary condition of public management in areas such as allocation, distribution, and access to resources.

Keeping this notion in mind might explain the general willingness to accept certain categories as given, essentially unquestioned, naturally developed and universally valid. As a consequence it is increasingly evident that categories or labels are established for particular goals and interests which tend to represent the views of policy makers rather than those of the excluded minorities. In spite of the fact that it is for the minorities that policies are ostensibly formulated and programmes designed. From this angle it becomes apparent that a label might reveal more about the agenda of the policy making body than of the labelled person, in this case the refugees themselves. As Chan Kwok Bun contends

> the refugee is reduced to impotence, either by having no control over what is
> done to him [sic] in the name of institutional efficiency, or for him [sic] under
> the banner of charity. In either case, the refugee is involved more as a specta-
> tor than an autonomous individual,... (1987:754)

To go one step further I would argue that the label 'refugee' tends to be inherently misrepresentative and at times even falsifying as it ignores human multiplicity and consequently also multiple needs, concerns and resources; it does not allow for individualism or uniqueness.

The wide-ranging neglect of aid providers towards refugee women and the lack of any notion how gender structures refugee experience is one of the consequences of this phenomenon. The label 'refugee' not only denies multiplicity but by definition has become a "he". This general perception is communicated by various policy formulations in which women's and men's concerns are wrongly identified as essentially the same. An increasing number of reports show that such ignorant practices have a negative impact on refugee women, who constitute the bulk of refugee populations (and displaced people) worldwide. A gender-less stereotype of 'the refugee' completely ignores the way in which gender forms an organizational element of humanitarian assistance and refugee lives.

Zetter has explored the concept of labelling with a particular view towards refugees using it as a tool to analyze refugee populations in Cyprus and several countries in Africa. He offers a useful definition of 'labelling' as

> a way of referring to the process by which policy agendas are established and
> more particularly the way in which people, conceived as objects of policy, are
> defined in convenient images (1991:44).

One of the central prepositions his definition is based upon is that labelling is a 'process of stereotyping' which "involves disaggregation, standardization, and the formulation of clear cut categories" (ibid. p.44). In this process so-called 'target groups' are being defined by policy makers. Relief services and resources will then 'target' these groups. As it is in the hands of the policy making body to decide on inclusion and exclusion, on who belongs to a clear cut category and who doesn't, considerable power is displayed manifesting asymmetric relations between the author of the label and the labelled.

Through stereotyping, government and relief programmes transform individual human beings

into objects, beneficiaries, clients, recipients, applicants, and at times, but unfortunately only very rarely, into participants. Consequently, what takes place is a 'de-linkage' from people's actual 'stories' and their representation as a 'cases', separating a person's individual needs from their individual contexts. "Identities (family, kin, clan, neighbourhood, age group) are broken, to be reestablished on the basis of a person's relationship to an actual or potential category of state activity" (Wood 1985:13).

Along with labelling as a process of stereotyping go entitlements (food, relief items, shelter, protection, etc.) As Goodwin-Gill points out

> the purpose of any definition or description of the class of refugees is to facilitate, and to justify, aid and protection; moreover, in practice, satisfying the relevant criteria will indicate entitlement to the rights or benefits (in Wong, 1989:280).

From the point of view of the refugee receiving country, criteria have to be established that legitimize a refugee's claim to entitlements. From the labelled, in turn, conformity and compliance to the label is required. The need to conform to an institutionally imposed stereotype can both reinforce control and transform an identity (Zetter, 1991:45). In other words the process of labelling involves transformation of behaviour. This transformation of identity can also be manipulated by the recipient, the labelled, trying to fit the criteria attached to a 'beneficial' label. Seen from this angle the concept of labelling not only allows us to analyze bureaucratic policy procedures and practices as they affect refugees, but also refugees' reactions to and their interactions with these practices.

Closely related to entitlements are bureaucratic procedures that are concerned with resource distribution and access. In most refugee situations, depending on the particular context, a distributional apparatus will be set up for potential beneficiaries which is usually established according to principles of maximum efficiency. Principles of efficiency from the distributor's point of view however, will not always be logical or equivalent to those of the receiving end. Managing bodies tend to advocate for language skills, ability to keep order and control, authority, or cultural and religious leadership. Very rarely is serious consideration given to identify a 'truly' representative body which could guarantee maximum efficiency to the widest possible spectrum of individuals. A distributional apparatus implemented from the top down most commonly fails to reach vulnerable groups but instead favours the most powerful community members.

With regard to the situation of refugee women I would like to draw special attention to male-biased bureaucratic procedures which marginalize refugee women from administrative structures. One such example is the enforcement of the concept of 'nuclear household unit' as a defining tool to allocate resources and services to refugees. This concept not only assumes that men are the heads of household, holding positions of authority as well as essential functions of decision making, but also that refugee populations are predominantly composed of intact nuclear family units. As a result, refugee men are perceived as representing the rest of the family in the public arena, whereas refugee women disappear into the private sphere, frequently being labelled as the 'dependent'. In terms of access to resources this practice is intrinsically

disadvantageous to the female part of the population as they are rarely directly targeted by the distributional apparatus but instead left at the end of the charity line[18].

Moreover, while this concept might possibly have been valid in the country of origin, it has been proven that traditional roles and family constellations get reconstituted in the process of migration. Single women and women with dependents have become the majority of UNHCR's target population (Forbes Martin, 1992:1). Families often get split up either before or even during migratory processes which leads to a break-down of formerly existent support networks and might force people to take on different roles than they were traditionally accustomed to. Migration and all the upheavals connected to it carry the potential of challenging traditional interpersonal power relations[19].

Donor ideology promoting Western assumptions, is also crucial in determining women refugees' position in such environments. Relief agencies are likely to act in support of patriarchal tendencies which were existent in pre-migration societies rather then in eroding gender inequality. Besides ignorance, this is also due to a reluctance of relief workers and administrators to interfere with unknown and unfamiliar variables. Generally, the principle of upholding social traditions is adhered to[20].

Ignorance towards socioeconomic role changes in refugee situations results not only in women's restricted access to resources and services, but it also facilitates and perpetuates women's oppression and abuse and can have a serious impact on their safety and protection. Targeting primarily men and thereby leaving women in a secondary and highly dependent role places especially single women and mothers in extremely vulnerable positions. The inextric-

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18. Daley P. (1991) e.g. reports that the conditions of tenancy for Burundian refugees in Tanzania required male heads of households to have control over the labour of women and children, as the nuclear family was considered to be the basic unit of production. The scheme implemented was reputed to have planned adverse economic conditions for women, as men obtained near monopoly over land and cash crops. E. Ferris (1989:7) quoting Eve Hall on women refugees in Africa, writes that once basic needs such as food, shelter and health care are satisfactorily delivered and long-term assistance programmes are designed, male refugees become the major target group. The refugee by definition, becomes a "he" and projects which aim to provide training, employment and income are geared primarily to "him".

19. The magazine Alert (1984) reports that "of the world's largest refugee population, the Afghans, 75% are women, children and elderly. Of the women and children, many are widows and orphans. Furthermore, over 70% of Afghan refugee households are female-headed". See also L.S. Schleier (1983) 'A Report on the Plight of Afghan Refugee Women', The Boston Globe Magazine. In Defenseless in Detention (1991) by Refugee Concern Hong Kong it is observed that when families leave Vietnam they seldom leave as a complete unit. One reason is the risky journey. A further reason is the financial question. Often not enough money is available to pay for a place for the entire family.

20. The discrimination of refugee women in employment and education programmes is a well known feature and many examples could be quoted. To cite just a few:
 – Patricia Dailey (1991) describes how Burundian refugee men were encouraged to learn crafts such as carpentry and tailoring, while certain pocket-money type 'domestic' projects were targeted at women, e.g. sewing, handicrafts, etc.
 – A further case illustrating this point is Kibreab's study (1987) 'Refugees and Development in Africa: The Case of Eritrea' in: The Sea Press on non-Islamic Eritrean women in Eastern Sudan who were secluded and confined to roles of reproduction due to schemes established by outsiders and international organizations. This happened despite the fact of acute labour shortage at the time.

able link between efficient material assistance to refugee women on the one hand and their effective protection on the other cannot be ignored. As long as women are put last in the line they will remain susceptible to extortion and coercion by officials and male members of the refugee community who trade rations for sexual favours, and often they will have to resort to prostitution in order to secure survival[21].

In conclusion, it can be said that labelling defines rules of eligibility to relief services and allocation of resources. Policy making bodies manage and control on a largely non-participatory basis, and, far from being gender neutral, are inherently male-biased. As long as the donor community does not account for the fact that gender is a central and crucial organizational element of humanitarian assistance to refugees, women will remain marginalized, hidden and silenced, despite the fact that their numbers are most significant and their responsibilities enormous. It has to be recognized that gender-blind actions usually have a male-biased outcome and are far from being gender-neutral.

2.3. REFUGEE WOMEN AND PATRIARCHAL DISCOURSE

As much as the label 'refugee' hides multiplicity and uniqueness so does the label 'refugee women'. It hides differences regarding their particular geographical, historical and cultural situation, their ethnicity, class, age, membership in a particular social strata, etc. Factors such as past cultural history, the culture and treatment of the host country, the causes of their flight, the prospects for return and their previous and current gender relations will make up their varied experiences and perspectives[22].

Although the great diversity displayed among refugee women has to be integral to our understanding, it is certainly also possible to draw out some common themes as well as experiences. Women play universal roles in almost every refugee situation (Wallace, 1989:3). They are the ones caring for the sick and elderly, for the children, and the daily needs of the household. They are often alone in being responsible for the maintenance of the family - and the community - providing food, water, fuel, and health care. At the same time it is refugee women who are widely targeted for sexual harassment and violence, put at the end of the charity line and denied a voice in their own right, silenced by several layers of patriarchal structures.

As long as we recognize that gender is only *one* aspect that shapes a woman's identity, it is legitimate to take gender identity as a starting point to build alliances. Communality in gender can provide women an entry point to look for possibilities to challenge power relations. Whereas a strong emphasis on difference amongst women gradually dissolves their political

21. See e.g. Demeke T. (1990) in her article 'Refugee women's survival strategies and prostitution in Eastern Sudan', Refugee Participation Network No 7, makes a case in point: Many prostitutes are unhappy and ashamed of their occupation. But they say that prostitution is the only viable option they have for survival (p.27).

22. In the context of refugee women one might think for instance of the nomadic women in Somali refugee camps compared to urban refugees in Mexico City in order to grasp the great diversities. Of the Palestinian women with generations of refugee experience and the boat people from Vietnam; of Afghan women and those from Eritrea; of educated middle class women and poor rural peasant women.

base. In this connection having respect for difference is quite distinct from altogether abandoning the idea of 'sisterhood' as an expression of political solidarity (Hooks, 1990:29).

One of the most fundamental goals of feminist theory has always been the study of gender relations which consists, in part, of the particular situation of women and an analysis of male domination. Gender relations can be seen as pervasive in every aspect of human experience, as Flax states aptly

> the experience of gender relations for any person and the structure of gender
> as a social category are shaped by the interactions of gender relations and
> other social relations such as class and race" (1990:40).

Gender relations are far from being fixed, stable entities, but will rather vary from within and over the course of time. This aspect of gender relations is particularly important to take into consideration when analyzing refugee populations, as one is confronted with social settings that have undergone substantive changes. To what extant gender relations get affected in the process of moving and readjusting to new environments will vary greatly within different refugee situations. However, gender relations in refugee situations are largely relations of domination, defined and controlled by men on multiple levels which are interrelated and invariably reinforce each other. The patriarchal discourse so far has shown to widely remain the dominant discourse which structures refugees' lives, displayed by policy makers, relief workers, camp guards and the male refugee population.

In the following section I will present the concept of 'patriarchy' as introduced by Sylvia Walby (1990) to clearly denote structures of domination. I will then proceed to a more specific discussion on patriarchy and violence against refugee women. I will show how patriarchal discourses both support and cover up violence against women, and how cultural practices and the construction of female sexuality allow indirect violence to persist by placing it into the private sphere. I will conclude with a section on 'patriarchy and refugee women's resistance', looking at both active and passive forms of resistance. I will outline the scope available for refugee women to resist as well as some of the limitations they are faced with, and will further focus on analytical tools such as the concept of 'autonomy', 'practical' and 'strategic' gender interests, and 'alliance building' which will help to organize for potential change.

2.3.1. The Structures of Patriarchy

Instead of portraying the concept of patriarchy in its original use, as a base-superstructure model, Sylvia Walby (1990) introduces patriarchy as composed of six structures which are interrelated and create different forms of patriarchy[23]. These are identified as paid work, housework, sexuality, culture, violence and the state. She argues that theorizing different forms of

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23. 'Patriarchy', formally perceived as a fixed structure, has been widely criticized by feminist theorists for being universalistic, ahistoric, without a materialist base and for neglecting specificities, obscuring the multiplicity of ways in which societies have defined gender. The concept is said to neither allow for culturally and temporally grounded understandings nor for the wide variety of women's reactions and strategies in opposition to the system. By perusing a notion of universal subordination women are conceptualized as passive victims, not being given the scope to possibly act to transform their situation as a sex. For a critique on the concept of patriarchy see e.g. The Trouble with Patriarchy, by Sheila Rowbotham (1982).

patriarchy is essential to avoid the pitfalls of simple reductionism and of essentialism. A clear distinction is made between public and private patriarchy, forms which can be found in different periods and among different ethnic groups. These patriarchal forms are shifting over time from private to public or vice-versa, whereby the private is based on the household and the public on the subordination of women in the public sphere. These differences, she insists,

> are differences in form and are contingently, not necessarily, related to degrees of patriarchy. This point is important in that it enables us to theorize the different forms of patriarchy which are specific to different ethnic groups, without this getting conflated with the question of degree of patriarchy (Walby, 1992:37).

The six structures are identified as necessary to capture the variation in gender relations in Western societies. Some of them are more useful than others in the analysis of refugee communities and their impact on women, depending on the specific context.

In terms of patriarchal structures in the context of refugee women living in camps, the most relevant might be identified as the structures of culture, sexuality, violence and the state. Current practices which prohibit refugees to participate in labour markets of host communities renders paid work as a structure largely insignificant. Refugees confined in camps are only given very limited opportunities for paid work. Some of them can take on low-paid jobs such as assistants of relief agency workers, cleaners or administrative jobs. The majority of people tend to be forced into passivity.

The structure of culture and sexuality I see of central relevance in any refugee situation as ideas about masculinity and femininity are to be found in all areas of social relations and gendered subjectivity is created everywhere. Cultural and sexual norms need consideration in regard to their control of human bodies and gestures. Of particular importance here is also the symbolic construction of gender. The specific cultural conceptions and symbolizations of women are extremely diverse across and within cultures and have a critical impact on the way women perceive themselves and are perceived by others. People categorize one another, and consequently structure their social world[24].

As a symbol of the structure of the state I primarily view the various legislative bodies which govern the lives of refugees. There is the universal, the international refugee law, and the particular, the legislative body of the host country. The latter is interpreted, implemented and executed by entities such as the local immigration authorities and security forces delegated with the management of refugee camps and detention centres. The provision of international legal instruments to protect refugees and their rights, are accessible only to a very limited extent to

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24. See Henrietta Moore (1988), 'Gender and Status: Explaining the Position of Women', in: Feminism and Anthropology, Polity Press, Cambridge.

those locked up in camps and denied communication with the outside world. As a consequence, it is the particular that rules and obtains overall authority exemplified by the host country government establishing its own refugee status procedures, juridical and administrative structures, as well as formulating its own refugee policy discourse.

Within this legislative framework I regard the structure of violence as one of the most crucial phenomena to be considered regarding refugee women living in camps[25]. Violence against refugee women, despite all the attention that has been given to their particular protection needs over the last years, is still widespread and often takes on atrocious dimensions. And it yet is the least recognized form of suffering refugee women have to endure.

2.3.2. Patriarchy and Violence against Refugee Women

The problem of male violence against women is an accompanying feature of many, if not most, refugee situations and exists in a myriad of forms which have been documented by Elizabeth Ferris (1990:2-6). She differentiates five forms. The first is violence as a cause of flight[26]. The second is violence during flight, of which the pirate attacks of Vietnamese refugees in the Gulf of Thailand is one of the most well documented examples but by far not the only one[27]. Another example is the systematic rape of women entering Djibouti by border guards who keep them for days or weeks for this purpose (Aichinson, in Wallace 1989:4). The third is violence in camps such as reported in the Sudan where stories of rape by policemen and the demand for sexual favours in return for the performance of official duties have been voiced[28]. The fourth is intra-family violence, noted as the most common form of violence against women (Wallace, 1989:5). And the last is prostitution.

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25. Three main approaches to an analysis of male violence to women can be identified: first, those of liberalism which explain the violence in terms of the psychological derangement of a small number of men; second, class analysis, which seeks an explanation in the frustrations of men who are disadvantaged in a class society; and third, radical feminism, in terms of male power in a patriarchal society (Walby, 1990:129-136).

26. Women are often targets of violence during times of war. Civil disturbances are widely known to include violence against women such as rape, abduction, torture, kidnapping (see e.g. Suzan Brownmiller's work (1976) Against Our Will: Men, Women and Rape New York, Bantam Books). Attacking the women of a family is also a way of pressuring husbands and fathers.

27. Peter Hoskins S.J. e.g. found "an estimated 60.000 Vietnamese boat people have drowned in the South China sea. They died in stormy seas, by starvation when engines failed, or by pirate attacks. Of over a million survivors, more than 30 percent were robbed by pirates and over 10 percent were raped or abducted. Many of the younger women and girls were raped repeatedly (in: Refugees and Mental Health, 1990). For more detailed information see: Dao Thu Khuong (1987) 'Victims of Violence in the South China Sea' (see Bibliography), or 'Pirate Attacks on Refugee Women in the Gulf of Thailand', in: Alert, Washington DC, or de Voss (1981) Pirates Victimize Vietnamese Refugees: Women Raped by Pirates 'Will Never Forget', National Catholic Reporter, Kansas City, MO. Or 'Violence against Vietnamese Boat Refugees: An Assessment of Needs and Services', UNHCR, Social Service Section, Geneva, 1984.

28. See 'Human Rights Abuses Against Women' (1990) in the Sudan as well as Alert for Action, July 16, 1992.

The definitions of forms of violence are disputed though, and not all are officially recognized as violent acts against refugee women. The narrowest definitions are commonly the legal ones which, because of their strong institutional base, carry the most authoritative weight. For instance, intra-marital rape is often not seen as a criminal offence under the law. In refugee situations such negligence is further exacerbated because of women entering so-called 'protection-marriages' (accepting a stranger as the official husband to avoid remaining single) where they become dependent on male protection on the very person who ultimately might be the source of violence against them.

In the context of Hong Kong I will concentrate on violence against refugee women in camp environments which include intra-family violence as well as prostitution. However, violence as a cause of flight and during flight can not be entirely neglected since past experiences will colour the present lives of refugees. Davis's (1991:50) distinction of three levels of violence, of which the last two are of particular relevance in the camp context, become helpful here: i) institutional violence at a societal level, ii) the violence of the institution, that is demonstrated within the particular establishment on a daily basis and iii) violence between individuals or between groups[29].

On the second level, violence of the institution, it is crucial to recognize that policies and disciplinary practices established within custodial settings cannot be perceived as neutral but rather inherently gendered. Burrell (1984) highlights how institutions treat women and men differently, how they can be viewed as sites for women's oppression in which sexuality and sexual relations figure prominently. He writes that institutions

> can be understood fruitfully as sites of sexual harassment in which patriarchy and the control it gives men over women is reflected in, and enhanced by, sexual harassment" (1984:101).

Security bodies delegated with the administration of refugee camps are given wide-ranging freedoms of action. The kind of violence exercised by officials in order to manifest their power and control over women tends to be directed towards their sexual and gender identity. Power manifestations range from perpetual verbal and physical sexual harassment to the coercion of women into sexual favours in return for essential services, up to rape by the 'security' bodies themselves. Under the permanent fear of male violence refugee women can be kept in subordinated and controlled positions. Mikki van Zyl states that such constant fear and threat of abuse

> confirms the goalers' power over their victims. Violence is therefore the ulti-

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29. The response to institutional violence would be essentially political, to be fought on the broad front of a humanitarian platform. Under the most conservative administrations institutional violence can only increase, with the whole political philosophy based on the domination of the masses in order to serve the interest of the few. For the second level, violence within institutions, policy makers and legislators have a collective responsibility, in the regimes they establish, in the management styles they adopt, in their patterns of decision making, and to the extent to which - through the policies and practices in their custodial settings - they block the residents' 'sensuous, emotional and intellectual capabilities (Davis, 1990:50-51)

mate means of control, exercised by those who feel that they have a privileged position of authority in the relations of power (1986:4).

Usually the existence of sexual harassment and violence against women within institutional practice is denied, or simply is not recognized as existing.

Administrative security bodies mostly hold executive authority over the refugee community rendering it dependent on a regime of justice which tends to operate in the managing body's interest rather than that of the refugees. This leaves the refugee population exposed to the arbitrary implementation of rules and regulations in an environment where the strongest retain the upper hand, where a lack of legislation permeates, where there are no proper procedures to penalize those who commit crimes, and where protection of those who are witnesses is virtually absent. In short this is the perfect breeding ground for violent behaviour to flourish.

Violence against refugee women is supported by the strict public/private dichotomy whereby sexuality is restricted to the private realm. Such an ideology renders severe gender discrimination and violence against women in their homes invisible and legitimizes the non-intervention of legislative authorities.

Davis's third level of violence, violence between individuals, will in part represent a reflection of the management styles that have been adopted for particular refugee camps. As a general rule it can be noted that the possibility of violence within a community is higher when there is little freedom and scope for self-determination and self-realization, when living conditions are extremely poor, when there is lack in material assistance, and when there is little participation of refugees in decision-making functions and the running of their lives (see e.g. Hitchcox L. 1988/90; RCHK 1991). One result of restrictive practices is wide spread family violence persisting in camps, often reported as being a result of the emasculation of refugee men who are given very limited meaningful roles to play in the community.

A further source supporting the persistence of violence against women are management organized leadership structures usually based on dichotomous thinking which encourages men to act in the public fora and relegates women into the background. Largely represented by refugee men, women are denied direct access to e.g. the distribution of food and relief items, to information, to work, and to decision-making processes of any kind. It is vital to recognize the link between access to assistance services and the protection of refugee women.

Besides managerial practices, cultural and sexual norms tend to leave male violence within refugee communities unchecked. It is not possible to theorize male violence outside the specific context of a society within which it is socially defined and controlled. Only certain forms of violence will be acceptable in any social context: both the form it takes and the possible recipients will normally be limited by cultural rules (Young, 1977:120). In refugee situations, cultural rules are often broken down or have undergone changes which might leave refugee women in highly disadvantaged positions. In the past behaviour was regulated by support structures of the extended family which helped as a check on family violence. There were socially

built-in checks on proper conduct as well as legal security devices to prohibit extreme behaviour.

Some changes might also act to women's advantage. Some women experience a sense of freedom by having escaped the tight control of family in-laws and some enjoy being given the opportunity to engulf in activities outside their traditional role restrictions.

Although it is necessary to analyze every refugee situation separately to get a clear understanding of the intricate workings of cultural norms and practices, in general it can be assumed that patriarchal traditions help to mystify reality and to support violence against women. In most Asian contexts, for instance, marriage is virtually compulsory and childbirth an additional imperative. Consequently, sex is highly institutionalized and functionalist. Single women in such societies have a difficult stand and tend to be equated with 'loose' women. Women become the property of men through marriage to whom they henceforth owe total obedience. In this set-up women are brought up to fulfill certain services which include sex. What they are promised in return is "protection", "security", and "respectability" (Dietrich, 1988:92). The constant threat of violence reinforces such arrangements in refugee contexts. Virginity is perceived as a fundamental element that defines a woman within her society. By loosing her virginity, e.g. in the case of rape, it is the woman who will get ostracized and who will have to relinquish her position within society. Rape victims can become the targets of further attacks or can be driven into prostitution as they have lost their integrity and social respectability (Khuong, 1989). At the same time the heavy cultural pressure will serve to silence women to safe 'face' and thereby inherently support the male perpetrator. Under conditions of patriarchy women tend to become more vulnerable and sexual violence in turn can be seen as one of the root causes of patriarchy itself.

2.3.3 Patriarchy and Refugee Women's Resistance

As demonstrated, women living in refugee camps tend to be dominated by several patriarchal structures. They can be identified as firstly, the male dominated leadership structures, secondly, the security bodies which exercise gendered control and hold male-biased executive power, thirdly, the refugee policy discourse that neglects the specific needs of refugee women, fourthly, NGOs which support unequal gender relations, and lastly the patriarchal culture operating in the community. Although these structures place refugee women into vulnerable positions, it would be misleading to treat refugee women as archetypal victims. Reports persist of refugee women organizing themselves despite severe constraints in their new environment. One example is the Khmer Women's Association in the Thai-Kampuchean border camps which is well organized and acts as a support-network for women in the camps[30].

The extent to which patriarchal discourses succeed in exercising control over women is context specific and depends on how much scope women are given or can create for themselves. The

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30. See Linda Thorn (1988) From Rice Truck to Paddy Field, A Study of the Repatriation and Reintegration Needs of Vulnerable Female Heads of Household living in the Cambodian Refugee and Displaced Persons Camps along the Thai-Cambodian Border.

concept of patriarchy is not a fixed, monolithic bloc but incorporates leverage points that can potentially be challenged. On an institutional level Goffman's analysis (1961) of total institutions exemplifies clearly that resistance to all forms of control is possible and is to be found, generally speaking, in the underlife of the institution (Burrell, 1984:110).

In even stronger terms Foucault explains that power indeed breeds resistance as a matter of course when he states that

> there are no relations of power without resistance; the latter are all the more real and effective because they are formed right at the point where relations of power are exercised; resistance to power does not have to come from elsewhere to be real, nor is it inexorably frustrated through being the compatriot of power. It exists all the more by being in the same place as power; hence, like power, resistance is multiple and can be integrated in global strategies (Villarreal, 1992:258).

In order to identify the different strategies used by refugees in their particular environments one has to carefully analyze their everyday lives and actions. In this process it becomes apparent that power relations are intertwined with other relations such as production, kinship, family and sexuality, "which play at once a conditioning and a conditioned role" (Foucault, in Villarreal 1992:259). Gender relations constitute a crucial set of dynamics that need to be analyzed to determine the extent to which power and gender are interwoven, feed into each other, and reinforce each other.

Women strategize within a set of concrete constraints which Denize Kandiyoti identifies as 'patriarchal bargains'. She argues that different forms of patriarchy present women with distinct "rules of the game" and call for different strategies to maximize security and optimize life options with varying potential for active and passive resistance in the face of oppression (Kandiyoti, 1989:274). These patriarchal bargains are not defined as timeless, stable or unchanging entities, but rather as transforming over time and thereby opening up new areas for struggle and renegotiating of gender relations.

The renegotiating of gender relations has to be preceded by some trigger mechanism which then lays the seeds for resistance, active or passive, and the desire for change[31]. These mechanisms I see as deriving from two main sources. Firstly, there is the individuals 'suffering' and the 'desire to survive'. Marginalized groups will react and resist when oppressive structures and practices cause them suffering and increasingly restrict their space to manoeuvre. The second source for resistance can be the result of the process of migration which has confronted women with alternative social patterns that are different to their traditional ideas. Refugee women might start to question former operating gender relations and power distributions when they encounter new and more liberal social patterns. These new patterns, although they

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31. Daines et al. (1990), 'Survival Strategies, Protest and Resistance', paper presented in the Social Movements Studies Seminar Series, Institute of Social Studies, The Hague, The Netherlands. This paper gives an interesting report on the multiple forms of strategies of resistance, active/passive, covert/overt, organized/unorganized.

are often in conflict with dominating discourses that have prevailed in the home context, might provide refugee women with better life chances. The seeds for change can be laid that way.

The two mechanisms of firstly, suffering and secondly, the confrontation of contradicting values, carry a potential for change. They do not, however, necessarily bring about change. Certain constraints can hamper or delay the process. Some refugee women might respond by turning the suffering against themselves. They might withdraw, they might turn depressive, or they might place the blame on themselves for not being able to cope appropriately. Suicide might be a last resort. Others might opt to cooperate with the 'status quo' and to manipulate or exploit the system to their advantage. In this way women get easily coerced into acting in complicity with their oppressor.

The drastic changes combined with feelings of uprootedness might also instigate a search for the old traditional order and an attempt to reconstitute familiar lifestyles. In this sense refugee women become themselves the source of continuity and tradition (Forbes-Martin, 1992). Such strategies leave the patriarchal system in tact although they might offer a source of partial relief and advantage to individual women. It must not be forgotten that refugee women find themselves in a 'mid-way to no-where' stage where they are up-rooted from their homeland due to a decision which often has not been theirs but their partners'. While facing an unknown future they are deprived from former support networks and are often exposed to violent environments that demand male protection. Thus, despite the obstacles patriarchal structures might put in women's way, which may outweigh any actual economic and emotional security,

> women often resist the process of transition because they see the old normative order slipping away from them without any empowering alternatives. This is not just because of 'false consciousness' as is frequently supposed - although this can be a factor - but because such changes realized in a peacemeal fashion could threaten the short-term practical interests of some women, or entail a cost in the loss of forms of protection that are not then compensated for in some way (Kandiyoti, 1988:282).

In most refugee contexts the critical need for 'protection' is very real. It is a key factor regarding women's lives and their reluctance to challenge traditional gender constellations.

It might be helpful at this point to look at the concept of 'autonomy', which has been of central importance to many of the analyses of gender situations. Saskia Wieringa (1988) distinguishes feminist autonomy as operating on three different levels, on the personal, the theoretical and the organizational level. It is the personal level I see as particularly useful here, which refers to having a say over one's own life, body and sexuality vis a vis men and the institutions of society. This implies the creation of 'autonomous space' where women can analyze and rediscover themselves and their subjugated roles. There they can demystify deeply ingrained ideological

beliefs, they can strengthen each other by giving sympathy, understanding and exchanging experiences and they can investigate how mainstream discourses are operating and impacting on their lives. Ultimatlty it is also within these spaces that women can extend their room for manoeuvre and can strategize on how to resist, bargain and negotiate[32].

Where there is a potential for change this can initially best be realized within such 'autonomous spaces'. One cannot assume, however, that women are necessarily and inherently democratic within autonomous spaces. It would be naive to believe that women amongst each other do not exert power over one another and subjugate certain feminist discourses to the advantage of others.

The creation of 'autonomous spaces' is associated with a 'separatist' strategy (Alperin, 1990). Separatist strategies are especially useful in order to realize and overcome 'internalized oppression' and 'internalized domination' (Pheterson, 1990:35). For the realization of change though there is a need to step out of autonomous spaces at some point and to take on the 'patriarchal bargain'. Strategic alliance building can provide a useful and necessary tool here. When referring to alliance building I am thinking of both men and women as possible allies. These may include leading personalities within refugee communities, relief workers, government officials and camp authorities. All those persons who at a specific point in time in a particular context appear of potential benefit to the needs and interests of refugee women.

The necessity for alliance building will depend on the shift of power that is involved in a potential patriarchal bargain. The renegotiating of power relations is rarely conflict-free as it involves one group having to give up previously held power in favour of another group. Certain shifts will be more dramatic than others which leads to Maxine Molyneux's concept of *practical* and *strategic* gender interests[33].

The distinction between the two can also be helpful in refugee camp contexts, especially where women are organizing themselves. While the realization of strategic gender interests, geared towards challenging the prevailing forms of unequal gender relations usually has a dramatic impact, the realization of practical gender needs will stir up less motion leaving the dominating system largely intact. As long as refugee women's efforts to organize do not interfere with dominating patriarchal structures, their activities mostly will not pose a threat to leading auth-

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32. Autonomous spaces are defined by B. Reagon as spaces where women "come together to see what you can do about shouldering up all your energies so that you and your kind can survive... that space should be a nurturing space where you sift out what people are saying about you and decide who you really are. And you take the time to try to construct within yourself and within your community who you would be if you were running society..." (in Nancy Hartsock, 1987:106)

33. Maxine Molyneux (1985) 'Mobilization without Emancipation? Women's interests, the state, and revolution in Nicaragua', in: Feminist Studies 11, no.2. Moser and Levy take up this concept in their development of a theory and methodology of gender planning in development programmes. *Practical* gender needs are defined as usually being a response to immediate perceived needs which are identified by women within specific contexts, while *strategic* gender needs are derived from the analysis of women's subordination and deriving out of this the identification and formulation of an alternative, more equal and satisfactory organization of society in terms of the structure and nature of relationships between men and women to those that exist at present (1986:7). Their approach has been criticised, however, for not making a clear distinction between 'interests' and 'needs', the former implying a political agenda.

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orities and therefore are left in operation. The picture might turn as soon as refugee women attempt to challenge the dominating leadership structure or male biased policy practices.

While I agree that it is important not to portray refugee women as archetypal victims but rather as active agents, as that gives scope for theorizing reactions, resistance and possibly change, it also needs to be emphasized that in most refugee camp environments the scope for women's resistance and struggle for change is rendered minimal. In this context one has to refrain from a 'glorification' of refugee women's 'heroic acts of opposition' against oppressive practices as this tends to mystify reality rather than unveil it. Instead of advocating notions of 'liberation', I would rather refer to 'alleviation', as in my own experience and those of others, refugee women are mainly struggling for temporary 'coping strategies', strategies that help them to 'get through suffering'[34].

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34. Chan Kwok Bun (1990) uses this expression in one of his articles to describe the state of refugeehood where there are people who find themselves unwanted and oscillating between freedom and delirium, seemingly forever 'in orbit', 'in limbo'. He paraphrases the poet Rilke who writes in one of his poems: "Wie Viel ist aufzuleiden!" [sic] (How much suffering is there to get through!) This expression captures well the essence of the condition and process of refugee women suffering in various refugee contexts.

CHAPTER III

REFUGEE WOMEN AND POLICY FORMULATION

The following chapter will be divided in two parts. In the first part, following the guidelines of Foucault to analyze discourse, I will proceed to an examination of the discursive formation of the refugee. This will involve the analytic review of Western historical record. In the process I will identify social situations that prompted the categorization of particular groups of people as 'refugees', and the parallel evolving legal categories and policy responses on assistance level. A more detailed review of the legal definition of refugees will follow with a particular focus on its key operational criterion "persecution"; Limitations of the definition will be discussed as well as contesting discourses that emerged in response to its limitations. Special consideration will also be given to what scope the legal definition provides for female refugees and their claims. In the second part of this chapter I will focus on the refugee policy formation within UNHCR in particular regard to women, past efforts and achievements as well as sources of difficulties and current limitations.

3.1. REFUGEE POLICY REVIEW

3.1.1. From 'Prima Facie' Notions to a Policy of 'Humane Deterrence'

The refugee phenomenon has been a common feature throughout human history. Almost every society at one time or another has been host to people who were escaping their country of origin for various reasons. In the age of religious turmoil from the 15th to the 18th century, expulsions were motivated by a striving for religious homogeneity. Spain, for example, in 1492 expelled tens of thousands of Jews who refused to be baptized (De Zayas, 1988). Another example are the Huguenots who had to flee France 300 years ago to escape religious persecution (ibid.). The refugee phenomenon is thus not new in itself. On the contrary, the term 'refugee' has deep historical roots. What is new though is the significance of the 'refugee' as a legal and administrative category: refugees have become a discursive fact and the contours this discourse has assumed in fairly recent times is new. As Diana Wong observes,

> where migration did emerge as a discursive fact, both sending and receiving societies attempted to define the nature of the move for the movers themselves. The terms "immigrants" and "refugees" reflect the view of the receiving society and in so far as these terms have been incorporated into sociological discourse, *it has been the view of those who receive about those who come which has guided our thinking* [my emphasis] (1988:276).

In the late 1940s and early 1950s, the refugee problem was by and large restricted to Western Europe, when millions of people had been displaced by the Second World War. They were fleeing Eastern Europe and changes in its regimes. Their status as refugees was not questioned (= prima facie refugee) throughout the Cold War Era and the general international response was one of 'burden sharing'. This was caused by ideological sympathy towards individuals escaping totalitarian regimes. Eastern European refugees were also used as part of a propaganda campaign against communism. "Each defection, each crossing into Austria or West Berlin, was constructed as a 'ballot for freedom'" (Loescher, 1989:16). There was also a need for labour

power in the thriving economies of the 'North', e.g. the U.S.A., North America, Australia and South-Africa which turned out as a favourable condition for refugees.

It is against this background that a more specialized regime pertaining to refugees emerged. A legal and organizational framework was established to respond to refugees on a political as well as economic level. The United Nations Relief and Rehabilitation Organization (UNRRA) was set up in 1943 to assist so-called 'displaced persons', people uprooted by war (Merlander, 1988:8). In 1946 it was replaced by the International Relief Organization (IRO). IRO resettled over a million displaced persons from Europe to countries with a labour shortage from 1947-51 (Aga Khan, 1986:32). In 1950 the United Nations High Commission for Refugees (UNHCR) was established by the UN General Assembly. This organization was set up specifically with a mandate to protect refugees' interests and rights. Initially it was almost exclusively concerned with Europe.

The first group of non-European refugees that the international community took responsibility for were the Palestinians. The United Nations Relief Organization for Palestine Refugees (UNRPR) was established in late 1948, in order to deal with the tremendous flow of refugees resulting from the proclamation of the State of Israel (De Zayas, 1988:30). UNRPR was replaced in 1949 by UNRWA - the United Nations Relief Works Agency - which is still in operation today[35]. As Zolberg (1989:24) points out, the exceptional attention accorded to the Palestinians can be attributed less to humanitarian considerations than to the emergence of the Palestinian problem as a prominent issue on the United Nations' political agenda.

In the following year, as an outcome of the 'Cold War' the scope of the refugee problem became increasingly overwhelming. Western nations responded by developing a legal framework to deal with the population movements of the 1950s and 60s. In 1951 the Convention Relating to the Status of Refugees was adopted which was clearly designed to deal with refugees from Eastern Europe.

In the 1960s the centre of gravity of the international refugee problem shifted away from Europe to the 'Third World'. Large numbers of people sought to escape the wars of national liberation being waged against colonialism. The Western World had to accommodate this new wave of refugees. While neighbouring countries provided asylum the international community channeled funds through UNHCR into assistance programmes. UNHCR's mandate was extended further to include people in 'refugeelike situations' in case no other agency was capable to provide relief.

The response to refugees shifted drastically in the early 1970s when refugees from the 'Third World' began to move to industrialized countries as a result of political, economic and social problems in their countries of origin. In general these refugees were not given presumptive or

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35. Unlike UNHCR, UNRWA has no formal mandate to protect refugees but deals with day-to-day assistance programmes which leaves the refugees with a lack of security and physical protection, the protection of fundamental human rights (Khan, 1986:50).

prima facie refugee status anymore, as had been the unquestioned practice for Eastern Europeans. There were two important exceptions. First, the Chileans and other 'southern cone' Latin American refugees who were allowed into Europe in the early and mid-1970s. And second, the 'Indo-Chinese' who were allowed into the United States and Europe from the mid 1970s onwards.

The main root causes for a changing response to the majority of these refugees can be located in the changes within the wider power structures of the international community. Firstly, in contrast to the period of post-war reconstruction, the Western World did not need to satisfy an urgent shortage of labour power anymore. On the contrary, it faced a recession and consequently rising unemployment rates which led to a more protective policy towards refugees. Secondly, due to the increase of refugees coming from geographically and culturally diverse areas, a strong domestic resistance in some quarters towards immigration programmes developed. The former attitude of ideological sympathy towards refugees changed to attitudes characterized by hostility and rejection. Xenophobic and racist attitudes became increasingly popular and throughout Europe anti-immigrant and -refugee feelings are being exploited both by conservative and extreme right wing political parties (Loescher, 1989:123). Thirdly, a growing perception developed that refugees were no longer those fleeing the results of repressive and totalitarian regimes, but were rather seen as 'economic migrants', people who emigrate voluntarily in order to pick a grain from Western wealth.

As a response to these developments, the discourse on refugees became much more explicitly focused on the definition of 'refugee status' where the interest was no longer 'what' constitutes a refugee but 'who' is a refugee. This prompted the legal definition to take on an increasingly normative character which was applied restrictively in order to protect one's national borders. Henceforth, the individual - now referred to as the 'asylum seeker' - had to first justify his/her fleeing from his/her country of origin, and provide proof of persecution (or a well founded fear of it) before being entrusted with the label 'refugee'.

The label 'illegal immigrant' or 'economic migrant' was developed by host countries for those who do not qualify for refugee status, thus excluded from the refugee discourse. The articulation of one label could henceforth be defined in terms of the negation of the other - economic versus political, illegal versus genuine, exclusion versus inclusion.

From the policy practices that developed since the 1970s some alarming features have emerged. Responses of receiving nations have made a dramatic shift from being essentially of a humanitarian nature towards current policies of 'humane deterrence'. A world-wide tendency of discouraging the further arrival of asylum seekers has evolved showing itself in various restrictive measures and treatments. These include firstly, the attempt to contain or "region-

alize" refugee problems (Goodwin-Gill, 1989:545) by keeping those in need of protection and solutions to their plight within their region of origin[36].

Secondly, there is a noticeable decrease in respect for one of the major principles in international refugee law, namely that of 'non-refoulement' - not returning persons seeking asylum - that could be observed[37]. Other measures go as far as violent assaults on refugees which have been silently accepted by governments concerned, conspiring with the perpetrator through non-intervention[38].

A third initiative applied to discourage refugees from coming is the forced repatriation of people after their application for refugee status has been rejected[39].

Fourthly, and most importantly in the context of this paper, there is a most disturbing trend of states violating the basic rights of asylum seekers by deliberately subjecting them to degrading conditions in order to deter them from coming (Aga Khan, 1986). The incarcerating of asylum seekers in prison-like camps under most degrading and inhumane conditions, strictly separated from host communities, can be witnessed in Hong Kong with the Vietnamese (McNamara, 1989), with the Salvadorians in Honduras (Cuenod, 1989:240), or the Cubans and Haitians in the U.S.A.[40]. This policy is characterized by a high degree of surveillance of the respective asylum seekers, with their lives being minutely controlled in 'total institutions' for indefinite periods of time. Within these custodial settings people are largely left to the mercy and overall authority of security bodies such as the military, police or prison guards and are frequently subjected to abuse.

2.3.2. The Legal Definition and its Limitation

The most important international legal instruments affecting the situation and rights of refugees are the 1951 United Nations Convention Relating to the Status of Refugees, and the later

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36. The objective is pursued by the imposition of visa and transit visa requirements; by sanctions against airlines; by socioeconomic measures of deterrence; by accelerating refugee status procedures, even to the point of determining applications prior to disembarkation; and by procedural devices designed to avoid the necessity for decisions on the merits in favour of rapid removal to some other country deemed to be responsible or secure.

37. For example, the USA has intercepted boat loads of Haitians and sent them back home. In 1985, the British Government imposed visa restrictions on all Sri Lankans in order to prevent the arrival of Tamil asylum seekers (Khan, 1986). A further example is Malaysia, which was the first country in the region to declare the 'boat people' as illegal immigrants and consequently pushed boats back out into the sea (Hugo, 1987).

38. Thanh-Dam Truong (1989:5) writes in one of her papers that the fact that frequent and violent attacks of Thai and Malaysian pirates on Vietnamese boat refugees could occur without effective intervention of either government may be seen as a case of deterrence through non-intervention.

39. The US has deported up to 400 Salvadorians a month in 1985 (Khan, 1986:40). Groups of Tamils in Holland, Zaireans in Switzerland and Turks in West Germany have all been reportedly sent home against their will (ibid.). Currently, Vietnamese asylum seekers in Hong Kong are forcibly returned to their country of origin after an agreement has been reached between Britain, Hong Kong and Vietnam on the issue. The Vietnamese have gone on hunger strikes as well as practiced acts of self-mutilation in protest against this policy.

40. See e.g. 'Uncertain Heaven: Refugee Protection on the Fortieth Anniversary of the 1951 United Nations Refugee Convention', report by the Lawyers Committee for Human Rights (1991). For a more detailed description of conditions in detention see 'The Detention of Asylum Seekers in the U.S.: A Cruel and Questionable Policy', report written by the Lawyers Committee for Human Rights (1989). See also, 'Detained, Denied, Deported: Asylum Seekers in the U.S.', report by Helsinki Watch (1989).

adopted 'Bellagio' Protocol (1967), which removed the temporal and geographical limitations of the 1951 Convention. The essence of the definition is that

> refguee is someone who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear unwilling, to avail himself of the protection of that country (Feller, 1989:63).

The above mentioned legal instruments provide the basis upon which to decide who is a refugee and who isn't for the purpose of assistance and protection in all countries that are party to the Convention. Ambivalences and difficulties, however, revolve around the meaning of the criterion 'persecution', which was originally adopted by the international community to make the status of the refugee exceptional. According to Hathaway the drafters of the Convention intentionally left the meaning of 'persecution' undefined because they realized the impossibility of enumerating in advance all forms of maltreatment which might legitimately entitle persons to benefit from the protection of a foreign state (1991:122). This represents an attempt to leave scope and flexibility for further arising forms of persecution. The trend followed by influential Western nations, however, is to strictly control and deter entry at the expense of maintaining the basic definition of persecution of the Refugee Convention.

The distinction is introduced between those who *claim* that the definition of the 1951 Convention and the 1967 Protocol applies to them (asylum seekers), and those for whom the government of the host country has *decided* that they satisfy the criteria as refugees (Kuhlman, 1990:4). Henceforth, a person seeking asylum had to be 'screened' in order to determine whether s/he qualifies for refugee status according to pre-established criteria. S/he had to prove, on an individual basis, that the reason for leaving his/her country wasn't a 'purely economic' one.

Countries of asylum have changed the age old legal doctrine of the 'presumption of innocence' for asylum seekers by shifting the burden of proof from the state onto the individual and thereby on the weakest link in the chain of any legal procedure. Left with only minimal legal representation, minimal access to legal aid and lack of finances to pursue a legal claim against an overwhelmingly powerful state, asylum seekers are left to their own devices. Furthermore, through increasingly restrictive practices of detaining asylum seekers in 'total institutions', the Standard Minimum Rules for the Treatment of Prisoners, as defined by the United Nations, are violated around the world every day. A separate set of rules applies to asylum seekers compared to those for citizens of the host country on the mere basis that asylum seekers are 'different', 'alien'.

From a legal point of view the implementation of the 1951 Convention and the 1967 Protocol and resulting Refugee Status Determination Procedures pose numerous limitations. Firstly, as Goodwin-Gill points out:

> there remains no legal obligation to accord to refugees asylum in the sense of a lasting solution, even though in many countries recognition as a refugee is both the necessary and the sufficient condition for the granting of residence.

The Convention also imposes no requirement to establish a refugee status determination procedure and prescribes no minimum procedural standards. States retain choice of means, therefore, and will often opt for a system which is consonant with existing judicial or administrative structures and with their own conceptions regarding the appropriate standards of due process and natural justice (1989:536).

Secondly, 'trying to separate the economic from the political in a totalitarian society is like 'trying to separate the blue from the sky' (Diller, 1988:68). States may persecute their citizens by purposely depriving them of their economic rights by default or design and most commonly refugees are the result of conflicts which originate in the joint effects of poverty and oppression. Current policies that adhere to a judgment that is based on the strict dichotomy of economic versus political refugee is thus grounded in fundamentally flawed distinctions.

Thirdly, both the Convention and the Protocol remain normally restricted to persons persecuted as individuals which exclude e.g. those fleeing from a war zone to escape the general violence but are not themselves singled out for persecution by their government, or those in distress because natural or man-made disasters have destroyed their livelihood (the so-called economic refugees).

Fourthly, the credibility of a fair Refugee Status Determination Procedure and admission procedures in general suffer greatly under the alarming practice of refugees being used as instruments of foreign policy, both symbolically and instrumentally (Loescher, 1989). The application of the legal definition clearly is prone to wider interests of the leading Western nations. A striking example is the policy of the U.S.A. towards refugees. Different treatment can be observed e.g. with regard to Salvadorean and Haitian refugees coming from non-communist regimes as opposed to Cubans, 'Indo-Chinese' and Nicaraguans deriving from communist nations. While the former were treated in most restrictive manners the latter were to experience more lenient practices. In this connection it was often refered to people 'voting with their feet' against communist regimes. After the communist victory in the Vietnam war, for instance, the outflow of 'Indo-Chinese' refugees was notably encouraged by the U.S.A. to generate anti-communist publicity (Zolberg, 1989:166).

A further trend that has become prevalent in western countries, depending on their political stance, is that most refugees from poor 'Third World' countries are labelled 'illegal immigrants', whereas those with proper and valuable luggage such as skills, education, health and especially sponsorships have a much greater chance to be granted refugee status.

With regard to refugee women, voices have come to the forground in recent years claiming that the Convention does not necessarily embrace the claims of refugee women, being inherently ignorant to the types of persecution women can be subjected to. There may be specific reasons forcing a woman to flee her country which go back to the oppressed position of

women. These can be devided in three categories[41]. The first category refers to the position of women in some countries, who suffer cruel or inhumane treatment, because according to popular opinion they have infringed on the moral or ethical rules of the society they are part of. As a UNHCR adviser has noted, *"transgressing social mores is not reflected in the universal refugee definition"* (UNHCR Guidelines on the Protection of Refugee Women, p.36). The second category includes women refugees who were persecuted in order to hurt their husbands or to humiliate that part of the population to which she belongs. The third category constitutes of women who as a result of their 'general' political activities are abused and persecuted. The way this persecution finds its expression is often specifically directed at their being a woman and may consist of sexual abuse or violation[42].

It is only when looking at contesting discourses that more lenient and far-reaching interpretations can be found. The existing legal framework is too narrow and therefore initiatives are taken to widen the criteria for Refugee Status, and the scope of the term 'persecution'. These initiatives are often restricted in their geographical scope and generally lack a strong institutional base to gain overriding recognition and adherence by governments.

The Organization of African Unity (OAU) took such an initiative and adopted a refugee convention in 1969 which widened the criteria for refugee status to bring it in line with regional conditions. It adds to the standard UN Convention

> persons who owing to external aggression, occupation, foreign domination or
> events seriously disturbing public order in their home country are compelled
> to flee abroad... (Kuhlman, 1990:5)

This definition allows objective conditions in the country of origin to be recognized as criteria for refugee status. Reflecting on the historical experience of Africa, this formulation came into existence largely as an expression of political solidarity on behalf of the ongoing struggles against white supremacist rule in southern Africa (Zolberg, 1989:29).

A further regional initiative to adjust the dominating legal discourse on refugees is the Latin American Cartagena Declaration (OAS, 1985) which embraces persons who fled their countries because

> their lives, security and freedom have been threatened by generalized vi-
> olence, foreign aggressions, internal conflicts, massive violation of human
> rights or any other circumstances which have seriously disturbed the public
> order (Navarrete, 1990:3).

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41. This categorization is derived from the discussion paper 'Oppression of Women and Refugee Status', in: International Seminar on Refugee Women, Soesterberg, The Netherlands, - Proceedings -, pp. 30-41.

42. For more detailed information on this topic see UNHCR Guidelines On The Protection of Refugee Women, prepared by the office of UNHCR, Geneva 1991. Also the report International Seminar on Refugee Women, - Proceedings -, Soesterberg, The Netherlands, publ. by the Dutch Refugee Association, which gives comprehensive examples on how women are singled out for abuse by virtue of their gender. See also, Schilders N. (1988), Sexual Violence - You have hardly any Future left, Dutch refugee council. This paper includes also useful outlines and guidelines for assistance to female refugees who experienced sexual violence. Schilders N. (1989), 'Seksuel en seksuel gericht geweld als verfolginiggrond', in: Rechtshulp, No. 3.

The initiative of the OAS was a response to the appearance of large population movements in the 1960s from Cuba, and later, Chile, Nicaragua, El Salvador, and Guatemala which heavily strained existing legal codes in countries of asylum. As Hathaway (1991:123) points out, these extensions are logical in human rights terms, and result in a refugee definition which reflects modern political reality.

An even broader interpretation of the criterion 'persecution' is defined by Gordenker, who when discussing root causes for forced migration sees refugees as "persons who have left their customary homes under the pressure of fear for their present or future life" (Gordenker L. in Kanninen, 1990:11). This conception would include as causes the following: international war, internal turbulence, deliberately undertaken change of social structures, as well as international political tension.

The UN 'Intergovernmental Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees' (1986) goes a step further to include environmental and natural disasters as causal factors for forced migration. These definitions illustrate that the generally recognized root causes of refugee flows are of great variety, far extending those attached to the traditional definition of a refugee (Kanninen, 1990:12-3).

The human rights perspective offers the most far-reaching interpretations of the term 'refugee'. Here it would be the international cooperative framework (the international protection of human rights) that would be demanded to deal with the concept of refugee. Over the past years various proposals have been put forward.These appear firmly grounded in the relevant legal international instruments pertaining to refugees and are well tuned with current developments and dimensions of the refugee phenomenon (Gordenker 1989, Goodwin-Gill 1989, Zolberg et al. 1989, Hathaway 1991).

As regards refugee women, it is worth mentioning the Dutch Refugee Association which has done pioneering efforts to get sexual persecution and violence against women seen as grounds for refugee status. The UNHCR Executive Committee advocated recently that they constitute a 'particular social group' within the meaning of the definition embodied in the 1951 Convention[43]. However, in discussion within the Executive Committee, some governments felt that to do so would imply criticism of certain religious beliefs or social/cultural practices. As a compromise, the Executive Committee simply recognized that

> States in the exercise of their sovereignty, are free to adopt the interpretation
> that women asylum seekers who face harsh or inhumane treatment due to
> their having transgressed the social mores of the society in which they live,
> may be considered as a 'particular social group' within the meaning of Article
> 1A (2) of the United Nations Refugee Convention (Wallace, 1989:2).

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43. Johnsson A. (1989), "The International Protection of Refugee Women", in: International Journal of Refugee Law, Vol 1, No. 2.Greatbatch J. (1989), "The Gender Difference: Feminist Critiques of Refugee Discourse", in: International Journal of Refugee Law, Vol.1, No.4. Hathaway, J. (1991) The Law of Refugee Status, Butterworth, Toronto, Vancouver, see section on 'member of a particular social group' (pp.157-67).

As this clause is not regarded as binding law it is left to the discretion of individual governments in how far they adhere to the constitution of a 'particular social group'.

3.2. REFUGEE POLICY FORMULATION WITHIN UNHCR REGARDING WOMEN

The end of the Decade on Women was marked by a meeting in Nairobi (1985) which, *inter alia*, gave impetus for action on behalf of refugee women. Over time an increasing awareness could be noted regarding the specific problems encountered by refugee women. The multiplicity of roles they have to play in various refugee situations has been accepted as well as the socio-economic role changes that take place and often put new and significant responsibilities into their hands. It has also been recognized that refugee women are largely absencent on decision making levels despite the fact that they make up the bulk of the refugee population. An increasing amount of sources point out that the impact of genderblind policies is detrimental for women and their protection needs.

As a follow-up to the Nairobi Conference, UNHCR organized in April of that year a Round Table on Refugee Women[44]. In February 1988, UNHCR established a Steering Committee on Refugee Women, under the leadership of the Deputy High Commissioner, to define, oversee and co-ordinate a process of assessing, strengthening and re-orienting existing policies and programmes. By 1991, internal guidelines on the international protection of refugee women were issued (Forbes Martin, 1992:95)[45]. So as to ensure that efforts were productive and carried out systematically, a new position, that of the Senior Coordinator for Refugee Women, was created. This Senior Coordinator reports directly to the High Commissioner's office. Subsequently, emphasis was given to the need for more information on refugee women, and the importance of trained and sensitive staff. The major thrust of a central policy statement on refugee women, approved by the UNHCR Executive Committee, thus

> seeks to ensure recognition that becoming a refugee affects women and men
> differently and that effective programming must recognize these differences.
> The policy further recognizes that refugee women must themselves participate in the planning and implementation of projects. Within this framework,
> women are to be thought of not just as vulnerable people requiring assistance
> but also as resources for their own and their communities' development (Forbes Martin, 1992:96-7)[46].

Only recently, a 'Framework for people-oriented Planning in Refugee Situations' has been developed which is based on a 'Gender Analysis Framework' aiming as one of its objectives to ensure that UNHCR's programmes do not carry biases against women and girls, and even more so to ensure that disparities between the sexes are reduced by UNHCR programmes. In

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44. See 'Refugee Women - Femmes Refugiees: A Round Table Organized by the United Nations High Commissioner for Refugees', Geneva (1985).

45. 'Information Note on UNHCR's Guidelines on the Protection of Refugee Women' (1991), EC/SCP/67, Forty-second session. For further useful guidelines see: 'Working with Refugee Women: A Practical Guide' by Ninette Kelley (1989).

46. For the full policy statement see Annex Two in the book of Suzan Forbes Martin (1992) or UNHCR Policy on Refugee Women, document published by UNHCR Geneva (1990).

1992 regional workshops in Asia have been organized to train primarily UNHCR field staff in how to use and implement this tool. Further workshops in other regions are on the future agenda.

These initiatives taken over the last years are certainly encouraging. In my view, the increasing recognition of gender in refugee policy is a note-worthy and positive sign and one that should not be underestimated in its significance as a *first* step. Getting into the public fora on official terms is a precondition for debating further goals and guidelines and can represent a first crucial move towards wider challenges of traditional methods of enquiry. Bringing forward issues concerning refugee women in politics, society and research is presently breaking down the *status quo*. It can not be ignored, however, as Indra points out that

> most have moved only to the first stage of the development of feminist theories and a greater social awareness of gender. This is one in which 'women and the feminine become worthwhile objects of theory and research...'and'...are conceptualized in theoretical terms as men's equals...', but where the basic theoretical and philosophical foundations of research and bureaucratic paradigms remain essentially unchanged. (Indra, 1989:238).

Refugee Women have become a 'group of concern' and the UNHCR and other interest groups are battling for their recognition[47]. The ultimate impact of the above efforts taken has yet to be seen, however. As I will illustrate with the case of Hong Kong, many of the recommendations made to date have not yet filtered down to the field level and consequently either to those actually concerned, namely the refugee women.

It might be relevant in this context to point out feminist critiques that have been formulated in regard to the 'Integration of Women into Development' (see e.g. Lycklama, 1987). It is argued, for instance, that women's participation is simply added to development activities, while development programmes and processes have remained fundamentally unchanged. Moreover, accepted strategies ignore conflicting interests between women. Thus, basically no attempts have been made to transform the patriarchal structures and institutions of society.

The common practice of installing so-called Women in Development (WID) desks in response to women's needs has been heavily criticized for being isolated from mainstream policy making, and rather a token gesture, instead of being a truly integrated approach. Despite this, women are far from having been recognized as full equal partners, and their representation in higher echelons is still extremely scarce. Moreover, women representatives chosen, often on terms of references decided by men, do not necessarily act in the interests of the majority of women, and become easily coerced into dominating 'male'-stream discourses. As D. Indra points out in an article on refugee women:

> missions and conferences, and the like often function as symbolic action on

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47. Besides the efforts made by UNHCR, a pivotal role is also played by the international NGO Working Group on Refugee Women. Other groups lobbying in the interest of refugee women in individual countries are i.e. the Women's Commission for Women Refugees and Children established in the United States, the Australian National Consultative Committee on Refugee Women, and a similar organization in Canada.

the part of bureaucrats and politicians, and are often an effective means of non-decision making. For if issues like gender can be 'discussed long enough and in a manner confusing enough to allow time, energy and money to run out, the effect can be the same' as outright rejection (1989:237).

Merely becoming an 'item' on policy makers' agendas is not sufficient in itself to address the cause of refugee women if nobody in decision making positions takes these items seriously, follows up on them or implements recommendations made. Neither is it effective if refugee women's needs and concerns are discussed and assessed without active participation and co-operation of refugee women themselves. The above mentioned feminist critiques which have developed in various countries out of women's own experiences in the field of development and the integration of women, can help to avoid the repetition of the same pitfalls with regard to refugee women.

3.3   CONCLUSION

In conclusion I wish to emphazise the following points. The analytic review of Western historical record has demonstrated that the concept of 'refugee' represents nothing close to a stable and fixed discursive fact. Only by looking at 'variability', 'volatility', and the political nature in its construction does it become clear that the international refugee regime is determined by leading Western powers. It has been adhered to and accepted only to the extent that it served the system, or did not at least run counter to its particular interests and needs. The international treatment of refugees and their selection for special assistance as well as resettlement in third countries is highly dependent on a whole series of shifting factors. These factors are only marginally determined by those forced to flee their country of origin. They are rather determined by power relations such as the following: the political situation in the country of origin; the domestic politics in the country of first asylum; the current prevailing attitude of resettlement countries; the past and future political and economic interests of influential Western powers; and the agenda of the major donor countries such as Europe, U.S.A., Japan and Australia.

An analysis of the legal definition of the refugee and its limitations has demonstrated that its key operational criterion "persecution" is given increasingly restrictive interpretations. These are predominantily determined by leading Western nations whose main goal is to limit and control refugee flows. This goes at the expense of the individuals concerned and the basic notion of protection of the Refugee Convention. One most alarming feature in this trend is the incarceration of asylum seekers in prison-like institutions without trial for prolonged periods of time with little to no access to legal representation and aid. The ignorence displayed by leading interpretations of the Convention to the aspect of gender as a crucial determining feature of persecution, leaves women refugees in an extremely vulnerable position and neglects their particular claims. Contesting discourses which reveal to be more in line with current developments of the refugee phenomenon lack the social, economic and political power to have overriding influence and international impact.

As regards the refugee policy formulation within UNHCR with particular view towards refugee women it has been demonstrated that since the end of the Decade on Women (1985) signi-

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ficant steps have been taken to bring attention to the cause of refugee women and their effective integration in refugee policy. It has been tried to ensure that it is reconized that becoming a refugee affects women and men differently and that effective programming must recognize these differences. Despite these efforts on policy level, however, the impact and effectiveness of these policies has yet to be seen in particular refugee context.

CHAPTER IV

VIETNAMESE WOMEN IN THE DETENTION CENTRES OF HONG KONG

Very few studies have been undertaken on asylum seekers spending prolonged periods of time in incarceration commonly perceived as transient and short-term, but instead taking several years of a refugee's life. In the words of Chan, "It is as though the transit experience has been perceived as little more than an empty interlude between two acts of some Gothic drama" (1987:747)[48]. Studies on large numbers of asylum seekers held in detention centres, a phenomenon that developed only over recent years, are even less prevalent as access to such institutions is difficult to obtain.

Some studies give vivid accounts of asylum seekers in transit camps, capturing well the dimension of asylum seekers being forced into roles of passivity and left with a tremendous sense of uncertainty. However, the documentation is derived predominantly from a male point of view with minimal to no attention given to refugee women's experiences.

In this chapter I will focus on the experiences of Vietnamese women in Hong Kong detention centres[49]. I am not suggesting that only their experiences warrant my attention, but I wish to demonstrate that theirs are the outcome of the construction of operating power relations which subject them to additional suffering[50]. The main focus of this chapter, next to other gender-biased policies and practices, will be male sexual violence to women, exercised by camp authorities as well as male community members, and the conditions that facilitate and support this practice. These include: the policy discourse on Vietnamese refugees as it has been adopted by the Hong Kong government; the regimes that have been established to govern the Vietnamese; the management styles that have been implemented in the detention centres, including the architectural lay-out of camp environments and the top-down imposed community leadership structures; aid-workers and the way they implement their programmes and reinforce traditional gender inequalities; and the patriarchal tradition of Confucianism which underlies Vietnamese and Chinese cultural norms and practices, which include norms of the Vietnamese population as well as those of the predominantly ethnic Chinese camp officials.

This chapter is sub-divided into five central concerns which I regard as particular important to Vietnamese women's lives in detention centres. These five concerns have been chosen as they

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48. For a collection of papers which primarily deal with the psychological effects of containment see HBM Murphy ed. (1955) Flight and Resettlement (UNESCO). Especially 'The Camps' pp.58-63 by HBM Murphy himself. A classic paper on mental hygiene in Swiss camps focusing on the impact of the organization, culture and atmosphere of the camps on the refugees is written by Maria Pfister-Ammende, 'Mental Hygiene in Refugee Camps', in: Uprooting and After, ed. by Zwingmann and Pfister-Ammende (1973), New York, Springer Verlag. Kunz (1973) in his article 'The Refugee in Flight: Kinetic Models and Forms of Displacement', (International Migration Review, Vol 7) gives also comprehensive descriptions of refugees in transit.

49. As of the end of August 1992, of the 47.801 Vietnamese in detention centres, 23.170 are female. The number of male asylum seekers exceeds the number of female asylum seekers slightly in all age groups. There are still no statistics available on the number of single women with or without children and single headed households!

50. For the impact of detention on e.g. children see 'Defenseless in Detention: Vietnamese Children living admidst increasing Violence in Hong Kong', a study by Refugee Concern Hong Kong, 1991.

marginalized women and made them prone to sexual violations. The first section of this chapter will provide a more detailed understanding of the wider power structures Vietnamese women are subjected to with regard to the criteria and process of selection for resettlement. The second section will deal with the procedures applied to the Vietnamese upon their arrival in Hong Kong which form the basis to their further stay in the territory. In the third section I will proceed to an analysis of one particular detention centre, looking at specific aspects that are relevant with regard to asylum seeker women and the causal nature of sexual violence. A synthesis of the various power structures in operation will lead to section four, in which a detailed analysis of sexual violence against Vietnamese women in detention is attempted. In the concluding section I will discuss the forms of resistance and coping strategies Vietnamese women undertook in order to maximize security and life options in the face of their suffering.

4.1 THE CRITERIA AND PROCESS OF SELECTION FOR RESETTLEMENT

Resettlement criteria are not necessarily the same as the criteria applied to distinguish between 'economic migrant' and 'political refugee'. There are Vietnamese who would be classified as refugees even under the most restrictive interpretation of the Geneva Convention and yet do not fit resettlement criteria. Conversely, there are other 'boat people' who, while they would not even come close to qualifying as refugees within a Refugee Status Determination Procedure, do meet the resettlement criteria of selected countries (Casella, 1989:161-2). This is not to say that there is no overlap between the two groups. Asylum seekers from Vietnam can be divided into those who are recognized as refugees, those who qualify for resettlement and are 'screened-out' asylum seekers, and those who neither qualify for resettlement nor for refugee status[51].

Vietnamese asylum seekers have to wait for three to four years to obtain an interview with the Hong Kong Immigration Department in order to state their claim for refugee status. In the meantime they are held in detention centres. Over the years serious concern has been raised regarding the operating Refugee Status Determination Procedures in Hong Kong[52].

The main flaws mentioned concerning Vietnamese women are that wives, if interviewed separately from their husbands, are given a much shorter interview and usually are only asked personal questions about matters such as the names of their children, their dates of birth, etc.[53]. Yet there are cases where it is the wife and her family background that form the basis for the

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51. Currently the percentage of Vietnamese being accepted as political refugees is around 10%. Some 25,000 Vietnamese have already been classified as so-called 'illegal immigrants' who have to remain in detention with 'forced repatriation' pending over their heads.

52. For details of the Refugee Status Determination Procedures as applied in Hong Kong see e.g. 'Information for Vietnamese Asylum-Seekers in Hong Kong', an information booklet edited by UNHCR (1990). For critiques on Refugee Status Determination Procedures see: Diller (1988), Lawyers Committee for Human Rights (1989/91/92), and the report on 'The Flaws in the Vietnamese Refugee Screening Process in Hong Kong' (1990) by David Clark et al.

53. See. Clark et al. (1990) and the report written by the Women's Commission for Refugee Women and Children (1990:17).

claim[54]. As a general rule, Immigration Officers tend to assume that the wife simply followed the husband and has no independent claim of her own. Furthermore, the common reluctance of Vietnamese women to speak up in front of male, uniformed officials, who are repeatedly reported as handling the Vietnamese in 'rough' manners, is given no consideration (Clark et al. 1990:7).

The United States, Canada, Australia and with Britain lagging behind are the main intake countries for Vietnamese refugees. Every resettlement country has its own criteria and priorities which shift according to domestic and international political considerations. It is nevertheless possible to highlight some main common features. The most acceptable and preferred Vietnamese are those who have close family ties with others already living in the resettlement country. They will usually have family members who are prepared to sponsor the applicant and therefore are likely to cost the receiving country the least. Those Vietnamese in Hong Kong who fit into the Family Reunion criteria are processed on a priority basis[55]. Priority is also given to those who can prove connections with the past Government of 'South Vietnam', or with the American forces in Vietnam. Always advantageous is being a professional with a readily transferable skill. With the idea gaining ground that the 'Indochinese' are migrating for economic reasons instead of political persecution, it is increasingly encouraged by resettlement countries to apply for immigrant rather than for refugee status. Under Immigrant status refugees receive no benefits from the respective governments and are required to show that they or their sponsors have sufficient resources so that the immigrants will not depend on public expenditure.

Problems arise when the Vietnamese either due to anxiety upon arrival, or to ignorance, forget to mention crucial information in their first interview. This information is very difficult to adjust at a later stage. For example, it is most common that some asylum seekers would forget to register officially relatives living in a third country. Women arriving alone, following husbands who have come to Hong Kong at an earlier stage and are now already resettled in a third country, repeatedly registered as 'single' upon arrival as that is as how they perceive themselves at this point in time. No explanation about terms such as 'single' as opposed to 'unaccompanied' is provided to the individual. Husbands commonly do not mention their wives in Vietnam but have the intention to claim them once they are settled in a third country. A wife who misses the opportunity to claim her husband upon arrival or who in turn is not claimed officially by him, faces tremendous difficulties being accepted for Family Reunion, and consequently is held in detention for many months if not years and has to fend for herself as a single woman. In case husbands have remarried in the meantime or refuse to recognize their wives for whatever reason, the woman has no chance to fit the Family Reunion criteria.

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54. See. e.g. Lawyers Committee for Human Rights (1992:30) for a case example.

55. For basic criteria on Family Reunion see the UNHCR-Hong Kong internal document on 'Family Reunion Scheme for Refugee Families'. These vary though to a certain extent depending on the specific country.

A further problem that frequently arises is that required documents proving individual claims can often not be made available. Some of the main reasons I encountered for this were the following: they had been lost during the journey; official marriage documents had often never existed; some Vietnamese claimed that they could not afford the bribe they had been requested to pay for official documents; others claimed that they had been stripped of their 'registration card' (ho khau) and hence did not officially exist; some did not want to be caught carrying their official documents with them on Vietnamese territory during flight so they could conceal their identity; or marriage documents were said to be in the possession of husbands who had left first. In the case of missing marriage documents the Hong Kong Government would request people to get duplicates from Vietnam, which, even when following the proper procedures, was a highly unrealistic exercise.

4.2 PROCEDURES UPON ARRIVAL

Upon arrival in Hong Kong waters Vietnamese boats are towed by the Hong Kong marine police to a reception centre[56]. The living conditions resemble "overcrowded penal quarters" (Gow, 1991:7) where Vietnamese wait to be transferred to one of the detention centres[57]. Here the process of 'stereotyping', the de-linking from 'case' and 'story', of dehumanization and depersonalization, begins. Goffman in his work on total institutions refers to this process as 'admission procedures', as

> 'trimming' or 'programming' because in thus being squared away the new arrival allows himself to be shaped and coded into an object that can be fed into the administrative machinery of the establishment, to be worked on smoothly by routine operations (1961:26).

Quarantine procedures include delousing, deworming and in particular the cutting of women's hair above shoulder length which constitutes a highly humiliating experience. Personal belongings might be removed with the promise to return them once a solution has been found for the individual concerned. For administrative purposes, refugees are stripped of their names and instead are given numbers by which they will be referred to in the future.

Registration of refugees is a crucial element at this stage, involving the issuing of a bio-data sheet which is used as a reference throughout their stay in Hong Kong. For one, as already discussed, this information provides the basic reference for later resettlement claims. The infor-

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56. Particularly at times of high arrival rates marine police, before allowing the Vietnamese to land on Hong Kong territory, is said to have attempted to convince boat-people not to remain in Hong Kong but to continue their journey elsewhere.

57. With few exceptions these centres are off-limits to the media. Also UNHCR and voluntary agencies have only very restricted access. In 1990, at a time when the HK Government wanted to discourage Vietnamese asylum seekers in more 'active' and 'aggressive' forms to refrain from remaining in Hong Kong, initiating their own counselling to convince people to return 'voluntarily' and attempting to implement a so-called 'fast track screening' (interviewing the Vietnamese as to their claims to refugee status immediately upon arrival), it prohibited access to any outsider, including UNHCR. It was finally agreed that UNHCR could send one representative once a week. Due to heavy protests the 'fast track screening' was suspended after only a few weeks' operation. (see also Amnesty International Report 1990:9)

mation collected upon arrival also serves as a reference point for management regimes delegated with the day-to-day care of the Vietnamese in detention centres.

The registration unit used in the Hong Kong context is the narrow definition of the nuclear family which includes husband, wife and children under the age of 18. This practice is very much contrary to the Vietnamese concept of what constitutes a 'family'. There the extended family is often included which by Western standards would be considered as distant relatives. According to the criteria established in Hong Kong, children above 18 as well as aunts and uncles, etc. are excluded. Siblings above the age of 18 are seen as individuals rather than a part of the unit.

With regard to family unity, Hong Kong law only provides limited protection. The Hong Kong Immigration Ordinance gives administration personnel great discretion to specify in which centre a Vietnamese asylum seeker must reside (Diller, 1988:101). In case of extended family members arriving at the same time, they will mostly be transferred together to one of the detention centres. Should they arrive separately, no consideration is given to reunite family members upon arrival. Those considered to fit within the established 'family unit' can apply for family reunion between different detention centres once they have been transferred to one of the camps. Family reunions between detention centres can take from several months to years[58]. Family reunion between Vietnamese not belonging to the pre-established 'family unit' criteria, e.g. sisters above the age of 18 years, young girls and their uncles, aunts or neighbours, are usually not considered[59]. Young girls might have to live separately from parents, older siblings or any relative/ friend who could provide protection and support. Natural support networks are destroyed to facilitate the workings of the administrative machinery and to perfect the attributes of a 'humane deterrence' policy. Being assigned to the same family unit is the only 'assurance' for the Vietnamese to be kept together during frequent population moves within or between detention centres[60].

Single women and girls are one of the most vulnerable groups. At the registration stage many of them are already either coerced into relationships or on their own account strike a 'protection-deal' by registering either as husband and wife with a willing partner or as unaccompanied minors together with a 'relative' or 'caretaker'. A Vietnamese woman in Hong Kong stated in an interview that

> young women are being forced into relationships against their will and forced
> to have protectors so they don't have to have sex with ten different men, and
> only have to have one, even though they don't want to have sex with that one
> (RCHK, 1991:153).

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58. I witnessed several cases of husbands and wives, parents and their teen-age children, being separated in different detention centres for months, some close to two years by the time I left.

59. I encountered numerous cases where children would claim close ties with a neighbour who had taken care of them for most of their childhood while parents were out working.

60. There is of course no absolute 'assurance' for this as during regular movements of asylum seekers from one camp to the other family separations are no exceptions but rather the rule.

The bureaucratic assumption of needs assessment and entitlements is based upon the process of initial registration. They translate into managerial requirements and the establishment of allocation criteria. Material entitlements are allocated according to the size of the family unit in which wives are classified as dependents and husbands as representatives of the family unit.

4.3 STUDY OF ONE PARTICULAR DETENTION CENTRE

4.3.1 Architectural Layout

A number of articles have referred to the detention centres of Hong Kong as 'prisons', 'hardened jails', 'concentration camps' and 'total institutions'. Such expressions can be used readily by looking at the architectural layout, rules and regulations operating in the camps, as well as attitudes displayed by 'wardens' towards their 'inmates'. The functional purpose of a detention centre incorporates basically two major goals: the first one to 'deter' further arrivals from the shores of Hong Kong, and the second to 'control' the detained mass of people in the most effective and efficient manner. The standards for maximized effectiveness and efficiency are formulated by the controlling body.

Starting off from this premise I see it as no coincidence that the design and layout of the detention centres show striking similarities to Bentham's panopticon, said to be the ultimate architectural design to exercise total power, control and despotic discipline. It is based on the principle that power should be visible and unverifiable[61]. Foucault writes in his famous work <u>Discipline and Punish</u> that

> the theme of the Panopticon - at once surveillance and observation, security and knowledge, individualization and totalization, isolation and transparency - found in the prison its privileged locus of realization. ... It was the most direct way of expressing the intelligence of discipline in stone of making architecture transparent to the administration of power; of making it possible to substitute for force or other violent constraints the gentle efficiency of total surveillance; (1977:249).

In line with Bentham's panopticon, the Hong Kong detention centres are strategically surrounded by watch-towers with several floodlights around its outside walls. This allows for a constant gaze of surveillance with the effect that the inmates are made aware of "a state of conscious and permanent visibility that assures the automatic functioning of power" (ibid. p.201). Inherently, it provides an apparatus for supervising and checking also its own mechanisms, the officers operating within the detention centre compound. The machinery of control is further facilitated by a 17-foot high double steel wall topped with several rolls of barbed wire which surround the centre and which render a view beyond the confining walls impossible. Space is further compartmentalized into smaller sections, separated by steel walls according to the panoptic mechanism which arranges "spatial unities that make it possible to see constantly and to

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61. Foucault wonders if Bentham wasn't perhaps inspired by Le Vaux's menagerie at Versailles which was the first menagerie in which the different elements are not distributed in line with traditional park designs. At the centre was an octagonal pavilion which, on the first floor, consisted of only a single room, the king's *salon*; on every side large windows looked out onto seven cages (the eighth side was reserved for the entrance), containing different species of animals.

recognize immediately" (ibid. p.200). In general, no movement of people is allowed between sections unless a people are e.g. in possession of an appointment slip that permits them to seek the services of a voluntary agency. In order to get access they have first to pass at least two or three gates, guarded by male officers. Ultimate passage depends on the goodwill of the guards. Orders and 'information' is communicated through loudspeakers of a 'public address' system. The voice of the invisible surveiller is thus permanently roaring through the detention centre, echoing anonymous registration numbers of individuals *ad nauseam*.

Looking at the number of people and the way they are being incarcerated in these centres, a deviation is found from the ideal panopticon design where individual incarceration is the preferred practice. The particular detention centre I am discussing held a total of 10,000 Vietnamese asylum seekers, 2,500 per section. Accommodation is provided by 'Romney huts' (large corrugated iron huts) which hold 300 people, living on three-tiered wooden bed-boards, confined to a space that does not allow one to stand upright, in violation of Articles 9 and 10 of the United Nations Standard Minimum Rules for the Treatment of Prisoners[62]. The huts are extremely noisy as the reverberation of sound is high and temperatures in the summer rise to 39-41 degrees Celsius. Any form of privacy is undermined. Although within the huts the individual can escape the immediate gaze of the official surveiller, s/he is still permanently subjected to and conscious of eyes and ears from above, left, right, opposite and underneath. As Burrell points out, within total institutions

> the line between public and private behaviour evaporated. While in civil society the individual can maintain a private life - even one that involves acts unacceptable to the mores of society safely and successfully, s/he can not do so in total institutions (1984:110).

Privacy is additionally impinged upon by regular unannounced police searches (e.g. for weapons or alcohol) carried out in a most degrading and insensitive manner. People are ordered to leave their hut and squat outside while officers turn belongings upside-down, stepping on them purposely and leaving behind a mess.

Maria Pfister-Ammende in her early work on refugees between 1940 and 1947 points out the detrimental impact of overcrowded conditions on people's mental health. She states that in a camp that holds more than 300 people, refugees cease to feel like individual human beings. She notes that

> refugees who are uprooted and kept in large numbers and in a schematic man-

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62. On average, centres are holding some 8000 people with the largest centre providing accommodation for 24.000 Vietnamese though. Davis L. writes in reaction to a riot in this large centre that "anybody with a smattering of sociology, a limited understanding of psychology... would know that to place even a much smaller number of people than 20.000 in a prison-like environment with little to do and, above all, very little hope, was inviting the response that has occurred...". (13 May 1990, in: South China Morning Post, 'Viet Camp Aggression the Result of Lives Unlived') On 6/2/92, 24 boat people including 10 children were reported dead and 126 were injured as the were trapped inside a hut which was set ablaze by rioting inmates in one of Hong Kong detention centres. The tragedy has been variously explained by different theories: a minor dispute between two inmates over hot water, a rivalry between Northerners and Southerners, illegal alcohol business, poor conditions in the camp. The real cause remains unknown (Asylum, No.8, March 1992).

ner in camps tend to form aggressive crowds. Their pent-up energies tend to explode in mass-reactions. Or, they become victims of the process of 'Vermassung'. This is not basically a mass phenomenon, but rather a matter of complete isolation of the individual leading to apathy and resignation (1973).

Aggression as well as apathy are common features to be found within the Vietnamese in Hong Kong's detention centres in line with this pertinent observation. In the early years of the detention centre policy, mass-violence was recorded as a common feature of the camps (various ethnic groups fighting each other, gang rivalries, self-mutilation in groups, massive hunger strikes). Over the years the forms of violent behaviour have become more individualized expressed by an increase in child abuse, domestic violence, wife battering and a higher rate of suicides[63]. According to my observations and the feedback from other agency workers, apathy, resignation and high degrees of depression are manifested in people spending whole days on their bunks, taking unusually long to answer simple questions and in the inability to make decisions regarding minor as well as major aspects of life[64]. Initial results of a survey on unaccompanied minors conducted by a NGO in Hong Kong's detention centres confirms these statements. Many of the minors, especially girls, indicated that they have been suffering from depression. Decisions were not often active decisions but rather decisions by default[65].

Built-in in all detention centres are 'Closed Observation Units' or cells where "trouble-makers" are held for up to 28 days even for minor infringements of the detention centre rules (Gow, 1991:9). The definition of "trouble-maker" is unclear and not defined in either Hong Kong or international law, and therefore is subject to abuse. Furthermore, there is no formal process whereby a determination of 'trouble-maker' status is made. The cell could better be described as a cage, situated in the centre of the camp, passed daily by hundreds of people who watch the individuals behind bars. The shelter inside consists of four tent poles covered with a more or less waterproof sheet. Food is passed through a small opening in the door. "Trouble-makers" might also be transferred to the 'Maximum Security Section' where many Vietnamese have been incarcerated in cells for over 28 days. The whole concept of this Section has been strongly questioned regarding its legality under both Hong Kong and international law (e.g. Gow 1991, Diller 1988, Davis 1991).

The remaining space of a detention centre is made up of washing and toilet facilities which are either not lit at all or badly lit and have limited water resources. Women and children espe-

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63. Information derived from recent interviews with workers form NGOs and UNHCR. See also CFSI internal report regarding services for women (3/7/1992).

64. Striking similarities can be found in the behaviour of Vietnamese asylum seekers in Hong Kong's detention centres and what Eduard Bakis (1955) describes in his powerful article 'D.P. Apathy', in Flight and Resettlement, ed. by H.B.M. Murphy, UNESCO, Switzerland. There he discusses his observations made of displaced persons in the camps of Germany, refugees from Estonia, Latavia, and Lithuania.

65. See Steve Muncy (1992), 'Unaccompanied Minors in Hong Kong: Wounded, Guarded, and Depressed', in: Impact, issue no. 7.

cially are often too afraid to use these facilities during the night. Masses of concrete replace grass and trees turning these places into a mixture of grey concrete and steel.

4.3.2 Rules and Regulations

Rules and regulations are based upon United Kingdom prison rules with certain amendments considered appropriate to the situation of the Vietnamese living in detention[66]. Anybody staying within the centre has to adhere to and is subject to these rules. The restrictions they impose become apparent from the following succinct excerpt of the regulations:

> No person shall enter a detention centre without the permission of the Superintendent. All persons and vehicles entering and leaving a detention centre may be examined and searched. Money and other effects belonging to a detainee may be placed in the custody of the Superintendent. A detainee on first admission to a detention centre may be kept apart from other detainees in such place and for such period as the Superintendent may prescribe.

> Every detainee shall obey such directions as regards washing, bathing, shaving and hair cutting as may be prescribed by the Superintendent. No detainee may send or receive letters except through the Superintendent. Every letter sent by or intended for a detainee may, for good purpose, be opened and its content be examined. Every detainee shall, subject to the orders of the Superintendent, be permitted to be visited by such persons and in such manner as may be prescribed by the Authority[67].

> The Superintendent may interrogate any person touching any alleged offence against discipline and determine thereupon and punish the offender. Offenses against discipline include e.g.: - disobeys any order of the Superintendent or of any other officer; - treats with disrespect any officer; - swears, curses or uses any abusive, insolent, indecent, threatening or other improper language or performs any indecent act or gesture; - commits any nuisance (Hong Kong Immigration Ordinance, Chapter 115, 1989).

The successful implementation of these rules and regulations is strongly supported by the Vietnamese for fear of being found guilty of an offense which may have a serious impact on ultimate resettlement chances.

Considering that the Vietnamese have no opportunity for self-improvement, rehabilitation or employment, it can be argued that the Hong Kong detention centre conditions are even below prison standards. This breaks with what Foucault calls the 'seven universal maxims of the good

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66. See "Immigration (Vietnamese Boat People) (Detention Centres) Rules 1989". It is noteworthy that these prison rules have been overturned in the United Kingdom itself eleven years ago as a result of a 1981 ruling in the European court of Human Rights (RCHK, 1991:220).

67. Visits are very limited, of a duration of half an hour and strictly supervised. Conversations can be overlooked and overheard. Proceedings differ slightly between the camps. In the detention centre discussed in this paper, special cubic boxes were constructed that allowed to communicate with only one person at a time. A glass window prevented physical contact and forced people to speak with such volume that private conversation was rendered impossible (personal observation).

penitential conditions'[68]. In particular, the virtual absence of meaningful occupation appears to have a highly adverse impact on people. Foucault posits that

> with time, he [the inmate] finds in the regular movement of the prison, in the manual labours to which he is subjected...a certain remedy against the wanderings of his imaginations. Penal labour must be seen as the very machinery that transforms the violent, agitated, unreflective convict into a part that plays its role with perfect regularity. (1977:242)

Forcing people into almost absolute passivity, with nothing to do the whole day, merely left with the 'wanderings of their imagination' appears to me as one of the most subtle and cruel tortures, gradually affecting people's minds and bodies. It is this deep feeling of uselessness and endless boredom that men would often present as the reason for abusing their wives. The following statement can be taken as typical:

> I never hit my wife before. It started after living several months in this camp. We have nothing to do all day long. Suddenly minor disagreements become such a big deal. Normally when I get angry I go out, but here I have nowhere to go. And then she is frustrated as well and talks back, everybody listens, I loose face, and before I know it I hit (personal interview notes, 1991).

4.3.3 The Controlling Body

Institutional power in this particular camp is exercised by the Royal Hong Kong Police Force (RHKPF) which is organized in a highly hierarchical manner with the Superintendent having ultimate decision making power within the camp context. Aside from a few jobs within the administration, all posts are held by male officers who are predominantly of Chinese origin. No female officer can be found working outside the administration bloc. The general attitude towards the Vietnamese can be described as hostile, humiliating and often outright racist. The despotism of the administration and the wide-ranging freedom of this controlling body becomes apparent in the many acts of violence inflicted by camp officials and in the arbitrary applications of rules and punishments[69]. Someone could be put in prison for three months for e.g. using a knife to peel an orange, while others could be observed fighting and robbing without the guards' intervention (RCHK, 1991:189). Moreover, the perception prevails that while gang-leaders are left free, leaders of demonstrations are seized[70]. Interpreters from within the

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68. For the seven universal maxims of the good penitential conditions see Foucault (1977:269-70).

69. See e.g. Amnesty International report (1990:12), where an incident is reported when more than 100 asylum-seekers appear to have been injured, many of them apparently as a result of indiscriminate kicking and use of batons by police. The victims included 27 women and two children aged under five years old. In another example, Gow (1991:13) mentions the incident of a 14 year old girl who was partially blinded after being struck by a baton shell - the wooden equivalent of a plastic bullet - when riot police stormed one of the detention centres. In a letter to the Hong Kong Governor, Vietnamese asylum seekers expressed their grievances about alleged abuses during a 'police search' thus: "Many men were forced to kneel on the ground or crawl like animals while police fired tear gas directly at a mother with an infant baby in her arms... The acts of the deathmen [sic] sponsored by the Hong Kong Government, were acts of oppression, barbarous beating and corporal punishment, yet we had no expression of resistance...knowing that they were implementing the order of the Government." (Davis, 1991:57).

70. An article in the South China Morning Post (18th July, 1990) 'Political activists held at high security Viet camp', describes Vietnamese are being detained there for allegedly organizing hunger strikes. According to Gow's report (1991:22) based on internal government documents, it was reported in July 1990 that among those held in high security cells were people alleged of spreading propaganda against screening and mandatory repatriation.

detention centre community itself are used to communicate with the Vietnamese asylum seekers. They are largely regarded with antagonism by the Vietnamese community, and suspected of being informers. Besides that, all of them besides one were male.

4.3.4 Top-down imposed Leadership Structure

10,000 Vietnamese asylum seekers live under the surveillance of police officials who keep almost total control over them. In addition to the architectural lay-out of the camp, the tight control is facilitated by a top-down imposed leadership-structure which the management, according to practices of Western prisons, can only keep up "by depending on informers, that is to say, on the corruption that they carefully sow themselves" (Foucault, 1977:266). The overall strategy of the camp management is to control and to deter. One of the rationales derived from this goal is to involve Vietnamese asylum seekers in the daily organization of the camp in such a way that they control each other and facilitate the management's task. The community organization structures that are set up do not consider the needs and concerns of the community which they are supposed to govern. The following declaration by Vietnamese detention centre inhabitants demonstrates the consequences of such practices:

> Trouble-makers [here defined as such by the Vietnamese themselves] are the worst thing. They control the people. We fear them and the camp authorities get them on their side and control them and make them representatives and the security guards for other Vietnamese. The trouble-makers control people and make people very scared. They oppose things we want to do. They don't like us to organize things. If we do, we receive a lot of trouble from them (RCHK, 1991:81).

Leaders are nominated by the management body shortly after their arrival. The criteria used are language skills and their ability to 'keep their people under control'. The leaders chosen are male according to Confucian rules which only assign men access to the public forum of debate. The exceptions are two female representatives of the 'single women's hut', which is provided for those who wish to live separately. From among the hut leaders two men are chosen as section representatives. They meet representatives of the management body on a regular basis, serve as the link between the rest of the community, are responsible for representing the needs and concerns of the people at management level, and for disseminating information. The hut-leaders are entrusted with the distribution of food, relief items and anything else that needs to be passed to the people. Furthermore, they are held responsible for keeping 'peace' in their huts, for reporting 'troublemakers', and are called upon as witnesses in cases of disturbance within their area (e.g. fighting, family disputes, rape, etc). Hut leaders enjoy wide-ranging accountability over the entire community to which in turn they are not accountable. It does not take much imagination to realize that such a regime easily results in a recipe for disaster; for uncontrollable extortion, for coercion, for bribery, for violence, and for intimidation. In the creation of an environment where the few terrorize the many the 'rules of the jungle' overturn any notion of law and justice.

Most disturbingly, some cases have shown evidence that the authorities are not necessarily concerned with preventing outbreaks of violence, but either let them seethe or are even accused

of purposely inflicting them, in line with the policy of 'humane deterrence'. This is exemplified by the following statement of a Vietnamese asylum seeker:

> The Hong Kong Government closes its eyes and ignores the situation, stirring up and encouraging these fights. CSD [Correctional Services Department, i.e. the camp-managment] also tries to get people to fight and to rob so that there will be more people volunteering to go back. They want to prove that detention is a good policy because people fight all the time — they have to put us behind fences. They think that will show the international community that refugees are violent and fight and that the Hong Kong policy makes sense. (RCHK, 1991:118)

4.3.5 The Roles played by UNHCR and NGOs

UNHCR has an office within every detention centre which is run by a field assistant supervised by a field officer. Its primary responsibility is the protection of the detained Vietnamese. In addition it is acting as a coordinating body for all NGOs operating in the detention centres which provide assistance in the day-to-day care of the asylum seekers.

In terms of numerical representation of female staff within UNHCR, the UNHCR Technical Support Services reported the following in a review of the situation of refugee women and children in 1990:

> It was noted with sadness that the structure of UNHCR's office in Hong Kong to some extent does not reflect UNHCR's interest in effective consultation with women. There are few women in meaningful decision-making positions - a situation which undermines the fulfillment of our objective of fostering the active participation of women in programmes. While it is accepted that this was not deliberate, it is recommended that note be taken to improve the situation at the first available opportunity (1990:18).

This situation, at least in the higher echelons of the office, has worsened rather than improved over time. As of October 1992, the Chief of Mission, his deputy and three Assistant Chiefs as well as the Protection Officer are all men. The programmes headed by women are concentrated on health, education and social services. Unfortunately, these programmes are kept at the fringes of the main decision making body, and are rarely taken seriously when it comes to decision making on overall policy matters.

Field officers equally are all male. At the level of field assistants the number of female staff has increased over the last year. I am not suggesting that mere numerical equality would solve all problems of refugee women, but I would suggest that a higher presence of female staff, particularly in meaningful decision-making positions, would be an important step forward. Based on experiences reported by a dozen NGOs, as well as by UNHCR, it seems that the initiative to develop programmes for supporting women is usually undertaken by women staff who then enlist the support of male colleagues (Ferris, 1990:8).

While UNHCR has slightly more negotiating power with the camp management compared with NGOs, their role is restricted to advocacy and monitoring and does not include decision-making. Both UNHCR and NGOs are ultimately dependent on decisions made by the Superintendent who can set limitations on access to the camp which in turn infringes on effectiveness

of protection measures. Rather than risk losing access to asylum seekers UNHCR administrative staff prefer to minimize confrontation with camp management officials. Relations are generally very carefully balanced at the expense of the incarcerated population.

At the end of 1990 UNHCR implemented a 'Women's Services Committee' as a sub-committee of the Health sector. This committee concentrated on health issues related to Vietnamese women in Hong Kong. Over the months the Committee opened up its agenda to wider women related issues. In part this was a response to several missions looking specifically into the needs of women and children[71]. At this stage the Committee consisted of representatives of most voluntary agencies, of the RHKPF as well as the CSD and met once every two months to discuss 'women's issues'.

Being perceived as one of the 'soft' sections by the mainstream policy making body, this section never managed to get 'truly' integrated, nor really considered of importance by the main decision makers. This was the case despite serious efforts of some of its committee members. By and large with the installation of the 'Women's Services Committee' a token 'alibi' had been created to claim that Vietnamese women were officially integrated, although in reality they remained marginalized.

Moreover, the lack of participation of Vietnamese refugee women on the Committee level and the little cooperation and communication between members of the Committee and field workers as well as women in detention themselves accounted for part of the questionable effectiveness of this institution. As a result, problems discussed on the Committee level repeatedly failed to overlap with those seen as central by the Vietnamese women themselves. In addition, the lack of communication resulted in decisions being taken by the Committee which would never reach the field and hence the stage of implementation. In this way vital information was lost and progress was continuously postponed.

Seven different NGOs operated in the detention centre. Many agency workers were voicing their frustration about the tight control they were experiencing within this context[72]. Voluntary agencies can hardly be seen as 'agents of change' here but rather as 'defusing tensions' and consequently as

> meeting the interests of the HK Government in ensuring that something was being 'seen to be done', thereby helping people - locally, regionally and internationally - to lose sight of the fundamental issues (Davis, 1991:viii).

In addition, voluntary agencies largely see their main goal in humanitarian rather than in political activities which tends to further support the pervasive silence regarding 'damaging' policies aimed at the Vietnamese in Hong Kong. Those who dared to speak up were facing the real

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71. See e.g. the recommendations made by the Mission of UNHCR Technical Support Service (1989); Diana Bui, representative for the Indochina Resource Action Centre (1990); delegation of the Women's Commission for Refugee Women and Children (1990); second mission by UNHCR Technical Support Service (1990); a UN Commission on the Status of Women (1990); mission by UNHCR to conduct nutritional survey with particular view to women and children (1991); follow-up visit for Women's Commission for Refugee Women and Children (1991).
72. See RCHK-report (1991), and in particular the section 'Detention Centre Worker Survey'.

fear of being expelled from the camps. This does not imply that NGOs were not doing highly valuable work despite being strongly restricted in their operations by current policies. Moreover, there is no doubt that by their mere presence they served as 'watch-dogs' against human rights abuses.

The offices of voluntary agencies were situated within one of the five sections in the camp. Access was physically difficult since numerous gates and guards have to be passed first. As far as the relations between agency workers and asylum seekers were concerned, it was not always clear in whose interest the agency worker acted as they seemed intertwined with the rest of the camp administration.

Relief agencies operated through teams of Vietnamese staff. As men were more likely to come forward and apply for a job they represented the majority of agency co-workers. Western agency staff have the tendency to reinforce gender discrimination on this level believing they would wrongly interfere with cultural norms when recruiting women. Agency workers were bound to be confronted with only one-sided accounts when conducting needs assessments for which services were implemented. As a result, some services have an inherent male-bias and lean towards neglecting the specific needs of women. This was exemplified e.g. by minimally existent recreational programmes for women and by the items sold at the camp shop which are predominantly meant for men.

Unfortunately, it cannot always be taken for granted that needs assessments are made in co-operation with the target population. Frequently programmes are designed on mere assumptions of policy makers which then have even less appropriate services as a result. For example underwear provided in Western sizes were usually unsuitable for Vietnamese women. A further example would be the assumption that Vietnamese girls menstruate not before the age of 16 and women above this age are assumed to be sufficiently provided with one packet of sanitary towels per month. One packet represents a tight supply in itself, and even more so if one has to share with all those girls who start menstruating at an earlier age. The matter gets further complicated when accounting for the fact that male hut leaders, instead of distributing the items to the women in their hut, sold them on the black market or used them to pad jackets and blankets for the winter. Sanitary towels also were extremely useful to protect mouth, eyes or nose in the case of being exposed to teargas attacks by camp officials. The lack of sanitary towels is exacerbated by the fact that there was no toilet paper or pieces of cloth available that could be used as a replacement. This becomes particularly frustrating when considering the tight living conditions and cultural notions of menstruation being a matter of strictly personal hygiene which had to be kept secret.

It can also not be assumed that voluntary agencies have as their primary goal the interest of their 'target-group' at heart. Personal goals may have overriding priority. Humanitarian concerns, in some cases, are replaced by economic, religious priorities, or demands of convenience that do not fit those of the people concerned. The camp shop, selling its items more dearly than the local Hong Kong shops, is one case in point.

Another example is the large-scale prosetylisation efforts by Christian organizations, baptizing people in exchange for material goods. This goes so far as promising Vietnamese asylum seekers that once they have been converted to Christianity their chances for refugee status will be raised.

Lastly, mention should be made of the indiscriminate use of Depo-Provera without adequate explanation which rightly aroused much indignation among refugee women and staff[73]. This contraceptive is a long acting intramuscular hormone injection preventing conception for three months at a time. Obviously, from the point of view of the Family Planning Clinic a three-months injection represents an efficient and effective form of contraceptive which requires only minimal monitoring. However, Depo-Provera is forbidden in many western countries because it is known for its untoward reactions including prolonged, excessive menstrual bleeding, mood swings and depression. I encountered three women who were looking for my advice as they had been bleeding for months, one woman over a year. All three of them had been injected with Depo-Provera several times without adequate counselling regarding side effects and contra-indications. None of them realized the bleeding could be caused by the contraceptive they were using. Instead they believed they had contracted a terminal disease. In addition, since bleeding was perceived as a 'private' matter in Vietnamese culture, the women kept the problem to themselves for too long. All three cases were highly anemic and suffered from depression.

The main short-coming of relief programmes is a tendency to neglect the individual asylum seeker's life experiences and background, cultural contexts, and power relations at work within the community. This is further accentuated in the case of asylum seeker women as their side of the story is represented even less. Agency workers tend to impose on asylum seekers a commonly ascribed identity which entirely neglects the individual's feeling of self and ignores personal identity. Self-ascribed identities are denied in the name of bureaucratic efficiency. As long as relief workers refuse to listen to asylum seekers' voices, both men and women, programmes will not meet the target group's needs.

4.4 VIETNAMESE WOMEN AND SEXUAL VIOLENCE

Although all Vietnamese asylum seekers, men as well as women, living in Hong Kong's detention centres are subjected to violence, women are exposed to additional violence that is aimed at their sexual identity. This is exercised both on the institutional level and on the individual level. These are violent occurrences within the detention centre that take place on a day-to-day basis and sexual violence enforced by male community members.

In order to better understand the dynamics operating in the field of sexual violence, I find it

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73. See UNHCR Technical Support Service (1990:3), or report on Hong Kong by the Delegation of the Women's Commission on Refugee Women and Children (1990:10). Diana Bui (1990:13) writes in 'Hong Kong: The Other Story' that expired IUDs inserted in Vietnam are not removed unless women agree to a depo-provera injection. When I started inquiring I was told as well that pressure was high to opt for the injection if one was determined to get a contraceptive.

necessary to go into a more detailed insight of the Vietnamese cultural heritage based on the Confucian tradition. What follows is an outline of all those values and practices that I perceive as having relevance in the camp context, and which relate directly to the sexual violation of women.

Vietnamese women, perhaps more than in other countries, were able to assert themselves equally in the phase of socialist revolution (Jayawardena, 1986). Within this process they are said to have achieved equality with men in education and in economic and social spheres. However,

> the ideology of the women's movement in Vietnam has not developed to the
> point of questioning the family structures or the notions of female sexuality
> that perpetuate the subordination of women (ibid. p. 212).

Equality between men and women has not invaded the private realm yet. Here it is still the values of Confucianism that rule, hidden dynamics of oppression and discrimination which are determined by the collective internalization of male-dominated ideology. As pointed out by one Vietnamese woman

> their social conditions cannot simply be conceived in juridical terms, and their
> true liberation under socialism so far remains a joke (in Truong, 1984:3).

The family structure in the Confucian tradition is of central importance[74]. A strong emphasis is placed on hierarchy, order and close family ties and not on independence and autonomy of the individual. Traditional Vietnamese formulations provide the family with "near-religious status and endowed the father with quasi-priestly functions" (Marr, 1976:371). A Vietnamese is judged in relations to his/her family and it is the family to which s/he feels ultimate responsibility, the only really important unit. In summary,

> Vietnamese people define themselves in a framework of social values based
> on the relationship and the duties of each individual towards the family and
> the family towards society, and not on individualistic values (Khuong,
> 1988:20).

The Confucian code of conduct requires women to adhere to 'three submissions', and to serve three masters, her father, her husband, and her eldest son. Women internalized submissive norms almost to the point of believing them to be natural law (Marr, 1976:371). This hierarchical relationship from man to woman specifies a defined role expectation. Men are more highly valued and women are expected to be subservient, obedient and quiet.

To be 'talkative' is a highly negative character trait for a Vietnamese woman. This would explain why people in the camp would state frequently that "he would not have to beat her if she

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74. The Vietnamese phrase for 'family' is "gia dinh". The root meaning of "Gia" is "house"; "dinh" refers to a special house where the spiritual and social needs of a particular small village unit are met and discussed. Problems within the family, depending on their severity, are discussed within the family. The more severe the problem, the more 'family' will be called together to discuss, and it is usually the eldest who will finally, after appropriate consultations, come up with a solution. Problems remain within the family circle while the concept of social work agencies in the Western sense do not exist.

weren't so talkative. It is her own fault, she always talks back". Women's silence is the expected norm.

Physical discipline of one's wife seems quite acceptable. Christine Ho (1990:142) quotes Vietnamese living in the U.S.A. as saying that "hitting should be done by hands and not with sticks, and should be done with love rather than anger." As a result, physical violence against women is ideologically and socially sanctioned.

In case a woman happens to be married to a man who mistreats her or endulges in other unrespectable habits such as drinking or gambling, her task is to conceal her husband's weaknesses from the rest of society in order to preserve the honour of her family.

Virginity and one-to-one belonging are the hallmarks of womanhood[75]. Sexual aggression towards a married woman destroys the traditional sense of one-to-one belonging and faithfulness to the husband. It also injures the husband in his authority, his property and his identity.

The principle of 'chastity' in this context was

> not only a defense of virginity before marriage, but also absolute faithfulness towards one's husband, alive or dead, and a purity of spirit that was meant to transcend all worldly desires (Marr, 1976:372).

A common Vietnamese saying conveys it the following way: "A stranger has eaten out of his bowl of rice, and he could not prevent it. Now the bowl is dirty" (Khuong, 1982:3). On the other hand, in Sino-Vietnamese beliefs, having intercourse with a virgin gives a sense of power, of prosperity and rejuvenation to men[76].

A girl is initiated into sexuality with the onset of menstruation which is linked to contradictory implications. On the one hand menstruation is associated with fertility which is seen as positive since it implies the ability to procreate, on the other hand menstruation is perceived as polluting, as something dirty, socially shaming and ostracizing. So for example one avoids touching a menstruating women. Sexuality and fertility are associated with negative connotations and symbols.

The only truly recognized form of sexuality is heterosexuality, sexuality as a means of procreation and motherhood. Issues related to sexuality, such as contraception, single-motherhood, premarital sex, are ill-accepted. In the arena of marital problems, there is a tendency to blame the woman for not taking enough responsibility in the household. Single women have a difficult stance within Vietnamese society and are faced with moral prejudices held by those who

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75. The high value that is ascribed to the preservation of a woman's virginity, "to preserve themselves for marriage", is highlighted by the usual farewell word "Giu minh", which literally means "preserve your body", and that girls hear from their parents when they say goodbye (Khuong, 1988:3).

76. This belief is accountable also for the many testified rape cases by Thai pirates, where specifically young girls were selected as preferable targets, and equally accounts for the rising 'trade' in young girls across the frontier into China where they are forced into marriage with elderly Chinese men.

tend to equate them with prostitutes (Truong, 1984:22-23). The concept of a woman having the right to control her own body seems still far removed.

A logical outcome of the high value placed upon the institution of the family, as well as chastity and loyalty, is the importance assigned to a woman's endurance and perseverance. In other words,

> Women are given support and recognition for enduring hardship and are discouraged from speaking up. Thus, they are taught to accept their suffering rather than change an intolerable situation (Ho, 1990:136).

In summary, it could be said that the Confucian tradition represents a patriarchal ideology which has been part of the Vietnamese for many centuries and is deeply rooted in their conscience. The patriarchal mode of thinking is built into their mental processes and handed down from one generation to the next. While originally Confucian rules and regulations served the purpose of feudal lords and kings, it is self-evident that

> once such beliefs become time-worn traditions,... no one remembers their self-serving origins, they outlive the feudalists whom they once protected. They take on a life of their own that has pervasive influence centuries after their birth (Eisen, 1984:19).

With this cultural background in mind a more detailed analysis of what one observer termed "rampant sexual abuse and violence"[77] experienced by Vietnamese women in detention is necessary. I will demonstrate how in this context the institutional reality of a detention centre with its various controlling mechanisms is experienced differently by refugee men and women.

On the institutional level it is highly unlikely for Vietnamese women to be confronted with officials of the same sex. Even if a asylum seeker woman is confronted with a female official she would probably still have to communicate through male interpreters[78].

The disciplinary practices exercised by camp authorities to manifest their power and control take on different forms when directed at men and women. In situations of detention

> we probably witness the most violent manner of sexual abuse. Men also become vulnerable to such abuse in attempts to be dehumanized by being 'feminized'. In prison, women are doubly vulnerable to sexual abuse, both physically and verbally (Zyl, 1986:4).

Vietnamese men are exposed to a permanent process of emasculization. They are stripped of their former authority as the economic provider of the family. They have to bow to the will of guards and are denied any dignity in front of their wife and children. They are unable to pro-

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77. See Marie Bui article, Beyond el Camino - Standford Review, 'Vietnamese Refugees Treated Inhumanely in Hong Kong', (Febr. 26, 1990)

78. This is not to suggest that female officials would treat Vietnamese women in detention necessarily better, non-violently which is exemplified by the report of a young Vietnamese woman of one of the detention centres who describes an incident in October 1989 when she lost consciousness after a police officer grabbed her by the hair, twisted her arm, kicked and punched her in the stomach and back, and hit her on the head with *her* baton; a doctor recorded injuries consistent with her account (my emphasis) (Amnesty International Report 1990).

tect their family of violent attacks and they have hardly any influence on the conditions of their own life. Vietnamese women are exposed to practices that are aimed at their sexuality. They are subjected to verbal and physical sexual harassment by guards at the gates. They are coerced into sexual favours in return for free passage within the detention centre and for administrative necessities. They may be raped by camp officials or coerced into prostitution in close cooperation with prostitution rings based in Hong Kong itself.

Women asylum seekers, for example, reported that young girls without relatives have been lured into prostitution by camp officials. Those officials received 'big money' from the 'big city-brothers' as they are commonly called by the Vietnamese. Only very rarely are such practices being brought into the open. Data on such cases is virtually nonexistent. Women's participation in investigations of abuse on the part of the authorities is hindered by their fear of severe retributions. At night-time they are left at the mercy of camp officials and they fear that they could jeopardize their own and their family's status determination interview.

The number of reports on sexual abuse that have been confided to me by Vietnamese women when I worked with them are unlimited and often gruesome, but most women would not permit me to make any official reports nor could they be convinced to speak out themselves. In the given state of affairs I was not persuaded either that this would have been to their advantage.

The institutional level extends its power into the community by imposing male-dominated leadership structures which further facilitate the oppression and abuse of women. Patriarchal ideologies of the Chinese authorities here collude conveniently with Vietnamese cultural traditions which condemn women to the private sphere. Institutional practices use the public/private dichotomy to legitimize women's exclusion from the participation in leadership structures. Looking at the management organized leadership structure it can be observed that "patriarchy is not simply hierarchical organization, but hierarchy in which particular people fill particular spaces" (Hartman, 1981:15). The 'particular spaces' in the camp are the inherently powerful positions occupied by male leaders, namely those with decision-making power, access to food and relief items and information. Male leaders are also primarily called upon as witnesses. Vietnamese women are largely forced into dependency, kept at the mercy of male leaders who supposedly represent them fairly.

This concept of the private sphere not only legitimizes gender discrimination in the public arena but also renders severe sexual abuse of women invisible. Supported by Vietnamese tradition (emphasis on self-restraint, submissiveness and perseverance, unquestioned respect for one's husband, the presentation of the picture of the functioning family to the outside) Chinese camp authorities legitimize domestic violence by non-interference or by undermining women's claims with having full cooperation of violent husbands.

In the few cases in which a woman reported her claim of sexual abuse, it was ultimately she herself who would be put into 'segregation' for protection purposes instead of the perpetrator being persecuted for his criminal behaviour. Segregation meant being confined to the 'Closed

Observation Unit', not a pleasant place to be incarcerated. Transfer to another detention centre, if at all considered, mostly involved a lengthy process and ultimately resulted in the woman being removed from familiar surroundings, separated from the only support structures that she had built up, into a new prison with a new regime, where, from now on, she has to fend for her position as a single woman[79].

The implementation of a 'single women's hut' *for* women exemplifies the intricate link between male sexuality and institutional discourse in their manifestation of power through violence. Single women, if they so desired, were given the option to live in a female-only hut where it was said to be easier to secure their protection. As it turned out, however, these women were made targets of the most severe forms of sexual oppression and abuse. They were seen as prostitutes and free to take. Camp officials as well as male members of the asylum seekers' community felt the right to free access of their bodies. 'Big sisters', a few powerful women who controlled and exploited the rest, acted in conspiracy with dominating power structures and played into the hands of their male oppressors. What could have theoretically become an autonomous space for women had been incorporated into male-stream discourses with the cooperation of these women. Camp authorities, under the cover of acting in the interest of women, manipulated this situation to manifest their power over female sexuality.

Violence inflicted by male community members was taking place on a much larger scale then is officially known. The Women's Commission for Refugee Women and Children (1990) reported that

> it takes talking to a young woman who tells how, at night, she was raped by
> three masked men, while holding her child in her arms, to understand how
> little chance these people have (in Forbes Martin, 1992:21).

The concept of rape in relation to Vietnamese beliefs has been well explored by Dao Tu Khuong (1988) who demonstrates in a powerful way how ultimately it is the woman or girl who is left with all blemish and guilt. Indeed, "by this tragedy (rape), a woman pays for the misdeeds of her own family'" (ibid. p.23). By having lost her virginity she has also lost her entire societal value and self-worth. In such a way traditional values legitimate the violations of a woman's most basic right, namely her physical integrity.

Women were raped in a hut of 300 people with nobody interfering or even admitting they knew. No whisper could often be heard from the victim's part, as the only way she would not be scapegoated was to keep the crime a secret between herself and the rapist. Even children

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79. See e.g. CFSI internal report on services for women (3/7/1992).

were targets of rape and sexual exploitation, sometimes the perpetrator being their so-called 'caretaker'[80].

Marital rape is an alien concept to the Vietnamese, negated by men as well as by women. The family is perceived as a 'naturally' non-violent realm and thus by definition can not be associated with rape[81]. The wife being seen as the husband's property is obliged to be subservient to his desires. This notion of "romantic love and its jealous possession of the partner as property provide the masquerade for what can become severe abuse" (Rich, 1980:73).

Pressures towards prostitution may not meet with great resistance in an environment where women are put at the end of the charity line with minimal job opportunities available. Moreover, their situation limits their access to services and protection, to positions of power and decision making. And there is an acute loss of self-esteem, insecurity about the future and a loss of identity. I have been told by Vietnamese women that initially it was primarily unaccompanied women (those married but alone in the camp) who would engage in prostitution, while young single women were more likely to be forced into 'protection marriages'. Over the years, however, prostitution has become much more widespread, increasingly also including young single women. The price for a prostitute was said to be 20 Hong Kong Dollars (3 US$). To engage in sexual activities with camp authorities would largely be rewarded with material goods or the promise for an outing over the weekend. Prostitution outside the detention centre is more lucrative for women and some of them therefore try to escape the camp confines. Escape is an offense which is punished with imprisonment (up to 3 months) either in the Observation Unit, the Maximum Security Section or in a regular Hong Kong prison. The 'special treatment' some of the female Vietnamese asylum seekers report to have received during incarceration is horrific and was never talked about openly.

The high percentage of unwanted pregnancies is in part a result of women being forced into sexual relationships[82]. To obtain an abortion under Hong Kong law is extremely difficult and is only provided on a highly selective basis. Single women, especially teenagers, were very reluctant to attend the Family Planning Clinic as that was seen as culturally inappropriate. To keep an appointment with the clinic secret was virtually impossible as firstly, women were called over the loudspeaker and secondly, the queues lining up in front of the clinic were widely visible. As a result many women, in particular the younger ones, would attempt to abort themselves. The most common recipe was to drink a bottle of 'Chinese White Flower Oil', an

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80. See Steve Muncy (1992) 'Unaccompanied Minors in Hong Kong: Wounded, Guarded, and Depressed', in: Impact, Issue no.7.

81. MacKinnon argues in the context of rape that "taking rape from the realm of 'the sexual', placing it in the realm of 'the violent', allows one to be against it without raising any questions about the extent to which the institution of heterosexuality has defined force as a normal part of the 'preliminaries'. Never is it asked whether, under conditions of male supremacy, the notion of 'consent' has any meaning (quoted in Rich, 1980:73).

82. A further reason is the fact that abortion in Vietnam is almost used as a form of birth control and is reported to be easily available.

extremely hot and acid fluid causing serious health problems which usually implied hospitalization.

The glorification of the Vietnamese family, the pressure to persevere in order to count as a woman as defined in Vietnamese society, combined with the pressure to save the respectability of one's husband, explains the extreme reluctance of Vietnamese women to report domestic violence. I witnessed numerous cases where it was clearly visible that women had been physically abused by their husbands yet they would not mention a word with regard to their suffering. Domestic violence has increased significantly over the years, both in quantitative terms and in the degree of severity[83].

Camp authorities as well as Vietnamese men exploit the highly praised character trait of Vietnamese women's 'perseverance'. The former legitimize women's abuse not only by ignoring it, but also by generally advocating and particularly by advising the western social workers that they "should not get upset about Vietnamese women being beaten as they are capable of enduring hardship, are used to being physically disciplined, and anyway do not know any better". Vietnamese men, under the banner of their women's 'bravery' use them as barricades during riots in the camps so that they form the first line of defense (RCHK, 1991:153).

Violence, as in many other refugee situations, remains a central problem in the Hong Kong situation. Ferris (1990:7) argues that if women's protection needs were given top priority by UNHCR, then most of the community's protection and assistance problems would be solved. However, serious interference of strategic gender interests would stir up considerable motion; the kind of motion which generally is kept under cover so as to keep a working relationship going. It would threaten the dominating patriarchal system, challenge prevailing forms of unequal gender relations as well as attack structural violence which is in part supported by camp authorities themselves.

In summery then, these are the main reasons why the records of sexual violence against Vietnamese women in detention are only inadequate reflections of their degree, nature and extent. It is well known that women show great reluctance to speak out about sexual violations in the presence of a male officer. Next to cultural inhibitions, Vietnamese women are silenced by non-existing mechanisms for witness and victim protection. After allegations have been put forward chances are high that she, and other possible witnesses, are returned to the same confines as the offender, where they become prone to recriminations. Having to report through interpreters who are known to press-charge individuals for keeping information confidential only aggravates the already highly volatile circumstances. Camp officials who take down the reports and who are the judges over right and wrong are themselves possible sources of sexual violence. Furthermore, they are frequently reported to give less weight and credibility to the statements of women in comparison to male hut leaders who are called in to witness.

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83. This was explained to me in recent interviews with UNHCR-Hong Kong, Social Services Section and various NGO workers.

From the above it can be concluded that power relations in the detention centres are highly asymmetric and are held in the hands of a few who are given wide-ranging discretion to reign over an enclosed community. These few appear intent to institute a regime of arbitrariness and anarchy and ascribe to themselves a self-styled discipline and ideological power. In addition, it has been highlighted that aside from power being disproportionately distributed, wherever it resides it is confined to male possession. It appears that control over any notion of 'justice' is in the decision-making power of male police officers, control over speech is in the mouth of male interpreters, control over distribution of material goods and information is in the hands of male hut leaders as well as control in the witness stand. One has to listen very consciously and willingly if one intends to catch the 'whisper' of refugee women's voices.

4.5 FORMS OF RESISTANCE AND COPING

"There are no relations of power without resistance", Foucault wrote. Having analyzed the power relations in operation concerning the detention centres in Hong Kong, it is apparent that Vietnamese asylum seekers are stripped of power and denied a voice in their own right. They largely lack the social power to express their version of knowledge in institutional practices and are merely left with the discursive space available to the individual in order to resist dominant subject positions. Foucault writes that discourse not only transmits, produces and reinforces power, but also

> undermines and exposes it, renders it fragile and makes possible to thwart it.
> In like manner, silence and secrecy are a shelter for power, anchoring its prohibitions, but they also loosen its hold and provide for relatively obscure areas of tolerance (Foucault in Weedon, 1987:111).

Wherever and whenever possible, refugees will try to thwart the dominant discourse to their benefit, and will identify the 'obscure areas of tolerance' and to exploit them to the limit. Such an approach theorizes refugees as agents of change rather than passive victims, actively shaping those aspects of discourse that are within their scope of influence.

Despite the highly restrictive policy practices in Hong Kong, there is a range of different forms of resistance apparent among the refugee community that can readily be identified. Not all of these attempts necessarily bring about change or work to the advantage of the individual or the community. Nevertheless, they can be powerful signs of clear opposition to the ruling discourse. This includes the numerous hunger-strikes by Vietnamese asylum seekers, or the self-mutilation in form of stabbing and slashing in front of agency personnel, women stripping naked in front of police in riot gear, to protest against unfair screening procedures with the looming reality of forced repatriation. As asylum seekers are largely denied contact with the outside world and vice versa, such contesting discourses can easily be hushed up, trivialized, repressed and ultimately be rendered ineffective by dominant subject positions.

Focussing on Vietnamese women in detention I will proceed to analyze how women cope and resist with regard to prevailing oppressive mechanisms. Firstly, I will identify the areas where women attempt to thwart dominant discourses in order to influence their chances for resettle-

ment in a third country, and secondly I will concentrate on forms of resistance that are geared to securing their protection and safety within the confines of detention.

Many rumours are circulating within the refugee community as well as in Vietnam regarding the criteria that secure resettlement and enable passage through the Refugee Status Determination Procedure. Although the Vietnamese are strategically in a weak position as they are not party to establishing those criteria, they will nevertheless attempt to transform their identity to increase their chances to qualify for the label 'refugee'. Unfortunately rumors are not always correct and therefore also tend to provoke responses that ultimately serve more to their disadvantage[84].

By and large, the most common practice pursued by single women to secure their resettlement is aiming to get married to third country citizens or to Vietnamese men who have already obtained refugee status. Such 'marriages of convenience' have steadily increased, particularly since forced repatriation has officially been implemented and since the number of 'screened-out' persons has increased. Extensive profiles of female Vietnamese asylum seekers are in circulation within the refugee community in open camps, as well as within the local Chinese community. An increasing number of female asylum seekers are also reported getting married to camp officials.

These particular arrangements are largely a question of money and available connections. If one has strong family connections abroad, chances are high that a relative or close family friend will come to the rescue. Arrangements made outside the family context largely depend on payment, and the amount of money available. The most expensive deal involves potential husbands with 'tickets to the free world', overseas citizens. Hong Kong Chinese residents are possibly less expensive as their offer is overshadowed by the gloomy reality of 1997, when the territory will be handed back to the People's Republic of China.[85]

The least favoured on the 'marriage' market are those Vietnamese refugees who have lived in open camps for years but have not been resettled in a third country due to a history of mental decease, a criminal record or drug related problems. Unfortunately, women in the detention centres are not always aware of the life histories of their future partners and as a result can get trapped in very abusive relationships with no imminent future for resettlement. Social workers in open camps state that wife abuse in the context of 'marriages of convenience' are some of

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84. E.g. parents would separate from their children since 'unaccompanied minors' were said to have more chances for resettlement. This assumption turned out to be quite wrong. Not only do the 'special procedures' (refugee status determination procedures implemented for this group since February 1990) take too long (at times even longer than regular procedures) but in most cases the repatriation of unaccompanied minors back to Vietnam is decided to be 'in their best interest' (more on 'special procedures' for unaccompanied minors: Lawyers Committee for Human Rights 1992, RCHK 1991, Gow 1991, UNHCR-TSS report 1990). A further example are e.g. husbands registering as single so as to speed up resettlement, not realizing that family reunion with his wife at a later stage is extremely complicated when she does not appear on early records. The one to pay for such ignorance is the wife who will have to remain in detention for a prolonged period of time.

85. Various sources in Hong Kong reveal that the average amount of money that has to be paid for an arranged 'marriage' with an overseas husband are US$ 5-6000. For a Hong Kong Chinese citizen it is around US$ 3-4000.

their most frequent and serious cases. A further problem that arises are young girls being pushed into such 'marriages' by their parents as a last resort for their daughters.

If the money for an outside arrangement is not available or no feasible partner can be located, a further option is to marry a man whose life history promises high chances for positive 'screening' results. These would include e.g. those men with an extensive record of 'persecution', those with strong affiliations with the past government of South Vietnam, or those with close relatives abroad willing to sponsor the whole family unit.

Not only single women are trying to escape detention through marriage. An increasing amount of couples are seriously considering a legal divorce to then launch into arranged marriages. This process is frequently coupled with severe emotional upheavals, in particular when it is only one partner pressing for this option.

The above examples demonstrate that although there is scope for women to undermine and thwart the dominant discourse, it is not necessarily to their advantage and at times even contributes to additional traumas exposing them to new sources of pain.

Another manner to transform one's identity to fit better into pre-established criteria for refugee status and resettlement is the forging of documents. With money available all kinds of documents can be purchased such as marriage certificates, divorce certificates, documents that prove former membership of the South Vietnamese army, etc. Such papers have a high value and are traded widely.

The forms of resisting that women develop to secure their safety and protection are manyfold, ranging from very overt to much more covert struggles, from unorganized to organized forms, both in the private as well as in the public sphere. Plenty of examples can be found in detention centres where various forms of resistance patterns evolved out of the suffering experienced, or due to the fact that women faced with socio-economic changes were forced to take on new roles.

Resistance does not always result in the formation of a new discourse and change. Some women internalize suffering, develop psychosomatic symptoms, fall into depression, and even commit suicide. Others escape into the mainstream discourse and preserve 'endurance' and 'perseverance' as their leading banner. A third group are the 'big sisters' who collide with dominating power structures against the interests of the majority of women. Others again find comfort in traditional support structures such as the services of 'shamans' (traditional healers). Also the Buddhist or Catholic communities in spite of leaving ruling structures untouched can bring relief to the individual.

From what I have observed in the detention centres it was only when resistance is communalized that there was potential for 'change', for a sense of power, and for a new discourse. When I talk of 'change' in this context I refer to collective strategies that brought about alleviation for women.

The establishment of the 'Women's Group' was such a collectivized effort initiated by women

in the detention centres who felt the need to organize themselves in order to improve their living conditions. The central concern of these women was their own and their children's protection. A group of five women began by creating for themselves an 'autonomous space' where they could meet on a regular basis to discuss their problems, exchange their ideas, their experiences, and their sufferings and reflect on power structures within the detention centre and how they affected their lives. The 'autonomous space' was provided by one of the voluntary agencies. The women were given access to a container twice a week were they could enjoy the privilege of privacy.

Over the months this group multiplied and a growing number of needs and resources were identified. It was decided to organize formally, to spread into all the sections of the centre and to appoint women leaders. 'Alliance building' with NGOs was one of the strategies used by the women to promote their goal since aid-workers could assist in lobbying with camp management for e.g. access to other sections.

Once a network had been established and the women were respected by the community as well as by NGOs they saw the need to become involved in the official leadership structure. This would provide them with the power to exert more effective and wide ranging influence. It also involved alliance building with the camp management body as the controlling institution.

Before engaging in alliance building with this strongly dominant structure the intricate relationship between the camp as a controlling institution and the women had to be considered. From the perspective of refugee women this relationship is not clear but rather complicated and of a double-standard. On one level women feel the need to fight and oppose oppressive practices. On another level they look to the same institution to provide them with protection. At a third level women need to get access to the organizational leadership structure which would facilitate their participation in positions of power. It is a relationship which is far from simple and is deeply interwoven with the overall power relations that involve intricate political agendas.

However, institutions are not 'undifferentiated molochs' (Wieringa, forthcoming, p.8) but incorporate 'leverage points' which provide potential in-roads to undermine and expose dominant discourses. "Obscure areas of tolerance" can be turned to advantage. One such 'leverage point' e.g. were officials who were more sympathetic towards the particular needs of refugee women. These officials who formed a channel into the management body were identified by women. Sympathetic officials were used to reprimand husbands who abused their wives, to exert authority on behalf of women who had been harassed or molested, or to obtain temporary reallocation into other sections to escape an abusive relationship. Because of the high turnover of management staff such channels unfortunately only formed very weak and unstable links and were highly dependent on individual personalities. Consequently they formed no basis to set up reliable procedures that could act in favour of women's protection needs.

At the point when women became seriously involved in attempting to obtain official representation in the leadership structure (engaging in *strategic* gender interests rather than *practi-*

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cal ones and thereby threatened dominating structures, i.e. the patriarchal discourse *per se*), their attempts were suffocated almost instantly. Up to the day I left, women had not managed to get access to the official decision making bodies. They had not been given permission to send delegates to represent them at meetings with the management, but instead were persistently told that they were represented appropriately by their hut leaders. This argument was supported by camp officials, by the official hut leaders and even by some of the NGO workers who felt that 'women leaders' would go against Asian cultural principles.

The support structures built up by the women could nevertheless be used as an 'alleviating network', providing several mechanisms that improved women's lives in the detention centre. Besides representing a private meeting ground where women could strengthen and support each other and strategize within the discursive space they had created, they also managed to be respected within the community and were therefore able to exercise some authority. It became more usual, for instance, for heavily abused women to seek refuge and help from the Women's Group. Especially some of the elderly women used their seniority and the respect that goes with it, to reprimand abusive husbands, replacing the roles of missing extended family members.

The established network was used to channel information in such a manner that it reached into all corners of the community in the quickest possible way. When a community member misbehaved by e.g. intimidating or abusing women, the network also spread widely gossip about the man. This made him loose face, set limits on his actions and put him back in place without having to involve outside assistance.

Informal women leaders lobbied with NGOs for employment as agency co-workers and used their network to build up a referral system. As a result it became much easier to reach vulnerable groups and for vulnerable groups in turn to reach aid-workers. It is due to the efforts of the Women's Group that the UNHCR office employed their first female Vietnamese staff member as an outreach worker as well as a female interpreter which improved the protection services for women and made the office more accessible to female clients. A similar effect could be observed with the Family Planning Clinic once a leading Women's Group member was officially employed by the agency.

In the Women's Group itself, women were strongly supportive of each other and quite cohesive in their efforts and aims. This is not to say that there was no rivalry, were no power struggles, differences of opinion, or no suppression of less prominent and less vocal discourses. For instance, rivalry existed between e.g. the ethnic Chinese and the ethnic Vietnamese, in part exacerbated by camp officials favouring the Chinese community.

Antagonism could also be noted between the Southern and the Northern Vietnamese. The former had a tendency to look down on the latter and enforced long-standing stereotypes and preconceived notions of the North-Vietnamese as ignorant, less educated, dirty, violent and 'communist', as well as perceiving them as lowering the general chances for the Vietnamese to be accepted as refugees.

Elderly women at times suppressed discourses of the younger generation by mere exploitation of their 'inherited' position of seniority. This could imply that traditional discourses, often in compliance with the status quo, obtained overriding authority whereas new evolving roles were restrained from developing a power base. Moreover, a great respect for hierarchy and order brought with them from Vietnam, gave very strong authority to appointed women leaders. Once she had obtained her position she would only rarely be challenged by anybody.

Despite these existing intra-group struggles and the differences amongst women themselves, there was, at least, a ground of *common* interest that was stronger than any differences amongst them. All of them were uprooted from their home country, from familiar surroundings, and all of them were faced with a serious lack of protection, forced to live in an environment that was far from adequately catering to their needs and concerns.

The efforts of the Women's Group no doubt made a difference to the lives of Vietnamese women in the detention centre, alleviating some of their suffering and oppression. However, the dominating patriarchal structures remained in place. Despite the fact that Vietnamese men were deprived of their role as the, at least partial, breadwinner of the family, and also were subjected to the arbitrary regime of the detention centre, they nevertheless remained in dominating positions. The male dominated gender-relationship which formerly was largely supported by an 'economic bargain', was substituted by a 'protection bargain' in the detention centre, facilitated by patriarchal structures of culture, sexuality, violence, and the state. These structures are interrelated and reinforce each other in such a way that female Vietnamese asylum seekers were rendered dependent on male protection, decision-making, and representation which in turn structured their lives in all aspects.

Besides being forced into an environment that does not provide an appropriate framework for women's protection, the uncertainty caused by an unknown future left women with little confidence to engage in serious patriarchal bargains which, under the circumstances, could ultimately only leave them more vulnerable than before.

From the above discussion it can be concluded that asylum seekers in Hong Kong's detention centres displayed many forms of resistance, despite the fact that their scope to manoeuvre within such totalitarian regimes is minimal. In this environment, where despotism constitutes the leading rule, women in particular were pushed to the lowest echelons. In reaction to suffering, and the desire to secure their protection and future, women reacted in multiple ways, including passive and active, formal and informal forms of resistance, as well as collectivized action on a communal level. This involved careful formulation of strategies within this most volatile situation, utilizing personal autonomy, autonomous space, formal organization and alliance building as central conceptual tools. The establishment of a support structure, reaching widely into the community, had important and significant impact, despite being confronted with numerous obstacles. It is these existing efforts and struggles of Vietnamese women in detention that need substantial support and encouragement from aid workers. The active involvement of the women themselves would provide an assessment of their 'true' needs and facilitate a much more effective service delivery. This would also open up the great potential of

these women's own resources which could be further developed. The mere donor-recipient relationship would in this way be transcended.
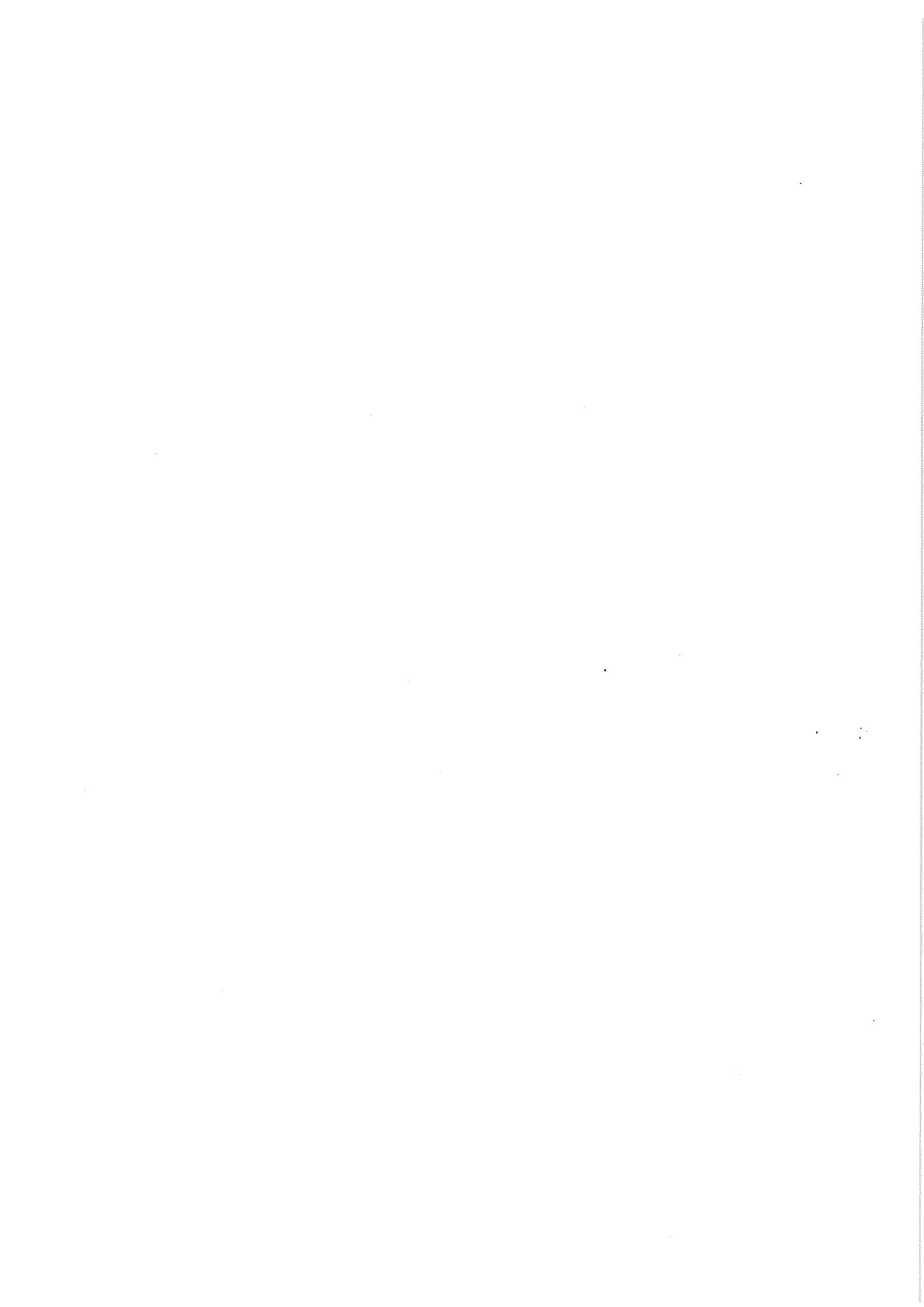
CHAPTER V

CONCLUSION

The focus in the analysis of the detention centre regime in Hong Kong has been on how Vietnamese women's interests have been incorporated in the broad policy discourse governing these centres, and the impact this had on their situation. In the analysis it has been shown that gender, even if only as an organizational element of humanitarian assistance, has largely been ignored. It has also become apparent that such ignorance has resulted in male-biased policies, far from any gender neutral notions, and has acted to women's detriment by forcing them into disadvantageous positions.

Violence has been identified as a central phenomenon that has been nurtured in this authoritarian setting, featuring dominantly both on the institutional as well as the community level. Both men and women have been subjected to violence on either level, but it is important to recognize that the expressions of violence varied. Women have been affected differently because of their gender and the violence they are subjected to has been successfully covered up by male dominated power structures. This is not to trivialize what happens to Vietnamese men in detention, but to emphasize that the violence directed at Vietnamese women in this context is of a particular nature, aimed at her as a woman which is directly linked to an unequal distribution of power, i.e. asymmetric power relations that prevail on various levels.

The extent to which Vietnamese women in the detention centres in Hong Kong have experienced such disadvantages, and the violence that it accompanies, has to be seen in the wider domestic and international context. As discussed in chapter II and III this includes: 1) the development of a refugee discourse that has become increasingly restrictive over the last three decades. 2) the evolution of policy formulation in the area of relief in relation to the general policy discourse. 3) the inherent weaknesses and limitations of humanitarian assistance programmes in their service delivery. And 4) the particular cultural context.

The concept of 'discourse', as developed by Foucault, has proved to be helpful in analyzing the changing rules and regulations of policy responses with regard to refugees in a historical context. It can be utilized to demonstrate that the concept of 'refugee' is far from representing a normative and continuous entity, but has shifted according to wider international power relations. It is therefore necessary that one looks behind the construction of these concepts, placing the emphasis on the analysis of how power operates, and how power is distributed. Questioning the political agendas involved in the evolution of particular concepts at a specific time and place is of vital importance.

A historical analysis of the refugee discourse illustrates a clear deterioration in attitudes by refugee receiving nations towards those who seek asylum, starting off with broad notions of 'prima facie' refugees to those of a fierce 'humane deterrence' policy. One of the outcomes of this notion is the incarceration of asylum seekers in 'total institutions' entirely separate from the host community, with minimal contact to the outside world, until such time that their status is determined. With only a few adjustments, Bentham's panopticon has been a perfect

'model' to describe and analyze these total institutions. Asylum seekers under these conditions are more and more left with minimal access to legal representation to pursue their claim for refugee status against an increasingly hostile and all-powerful state.

Furthermore, the increasingly restrictive practice of detaining asylum seekers in prison-like conditions for indefinite periods of time, violates international standards and agreements in the field of human rights as defined by the United Nations. Among others, this study has exemplified how asylum seekers in their search for freedom and protection, are confined under the most disgraceful and inhumane conditions. They are left at the mercy of a regime that reigns by the 'rule of the jungle'. Executive authority is given to an administrative security body whose aim it is to control the 'inmate' and to deter others. This demonstrates only a minimal willingness at best to protect and adjudicate justice over the incarcerated community. As third countries are providing less and less resettlement places for Vietnamese refugees, they provoke 'the door is closed' fear and a sense of hopelessness is steadily growing.

With regard to gender configurations of power this study drew upon feminist critiques of Foucault's concept of discourse and power, as he does not pay explicit attention to asymmetric power relations, or to how gender and power relations are intertwined and fed into each other. In the case study it became clear how gender relations were of an unequal nature, dominated by patriarchal discourses. This was demonstrated by e.g. women being disadvantaged in the refugee status determination procedure because of their specific situation not being adequately reflected in the respective legal instruments. Further examples are the disciplinary mechanisms applied by acting security bodies which have not been gender neutral, but have been exposed as aiming towards women's sexual identity. They range from verbal and physical sexual harassment to rape, coercion into sexual favours, and the forcing of Vietnamese women into sexual relationships and prostitution.

In the context of the process of policy formulation in the area of relief, it has been illustrated that the ever more restrictive refugee discourse has inherently affected policy responses on the assistance level. No scope is left for any development-oriented approach but rather forces asylum seekers into passivity and renders them entirely dependent on the donor community and its bureaucratic machinery of assistance delivery. Under these conditions assistance programmes, moreover, are provided with only minimal room to manoeuvre in which, *inter alia*, infringes upon the protection mandate of UNHCR.

With particular reference to refugee women and in response to the above, UNHCR has only recently drawn up comprehensive guidelines concerning their protection needs. However, the recommendations resulting from these guidelines have largely not as yet trickled down to the field level and have failed to reach the stage of implementation. Furthermore, the quite recent phenomenon of a 'humane deterrence' policy as it is pursued in Hong Kong and the wide range of protection problems that evolve out of such practices, have not been adequately addressed to date.

Aside from humanitarian assistance programmes being infringed upon by the increasingly re-

strictive refugee discourse, it has been demonstrated that the programmes themselves are prone to weaknesses and limitations in addressing their targets' needs. In this context the concept of 'labelling' has been identified as one of the dominant practices utilized by the donor community. The concept, as explored by Zetter, has been a useful tool to analyze the strongly donative notions of humanitarian assistance programmes. People are portrayed as beneficiaries and recipients and lack active participation. In particular, the 'process of stereotyping' has become of central relevance. In the name of bureaucratic efficiency people are 'depersonified' despite the fact that as a group they portray a highly heterogeneous character. Moreover, as illustrated, the label 'refugee' tends to reveal more about the agenda of policy makers than of the target group itself.

What Zetter in his discussion of the concept of labelling has not explicitly elaborated upon is how refugee women fare within such a framework, how gender is incorporated in the concept of labelling, and what happens to women in the process of stereotyping. An analysis of this additional dimension has exemplified that assistance programmes tend to be inherently gender-blind. The refugee is stereotyped as a 'he', and women's special needs, concerns and resources are ignored. A further consequence of such ignorance is the common application of the concept of the 'nuclear family unit' as a tool to allocate resources and services to refugees. Administrative structures have marginalized women by this practice and placed them at the end of the charity line. Their protection was in turn infringed upon and left them highly vulnerable to oppressive and exploitative practices enforced by both camp officials and community members. It is important to recognize gender as a central element in the process of establishing policy agendas in relation to humanitarian assistance, and to recognize that protection issues concerning women are directly related to gender-blind assistance programmes. .

The extent to which Vietnamese women in the detention centres have been disadvantaged, and the concurrent violence this entails has also to be seen in the particular context of the peculiarities specific to the culture that is ruling people's lives, constructing women's sexuality and defining their roles within society. The norms as to what constitutes a 'proper' Vietnamese woman has been taken predominantly from orthodox Confucianism, norms and values which still rule the private sphere of most Vietnamese today. Confucianism places a strong emphasis on hierarchy and order. The hierarchical relationship between the two genders place women in a clearly subordinated position to men, whereby, in a process of social conditioning, men internalize the role of the possessor, and women accept the role of the obedient and subservient party. These roles are based on prejudices which ultimately justify the oppression of women and the violation of their rights. While I regard it as crucial to take the specific cultural context into consideration, it also has to be noted that this is only *one* determinant of women's subordination and the consequent violence against them. An over-emphasis on patriarchal cultural discourses hides the fact that violence against women is a far-reaching structural problem manifesting itself in all other institutions governing Vietnamese women's lives in detention.

In this particular case study unbalanced power relations have become evident firstly, in the top-down organized leadership structure prevailing in the detention centres as implemented by camp management (a predominantly male institution itself). They have been formed at the ex-

clusion of women on the grounds of preconceived notions relegating women to the private sphere. Secondly, unbalanced power relations also persist in the distribution of positions of power (such as food distribution, access to information and decision making), which are almost exclusively given into the hands and control of men. Thirdly, the executive body regulates an unequal balance of power between men and women, and more specifically violence against women. Only the most restrictive legal definitions are applied and many cases are not interfered with. In this way, either explicitly or implicitly, many forms of sexual pressure or violence against women are sanctioned. Lastly, humanitarian assistance itself has shown to have a part in reinforcing unequal power relations between men and women in such conditions. Patriarchal notions are upheld on the basis of perceived 'cultural' norms. Under the banner of non-interference with cultural practices, aid workers often are in silent complicity with those violating women's rights.

From the above it can be summarized that a relationship exists between the violence Vietnamese women in detention have to endure and the imbalance of power-sharing. The origins of such violence are the function of the institutions set up for asylum seekers and reflect the cultural norms regarding women as possessions of men.

When analyzing refugee situations it cannot be ignored that the migratory process as well as influences in the new environment potentially challenges former socio-economic roles and family constellations, and also the balance of former gender relations. With regard to Vietnamese asylum seekers in Hong Kong such changes were identified. Whereas in the home context the man is at least partly the breadwinner of the family, in the detention centre he is deprived of any economic activity. The same applies to women, although their role and responsibilities within the 'home' and with regard to the care of children are partially still in place. Moreover, the high degree of authority enjoyed by men has been undermined by emasculating practices undertaken by camp authorities so as to humiliate men's sense of pride and dignity. The ultimate control over his and his family's life is taken out of his hands and so is any feeling of being capable of protecting his kinship which is instead taken over by the administrative body of the total institution.

As far as family constellations are concerned they have been altered by both the migratory process as well as the bureaucratic machinery *in situ* and, last but not least, the aims of the 'humane deterrence' policy. Numerous families have not left as a unit but split up, with part of the family possibly arriving at a later stage. The bureaucratic machinery of the host country was found to be obstructive to the preservation of family unity and ignorant towards any notions of unity that surpass the restrictive formula of the nuclear family. This runs contrary to any conceptualization of the family of the Vietnamese themselves. While this provided some women with the opportunity to escape the tight control of family in-laws, for many it also meant the destruction of formerly existing support networks which left especially the single and unaccompanied women and girls in a vulnerable position.

The conditions in the new environment showed largely to have further reinforced unequal gender relations. This is mainly due to the constant threat posed by (sexual) violence as a result of

the far-reaching structural oppression women are faced with in the detention centres, and the virtual lack of a legal framework that can provide adequate protection. This hampers women in their actions, undermines their bargaining power, restricts their movements and legitimizes men to appoint themselves as their only true 'protectors'. Unequal gender relations which were formerly largely upheld by an 'economic bargain' have in detention centres been replaced and reinforced by a 'protection bargain'.

What this study has brought to light is that the concept of 'detention' and 'humane deterrence' implicitly creates, and is responsible for, violence in general, and in particular against women. In this situation violence can take root and flourish. In addition, violence against women is embedded in a web of male-dominated power relations that structure and determine their lives on various levels. These power relations are interwoven and reinforce each other in such a way that the practice of sexual violence can be silenced, covered up, perpetuated in its occurrence, and even legitimized in its existence.

There remains a vehement resistance to even initiate research into this field because of the fact that we are dealing with a highly complex system which has developed over time and is deeply rooted in 'male' -stream discourses with a strong institutional base. This explains the great lacunae of official data and hides the degree, nature and extent of (sexual) violence women are subjected to.

In line with Foucault's theory on resistance this case study has demonstrated that the forms of resistance in the detention centres displayed by Vietnamese asylum seekers are manyfold. From within their individual discursive spaces they have resisted dominant subject positions and have exposed, undermined, and thwarted the dominant repressive discourse.

Responses of people to authoritarian prison-like regimes are a reflection of the degree to which they have been pushed with their backs to the wall. Women asylum seekers in Hong Kong were subordinated to such an extent that their only resort was to organize themselves to both alleviate their suffering and to help them cope with the totalitarian detention centre system. Following certain patterns of resistance that have proved to alleviate the lives of other women worldwide and which involve features such as formal networking, personal autonomy, autonomous spaces, and alliance building, Vietnamese women in detention centres in Hong Kong were able to organize themselves as well evoking a sense of empowerment and change. They managed to establish a support structure that has had a significant impact on many of them and might have the potential to transfer some of its seeds beyond the walls of detention to wherever their final destination will be.

Despite this development though it has appeared that the stronger the suffering, desperation and hopelessness they were subjected to, the more forceful were not only their actions of resistance but also the clamp down of the authorities. Thus, one could argue, resistance appears to be a function of the degree of repression.

The forms of resistance of the Vietnamese asylum seekers in general will become even more forceful on the day when their hope for a better future has largely dwindled away. They will

react fiercely once the authorities attempt to forcibly repatriate those who feel that they can not return to Vietnam for whatever reason, those who feel that their claims for refugee status have been handled inappropriately and unfairly, and those who got themselves organized during the years in which they had to live under 'hardened-prison-like' conditions. Early attempts of women's resistance and camp authorities' responses, which so far have rather been the exception, will then become the norm. Women stripped naked in protest to being evacuated for forced repatriation. Mass hunger-strikes were held by men, women and teenagers. Women and children lined up strategically facing the Police Tactical Units during riots. A pregnant woman being carried onto a waiting plane struggled fiercely in the hands of four policemen. In response policemen in riot gear fired teargas into huts full of people and frisked an eight year old girl for weapons in full view of the entire detention centre community.

The literature to date has largely focused on refugee situations where prison-like conditions such as the one prevalent in Hong Kong are nonexistent. Virtually no systematic research has been conducted yet on such environments. Considering the Hong Kong context it indeed might be much more relevant to review and assess the literature on prison systems and the effects of long-term imprisonment in correctional institutions.

Aside from asylum seekers being imprisoned without trial for an indefinite period of time, which forms a distinctly different point of departure compared to regular prisoners, it also has to be taken into account that prison literature deals with settings of confinement that do not involve the incarceration of both sexes within the same institution. It will therefore only partially cover all the protection problems and needs that are faced by women in detention centres such as in Hong Kong. From the literature I have consulted so far, a multitude of parallels can be found, however, which would enrich our knowledge in regard to asylum seekers. This research would further profit from a growing infusion of feminist theory.

In doing so, special attention needs to be paid to insights gained in the field of violence against women. From a legal point of view women asylum seekers in detention have to be examined differently not only in respect of the Refugee Convention but also the Universal Declaration of Human Rights. Nearly all international instruments and agreements in the field of human rights see the violent treatment of people, including sexual violence, as a serious infringement upon their rights. Yet the recognition that women need to be afforded special consideration has not materialized to date.

International networking with movements that fight the violation of women's rights in various parts of the world and which have accumulated valuable insights over the years might be one of the long-term strategies to be pursued with regard to alleviating the situation of refugee women and the growing threat of violence they are faced with (e.g. Women's Rights Project at Human Rights Watch, the Women's Programme of Amnesty International, Sisterhood is Global Institute, or the Dutch Refugee Council).

In the meantime, the central issue in Hong Kong should encourage and press for the active participation of asylum seekers in the running of their own lives, and ensure the equal and true

representation of women. The protection of women in detention is most effectively supported by assisting the struggles that have evolved from the community itself. The women themselves know best how they wish to be supported and what constitute the most effective initiatives and safeguards to be implemented. Only by listening to women's voices can we ensure that the ultimate policy measures taken do not run counter to their interests. Aid workers can leave the confines of detention whenever they want to, the women asylum seekers can not. They are left behind day and night at the mercy of the system that breeds the violence from which they seek protection.

Listening to the suffocated voices of Vietnamese asylum seekers in general and women in particular is a first step if we intend to improve their rights and increase their choices. Self-empowerment of people makes it pertinent that we listen to their interests, concerns and needs and become aware of their resources.

The second step must be dedicated to efforts that make these voices heard. The voices of Vietnamese men, women and children in detention in Hong Kong might press the international community to respond by working towards a legal and humanitarian framework for asylum seekers and their particular needs that go beyond Concrete and Steel.

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