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Securitisation and Transit: Refugee Women and the Journey to the EU

Abstract

European Union (EU) Member States have cultivated the 'securitisation of migration' (Huysmans, 2006), crafting a legal framework that prevents irregular migrants, including asylum seekers, from arriving in the EU. As external and internal border controls are reinvigorated to achieve this aim (Weber and Grewcock 2011), the experiences of asylum seekers beyond the EU border, in designated 'transit' countries, necessitates further inquiry. Concepts of 'transit' are shaped by Government accounts of 'secondary migration' as illegitimate (Oelgemöller, 2010, Düvell, 2012), and asylum seekers as a security threat warranting containment (Huysmans, 2006, Bigo, 2001). Based on interviews with Somali refugee women who have travelled through North Africa to reach the southern EU Member State of Malta, this article traces the impact of the securitisation of migration on women's experiences of 'transit'. Women's stories, historically neglected in the literature on migration (van Walsum and Spijkerboer, 2007), provide a lived account of securitisation and the gendered ways functional border sites (Weber, 2006) operate beyond the EU, enlisting state and non-state actors in producing direct and structural violence. This article argues EU policy is blind to the lived realities of those who seek refugee protection in the EU, and urgently needs to address the structural contradictions exacerbating violence experienced by refugee women in transit.

Introduction

One of the objectives of the European Union is the gradual creation of an area of freedom, security and justice, which means, inter alia, that illegal immigration must be combated. (EC, 2002: 62)

As this statement from a European Union (EU) Directive on unauthorised arrival makes clear, the battle against illegal immigration is intrinsic to the EU project of creating an area of 'freedom, security and justice'. Huysmans (2006: 64) sets out three themes that he argues are part of the EU's 'multidimensional process' of securitising migration – internal security, cultural identity and the crises of the welfare state. Securitisation uses many 'techniques of government' (Foucault, 1991) to permeate migration, three of which are central (Huysmans 2006). First, securitisation seeps into policy development and implementation. Second, securitisation is mobilised through political discourse that exaggerates the risks of migration and asylum. Third, securitisation constructs migration as a security problem and poses

security solutions as the only viable remedy. Based on interviews with refugee women who have travelled through North Africa to reach the southern EU Member State of Malta, this article traces the impact of the securitisation of migration on women's experiences of 'transit'. Refugee women's narratives reveal the structural contradictions between the securitisation of migration and refugee protection. EU policy on transit indirectly sustains a cycle of violence on mobility pathways between North Africa and the EU.

Scholars have drawn attention to the loaded use of terminology in irregular migration research (Kapur, 2005, Pickering, 2011: 11). Participants in this research are referred to as 'refugee women', defined as those who have received some form of humanitarian protection status – albeit it temporary, subsidiary or Convention status (see Gerard and Pickering 2012: 518). The term 'illegalised traveller' (Weber and Pickering 2011) will be used as the general term for asylum seekers, refugees and other migrants who have fallen outside of the narrow legal migration categories recognised by states. 'Transit' is a similarly politically charged term that has risen to prominence within discourses of 'migration management' (Oelgemöller, 2010). Oelgemöller has traced this emergence among inter-governmental working groups since the 1980s. The term 'transit country', she argues, has a political function immersed in an 'us and them' binary, which is 'conceptually undecided about whether to formulate itself as a security/threat or a development/humanitarian discourse, or both' (Oelgemöller 2010: 408). This has contributed to the development of language around 'secondary migration' that delegitimises this concept; only the migration from country of origin to the first 'transit country' is presumed to be legitimate. In this research, 'transit' is taken to mean the journey from the point of exit, in this case Somalia, to the point of arrival in the EU, in this case Malta. This geographical limitation is adopted because refugee women interviewed in Malta, spoke about transit as having a separate, albeit intersecting, relationship to the rest of their journey. In adopting this definition of 'transit' it is acknowledged that migration is nonlinear, and therefore that clean divisions between each stage – exit, transit, arrival – are not assumed (Düvell, 2012). Moreover, it is acknowledged that the definition used here is state-centric, or based on the primacy of state sovereignty; however, in contrast to state approaches, value judgments that 'transit' migration is 'wrong', 'illegal' or 'irregular' are not found in this analysis.

This article will begin by exploring recent co-operation between the EU and Libya on 'irregular migration'. Second, a securitisation, refugee protection and transit framework is established before identifying the three border sites that figured most in the stories of refugee women interviewed in Malta. This article is concerned with the reach of security arrangements beyond the physical EU border, radiating south from

the Central Mediterranean and into North Africa. This article will explore the relationship between the sites of women's experiences of violence en route to the EU, and the efforts of the EU, pursued under the guise of 'externalisation' according to official accounts, to secure the EU's external borders to exclude illegalised travellers. Women's stories provide a lived account of securitisation and elucidate the gendered ways in which functional border sites (Weber, 2006) operate beyond the EU, enlisting state and non-state actors in producing direct and structural violence.

Protecting the EU from its Refugee Convention obligations - the EU and South-North migration

The past decade has seen EU migration policy implementation increasingly centred on South–North migratory routes with the aim of preventing and deterring the arrival of illegalised travellers, popularly termed 'illegal migrants'. While southern Europe was previously thought of as the Achilles heel of EU border control (Watts, 2002), the focus of EU institutions and individual Member States has shifted considerably to North African states including Libya, Tunisia and Morocco (Collyer, 2010, Hamood, 2008, Betts, 2006, Gil-Bazo, 2006). Previously, countries on the EU migration route have been threatened with reduced foreign aid if they did not co-operate with the EU on efforts to stop irregular migration (Reynolds, 2003). At the Seville negotiations in 2002, the UK sought support for this initiative under the auspices of 'positive conditionality'. Ultimately, these third countries were instead absorbed within the EU security program, part of movements to create a new 'circle of friends' as the EU enlarged (Hayes, 2004).

EU engagement with Libya increased as the number of boats leaving Libyan shores, carrying illegalised travellers bound for the EU, rose rapidly from the beginning of this century. Libya had been a pariah in the international community until UN sanctions were lifted in 2003 (Hamood 2008). Previous ad-hoc arrangements have developed into significant bilateral and multilateral agreements on 'illegal migration'. Chief among these has been the 'Treaty of Friendship' between Italy and Libya that intensified Italy's role in border security in North Africa, including patrolling the Libyan coastline with 'mixed crews' (Ronzitti, 2009: 130). In addition, arrangements have been formalised to police land borders in Libya by satellite, entailing a detection system financed jointly by Italy and the EU that effectively pushes the patrol of the EU's borders further back into Africa. Enhanced border security cooperation between Mediterranean EU Member States and Libya is credited for the sharp drop in the numbers of people arriving in Malta and the Italian islands of Sicily and Lampedusa throughout 2010. To illustrate, the number of people who arrived by boat in Malta dropped from 1508 to 47 between 2009 and 2010 (NSO, 2011). These arrangements have had significant human rights implications to which we later return.

To prevent illegalised travellers from arriving in the EU and applying for asylum, in late 2010, the EU and Libya signed a bilateral 'framework agreement' to provide financial support to Libya for cooperation on irregular migration. During negotiations for this agreement, the Libyan leader had asked for 5 billion to combat 'illegal migration' (*Times of Malta*, 6 October); eventually an amount of 60 million Euros was agreed. The agreement contained several issues for further negotiation including: awareness raising campaigns around the dangers of irregular migration; cooperation to target smuggling networks; strengthening the relationship between Libya and its transit countries; a 'gap-analysis' on existing Libyan border controls; an integrated surveillance system on land borders; and, cooperation on return and readmission (EC, 2010). Negotiations were suspended in February 2011 when the conflict in Libya erupted (ENPI, 2011). A recent Council of the EU report (2012) reiterates its 'readiness' to provide assistance to the National Transitional Council (NTC) in Libya on 'security and border management'. Italy has already forged their own bilateral agreement with the NTC, which reflects the same terms as that brokered with Gaddafi (Giuffré, 2012).

Women, securitisation and transit

The securitisation of migration has come to dominate asylum and migration policy, creating a 'hierarchy of mobility' (Bauman, 1998). Although statistics on the number of women migrating outside legal frameworks are difficult to isolate, it is suggested that their numbers are increasing. Academic research is making a significant contribution in analysing how gender shapes access to refugee protection in developed countries (Pickering, 2011, Spijkerboer, 2000, Bhabha, 2004), and the protracted processes around gaining refugee protection. To date however, studies of gender, transit and refugee protection have focused heavily on the refugee camp experience (Turner, 1999, Beswick, 2001, Khawaja et al., 2008). This research has detailed shifts in gender roles amongst families (Szczepanikova, 2005), the prevalence of domestic violence and women's susceptibility to violence in certain camp contexts (Crisp, 2000, HRW, 2009a).

There is a growing illumination of issues of gender and transit migration outside the refugee camp (HRW, 2009b, JRS, 2009, Hamood, 2006, Al, 2010, Dolma et al., 2006). Our previous research examined how women experience opportunistic and systematic gender-based violence in crossing borders from Somalia using secondary sources (Pickering and Gerard, 2011). For both male and female refugees, violence intensifies during transit (Nagai et al., 2008). A cross sectional household survey of both men and women by Nagai et al, observed that refugees experienced a heightened level of violence in transit. This research

was conducted with Sudanese refugees and Ugandan nationals in a district of Uganda, and Sudanese non-refugees in Sudan. Their study found that sexual violence was most common during routine trips across the border rather than flights for personal safety. Women faced increased risk of sexual violence compared to men, and the mode of travel influenced exposure to sexual violence:

Travelling by truck posed significantly less risk of sexual violence for women, compared with walking (OR 0.48). Associated with sexual attacks was the theft of personal property, or being threatened or otherwise physically attacked, during migration. The risk was much higher for women than men. Age at the migration, marital status, days of preparation for the travel (a measure of suddenness of departure), and days of travel, were not associated with the experience of being sexually abused or raped. (Nagai et al 2008: 260)

This research by Nagai et al shows how transport by truck can reduce exposure to violence for women, and that the regularity of border crossing may amplify susceptibility to violence. Examining the contexts in which violence occurs has the potential for reducing the risk of violence, as this article will explore.

This study is concerned with the operation of border security around the edges of the EU. However, it seeks to examine its impact by being attentive to voices often overlooked, women. In this research, we are interested in women's accounts not just in the physical spaces of the external border of the EU but those border sites that seemingly radiate back from Europe and further into Africa – effectively impacting women from when they exit their homeland. In so doing this examination considers first the impact of opportunistic and organised violence women experience as they journey north through Africa, violence often perpetrated by a mix of state and non-state agents. It is also interested in their experiences of state violence in Libya and then of the impact of bilateral and multilateral arrangements to interdict and deter illegalised travellers as they cross the Mediterranean. While there is a rich tradition of human rights groups highlighting the violence of these journeys (JRS, 2009, HRW, 2009c, HRW, 2009a, AI, 2010), there is relatively little academic empirical research that has sought out the voices of those negotiating these borderlands. There has been even less specifically concerned with the some of the gendered dimensions of the experience of transit through Africa.

Method

This study employs a qualitative, feminist methodology to elucidate women's lived reality of seeking asylum; how they made sense of the journey and negotiated the impact of securitisation (Holland and Ramazanoglu, 2002, Denzin and Lincoln, 2003). Qualitative methods offered greater scope to foster a narrative and contextual understanding of women's experiences, particularly where participants' first

language was not English (Silverman, 2000, Riessman, 1993). The feminist method adopted sought to blend standpoint, empiricist and post-modern approaches (Madriz, 2003). Employing a feminist-based interviewing method meant avoiding formal interview techniques and instead embracing what became 'documented conversations' with refugee women, often over the course of many interactions. This provided room for participants to ask questions about my knowledge of migration pathways in Malta and Australia, our country of residence (May, 2001, Oakley, 1990). The approach described here consciously circumvents the cool, objective scientific methods of quantitative research (Rodgers 2004). Openness, engagement and building a relationship was important (Rice, 1990), as was managing expectations of what involvement in this research would deliver. Moreover, we have sought to avoid portrayals of women from the Global South as in need rescuing from permanent victimisation (Mohanty et al., 1991), by highlighting women's agency and resistance, and the contexts of induced vulnerability to which EU policy indirectly contributes. The research objective is not to universalise or generalise the accounts presented here as reflective of all refugee women's experiences (Rice, 1990). Rather, this is a focused qualitative study that stands to contribute to understandings of securitisation and refugee protection, and of their gendered impact, operating at both the micro and macro levels. Finally, in documenting and analysing the experiences of refugee women in this study, we seek to acknowledge intersections of race, class, disability, age and other structural determinants that are key to understanding women's experiences in context (Hyndman, 2004). Relational and comparative aspects of a gendered analysis are not pursued here, beyond the extent to which they were discussed by refugee women. This is an area requiring further research.

Basing ourselves in Malta, twenty-six Somali refugee women were interviewed in periodic visits to Malta between 2009-2011, along with two members of law enforcement and two non-government organisation employees. We met participants in several ways: signage at venues frequented by transnational migrants (n=3); introductions from NGO workers (n=2); and introductions from other transnational migrants (n=21). Interviews were conducted one-on-one and in English, an obvious limitation of this research design. Participants elected to meet either at their place of accommodation (n=19), workplace (n=4) or other public venue (n=3). Refugee women respondents were provided with 20 Euro for costs associated with participating in this research. All participants are given pseudonyms in this article.

Somali refugee women were the selected population group as Somalia is widely recognised as a country challenged by a multifaceted humanitarian crises (ICG, 2008, UNIE, 2010). Since the beginning of this

decade, Malta has seen a dramatic increase in the number of boats carrying people seeking asylum arriving on its shores or within its territorial waters, most departing from Libya (Hammarberg 2011). In 2009 and 2011, Malta received the highest number of asylum seekers in Europe per head of population (Eurostat, 2010, Bitoulas, 2012). Malta has one of the highest rates of acceptance of asylum applications in the EU and globally (Hammarberg, 2011); an indication that the majority of those who arrive by boat are indeed fleeing persecution. The overwhelming number of asylum seekers who arrive by boat are Sub-Saharan African, with Somali nationals comprising the largest majority (Eurostat, 2010, NSO, 2012). Women constitute an increasing minority of asylum seekers (Gerard, forthcoming). In the last six months of 2011, Malta's asylum applications have again risen dramatically (Bitoulas, 2012).

This research was conducted prior to the wave of demonstrations known as the Arab Spring that took place in early 2011. As the conflict erupted in Libya, Malta assumed a prominent role evacuating citizens from select countries such as the US, UK, Canada and Brazil (BBC, 2011). In sharp contrast, many illegalised travellers remained stranded, many of whom were asylum seekers. Reports during the uprising suggested that some illegalised travellers were being confused with outside mercenaries and subsequently abused or even killed (*Times of Malta*, 1 March 2011). The experiences of transit collected here will not take into account this 2011 conflict, but will reflect other conflicts impacting the region.

Exposure to violence in transiting North Africa

On the journey here there are a lot of people suffering and people dying. People are running away to safety. The journey is very dangerous. You have a 50/50 chance of losing your life. (Miriam)

All participants interviewed took the journey from Somalia to Malta transiting via Ethiopia, Sudan, Libya and then across the Mediterranean. All transited through the same countries, known for their history of sustained conflict, famine, and political instability, in some cases spanning decades (de Waal, 1997). None of the women interviewed spoke of obtaining refugee protection in any of the transit countries, even though all but Libya are a signatory to the 1951 Refugee Convention.

The women interviewed spoke about transit in two main ways. First, they talked of the variability of transit: exposure to violence, conditions of accommodation, incarceration, how long the journey took and how safe it was were all dependent on numerous factors – primarily, access to financial resources, but

also, gender. Second, the women spoke about the danger and violence they had to negotiate at particular transitory junctures throughout the journey. The three sites specifically highlighted by participants - transit through the desert, through Libya and travel by sea to Malta - provide insights as to the impact of securitisation on women's experiences of transit and how women negotiated that impact.

To enhance the visibility of women's experiences of violence and the steps required to reduce it, we characterised women's experiences of transit according to Galtung's (1969, 1990) framework of violence. This framework affords three characterisations of violence: direct, structural and cultural. Direct violence is personal violence or the somatic realisation of violence and can include physical and psychological violence (Galtung, 1969). Structural violence includes violence resulting from systemic and structural inequalities that affect people's daily lives, such as racism, sexism and poverty (Anglin, 1998). Galtung first distinguished between personal and structural violence in 1969, and in 1990 came to add 'cultural violence' to his typology of violence (Galtung, 1990). Cultural violence constitutes a legitimising force for direct and structural violence. For Galtung (1996: 2), 'the major causal direction for violence is from cultural via structural to direct violence'. Criminologists have used notions of structural violence to account for the deaths at the border of significant numbers of undocumented migrants (Weber and Pickering, 2011). This article adopts Galtung's conceptualisations of direct and structural violence to consider the impact of border securitisation in the context of refugee protection for women's experiences of transit from Somalia to Malta. We identify and examine direct and structural violence in relation to: sexual violence, extortion and abduction; living in the shadows in Libya; and during the boat crossing to Malta.

'It depends' – key variables influencing women's experiences of transit to Malta

All of the women participants talked about the dangers inherent to the journey from Somalia to Malta but also its variability. Blota was 22 years old and had been in Malta for 18 months. She described the journey as highly unpredictable. When asked how long it takes to reach Malta she responded that:

It depends; sometimes it takes two weeks, sometimes two months, and sometimes three years. Some stay in prison, some even die in the Sahara. Some are shot. Some people die trying to escape. Sometimes in Malta people are in detention for two years, some for one year, and others for one month, it depends. (Blota)

The kaleidoscope of violence in transit, to which some illegalised travellers are exposed, shapes the journey and produces highly variable experiences of transit from Somalia to Malta. Harm experienced can be located on a spectrum which at one end results in death, as described by Miriam in her extract at the top of this section. Deaths at border crossings are rising to ‘unprecedented levels’ (Weber and Pickering 2011: 9) and the drivers of such violence deserve consideration. Scholars write of the phenomenon of ‘deviancy amplification’ (Weber and Grewcock, 2011) created by the illegalisation of border crossing or rather ‘selectively illegalising’ – creating people smuggling markets, and heightening the physical risks of clandestine crossing that serve to expose increasing numbers of illegalised travellers to harm (Nevins, 2008). This violence makes the journey unpredictable. We turn now to the first site highlighted by participants.

Site one: exposure to violence crossing the Sahara Desert – sexual violence, extortion and abduction

Eleven women in this study described their experiences of direct violence in the context of the desert crossing between Somalia and Libya. Hamood’s (2008: 31) research mainly drew upon experiences of starvation, thirst and fatalities, overcrowding, and rationing of food and water over a long journey. In our conversations with women, experiences of violence and extortion were most prominent. In the excerpt below, Sena describes the Sahara crossing:

On the journey from Somalia, it’s very difficult for women. They have to get across the desert and there are men there, like soldiers but not. They have cars for the women and the men to get into to go across the desert but they will stop the car and rape the women over the course of the journey, which lasts about seven days. Then new groups of women arrive and they are replaced. If men object then they will be killed. If they pay then they can protect their wives. In this way it is more difficult for women because they take them. It’s not the same for men. (Sena)

Sena’s experience of the desert crossing demonstrates the gendered and relational aspects of violence in transit. For some women, sexual violence is a feature of travel through the Sahara. Male partners of women are threatened with harm if they object or attempt to intervene. Sena’s experience indicates the kinds of power relationships that dominate during this part of the journey: those perpetrating the violence also facilitate transport and navigation, the price of passage may be rape. Single women and women with partners may both be subject to sexual violence. Women and men face different kinds of violence.

According to Sena, if men protest to the violence being carried out on women, they will be killed. Sena makes sense of this violence in characterising it as part of the journey away from Somalia. She also spoke about being relieved that her husband was able to fly directly from Ethiopia to China, and avoid the overland journey to the EU.

Sena's account provides an impression of the perpetrators of the violence. They seem unaccountable to any authority for their actions. Sena claims that they look like official soldiers, but are not. We might presume from this comment that they are not government soldiers, but perhaps private militia who appear to operate with impunity. In Sena's narrative, the level of organisation around the border crossing appears high, testimony to the considerable market in mobility, rivalling EU transit policy favouring containment. She infers that there is a degree of regularity to this kind of violence exercised throughout the Sahara Desert crossing – for example, the car will be sent back and another group taken. This correlates with research on the regularity of border crossing as heightening exposure to violence (Nagai et al 2008). What Sena's experience also reveals is that exposure to violence can be mediated by money, an intersection of class and gender.

Extortion was identified by women as a feature of border crossing through the desert. Thus, the desert crossing is made possible by meeting the demands of those who would otherwise prevent their passage. It was understood by one NGO participant that women could provide sexual services or cash to secure a successful border crossing:

In the desert they are stopped and they have to wire money through and that is how they guarantee passage. Those without money will provide sexual services. They give cash or sexual favours. (NGO 1)

The desert crossing is depicted as one in which people are detained and prevented from continuing the journey unless they meet what seem to be specific and organised demands for money or sexual services. If women lack adequate access to finances, their bodies may become a currency. This highlights the significant industry that facilitates the mobility needs of illegalised travellers (Salt and Stein, 1997). Notably, the quote above paints a different image to that presented in Sena's narrative: her experience refers to rape, whereas the NGO participant talks about 'sexual favours', distinguishing such favours from rape but suggesting some kind of informed exchange of services. Both highlight the gendered nature of

violence and extortion that occurs during the crossing of the desert. The border agents facilitating mobility across the desert expose male and female illegalized travellers to violence through differing means.

Site two: 'life in the shadows' in Libya

Life is really in the shadows in Libya because they will put you in detention. So you have to really hide. (Pia)

After traversing the Sahara, most of the women interviewed entered Libya. Libya was often a place of intermediate or extended stay where migrants gathered resources to fund the final leg of their journey onto Europe. In previous pages of this Journal, Hamood's (2008) research demonstrated how the EU's claims to having adopted an integrated approach to migration management in Libya within a framework of human rights, have failed to materialise. This conclusion was vividly reflected in our conversations with refugee women. In our research, the conditions in Libya were described by women in terms that emphasised both their vulnerability and their agency in seeking to avoid detention. For Pia, the threat of detention was so immense that it impacted on her daily negotiation of life in Libya. Illegalised travellers avoiding detection by minimising their use of public space has been highlighted by McDowell and Wonders (2009) in the context of the US–Mexico border. Speaking with women migrants residing in two large cities in Arizona, led McDowell and Wonders to observe how technologies of control over those with unlawful status shape migrants' use of public space. Similarly, as described by Pia, while in Libya the participants in this study made strategic decisions about how they would negotiate public life and sought to avoid the use of public spaces.

Residing in Libya for days, months or even years necessitated a strategic approach to accommodation. One participant described the accommodation in Libya as akin to a prison. Aziza was corralled into accommodation with other illegalised travellers where her movements were controlled by those facilitating her onward migration. She had to negotiate to leave each day:

The living situation is difficult because you are not free. There are people standing over you and you have to negotiate to leave. Some people pay money to leave, others provide sex or are raped. (Aziza)

This description evidences the precarious existence of illegalised travellers: unable to live freely and subject to the controls of agents whose identity is unclear. Despite this, Aziza sourced and maintained employment as a domestic helper. Once in public space, Aziza said avoiding interaction with police was paramount in order to stay out of detention.

While around two-thirds of participants described their fear of detention and how it influenced their decisions to avoid public spaces, only two women spoke about their direct experience of detention in Libya. In both cases, the two participants were arrested while in the process of boarding a boat that was heading for the southern Member States of the EU:

I was in Libya for one year and two months. I was arrested one time and spent one month in detention. I was arrested trying to get onto a big boat to go to Europe. There were 160 on board and 30 were arrested. I was arrested because I was in the car waiting to get on the boat. The boat eventually left and made it to Italy and the people made it to Italy. (Sena)

I was held in detention for nine months after being arrested. I was about to catch a big boat. I think because it was a big boat the police heard us. Detention in Malta is not as bad as Libya, you don't get beaten in Malta. (Syrad)

The detention centres in Libya are partially funded by the Italian Government (Brothers, 2007), illustrating the functional mobility of the EU border (Weber 2006). Conditions in the Libyan detention centres have been criticised by many human rights groups as overcrowded, unhygienic and violent (JRS, 2009, HRW, 2009c, AI, 2010). No healthcare is provided, there is minimal access to food and water, and ailments such as scabies, dermatitis and respiratory problems are endemic (JRS 2009). Hamood's (2006) study, addressed the gendered nature of violence in Libya's detention centres, observing that female participants had been threatened with rape and both male and female detainees subject to beatings. Syrad's narrative above suggests she was physically abused in a Libyan detention centre. Research by Amnesty International (2010) similarly found evidence of violence against women in detention.

Women's experiences show that detention served to implicitly punish and stop those seeking to get to the EU by boat. The amount of time spent in detention varied for each participant. Syrad described detention in Malta as comparatively better than Libya, specifically because there was no physical abuse in the former. However, she did not elaborate on what she had experienced in Libya. Neither of the

participants detained in Libya talked about rape in the detention centres, and we did not expect that participants would reveal this information. On this point, however, NGO participants who had worked in a medical capacity with migrant women in Malta testified that women had reported rape in Libyan detention centres:

Detention centres in Libya warehouse people who are illegal. The people are exploited and treated poorly and there is rape and protection sex and imprisonment. (NGO 1)

Levels of poverty coupled with the low wages in Libya made the detention system susceptible to corruption (NGO 1). Corruption is a form of structural violence, with guards accepting bribes to supplement their poor pay and conditions. Border control policies thus create the conditions that encourage guards to accept money to release illegalised travellers, but also to use migrants as a commodity, sometimes releasing them and arresting them again on the same day to yield more money (JRS, 2009: 11). The cycle of violence against illegalised travellers in public life in Libya – arrest, detention, freedom and arrest once more – was understood to be the manifestation of a considerably organised and lucrative industry.

Some of the participants interviewed were able to seek and find work in Libya. Libya has a long history of being a destination country for workers, and as a transit country (See Düvell, 2012). Illegalised travellers may be in Libya for weeks, months or even years. Some migrants transit quickly whereas others work to fund their onward journey. Research suggests migrant women more flexibly adapt to formal and informal markets in receiving countries, so are more likely to be the main income earner (Szczepanikova, 2005, Franz, 2003). Libya was recognised by most participants as a place where women could potentially work in order to save enough money to buy a ticket on a boat to Europe:

I worked in Libya for four months as a housekeeper. I made good money there and was able to pay to come to Europe with my husband. (Ayan)

This view was not universal. Several participants offered alternate accounts of employment in Libya. Nina transited Libya quickly, and was alarmed by what she experienced in Libya, saying ‘there is no work. There are a lot of people suffering and people dying’ (Nina).

The stories of those who did work in Libya revealed how work opportunities were gendered. Women mainly worked as cleaners in domestic settings, a hallmark of gendered global inequalities (Rodríguez,

2007). Strobl (2009) in her examination of 'housemaids' in Bahrain, writes that in many countries around the globe, domestic workers have become increasingly vulnerable to abuse including that of a physical and sexual nature. One NGO participant in this research observed that some women pay for their journey across borders through the financial gains from sex work, either actively choosing this work or coerced by the circumstances. Despite studies suggesting women are more able to flexibly adapt in information economies, there remain a limited number of options for work available to women, which can result in them being drawn into the informal economy of sex work in order to fund their migration to the EU. Participants in Hamoods (2008) research stated that failure to remunerate illegalised travellers for work undertaken was a common problem in Libya. The women we interviewed did not directly discuss experiences of abuse. Although some did discuss that securing pay for their work was easier than it was for male illegalised travellers. Two participants described how men were not always paid for their work, while women had a better chance of being remunerated for work by their employers. Women's accounts of employment in Libya illustrate several gendered dimensions in gaining access to financial resources to secure a successful border crossing to the EU, one of the most dangerous parts of the journey.

Site three: the boat journey to Malta

There were lots of people on my boat to Malta. I paid 1000 US, other people paid 800 or 900. I couldn't sleep on the boat. We were on the boat for three days and two nights. When we were rescued it was fantastic! We all thought we were going to die. I have lost many friends at sea. Twice my boat was turned back before I successfully arrived in Malta. We all didn't know where we were going on the boat. We had a driver who was very smart. He stopped the boat so we could wait out a storm. When it was clear we kept going. There is no choice when you are to get on the boat; you have to go when they tell you. (Amina)

All of the women participants in this research had survived the journey by sea from Libya to Malta. There is no clear reporting or accounting system for the number of boats that go missing in the Mediterranean, a trend reflected in many securitised border zones across the globe (Weber and Pickering 2011). Although migrant deaths at sea are not systematically recorded, it is estimated that around 10,000 migrants have perished in the Mediterranean and Atlantic Oceans over the past two decades (Weber and Pickering 2011: 99). Since the conflict in North Africa erupted, 1931 illegalised travellers died in the Mediterranean during the first seven months of 2011 (Martin, 2011). Given the huge number of deaths and the high incidence

of border crossings by sea, there is arguably an increased obligation on EU Member States to ensure the safety of people who adopt this method of travel (Weber and Pickering, 2011, Carling, 2007, Hamood, 2008).

Travelling to Malta by sea from Northern Africa can take many days (HRW, 2012). The law enforcement participants in this research confirmed that most of the boats arrived between April/May and September/October each year, as this was the period during which the seas were calmest. Despite this, the journey was described by most refugee women in terms that evoked a sense of danger and fear:

My boat had about 80 people and 12 women. The boat took four days. I was crying, just the whole time by myself. It was bad. (Blota)

Alternatively, five participants said they had access to life jackets and that the journey to Malta was relatively quick:

We came on a boat in 2008 to Malta. There were 40 to 50 people on board. There were six children and four women. There were 40 men. It was safe and we had life jackets. We were on the boat for two days. I came with my husband and eight-year-old child. (Dekha)

This research suggests that like other parts of transit, the conditions of boat travel are determined by the amount of material and social resources to which women had access. This was influenced by membership of a travelling family group, by networks of family and kin and financial resources. For Dekha, the conditions on her boat were good enough to be described as 'safe'. However, even with safety supports, such as life jackets the journey could still be overcrowded and harrowing. As Ayan describes:

To buy the ticket to Malta it cost 1400 US each. We pay 2800 for a couple. I came on the boat pregnant. I came with 80 people. We had those reflector jackets. You are just sitting with your elbows pressed against other people. There is water lapping up at you. (Ayan)

The boat journey from Libya to Malta covers a great expanse of sea navigated with rudimentary gear, according to the law enforcement participants interviewed in this study. Two participants completed the journey heavily pregnant and described it as extremely uncomfortable. Dehydration is a particular danger for pregnant women, as other researchers have found in the context of crossings of the US–Mexico border (Falcon, 2001). This was also confirmed by a law enforcement officer interviewed for this research:

The most terrible memory I have is of two women arriving dead on the boat and both were pregnant. The autopsies said they dehydrated. (LE 1)

One NGO participant felt that women are at the bottom of the social hierarchy on these journeys: given the most precarious position on the boat and at times subject to burns by being too close to the engine (NGO 1). The boat trip to Malta is invariably overcrowded, offering limited access to safety supports and exposing illegalised travellers to gendered harms.

Structurally, bilateral agreements struck between Member States and North African countries have been implemented to avoid obligations owed to illegalised travellers at sea. This has had the greatest impact through practices of interdiction, involving the return of boats containing asylum seekers to Libya, after they have reached international and sometimes Italian or Maltese waters (Betts, 2010). This was the case with the previous 'Treaty of Friendship' between Italy and Libya, which allowed for boats to be returned to Libya without those on board accessing refugee determination procedures. As of November 2009, 1409 people had been forcibly returned to Libya and detained, without having their asylum applications adjudicated (JRS 2009). Italy's interdiction practices were recently struck down by the European Court of Human Rights in the case of *Hirsi v Italy*¹. The Court decided in a unanimous verdict that Italy's conduct had breached numerous articles of the *European Convention of Human Rights*. It should be a source of concern to human rights activists that the court took from mid 2009 to early 2012 to decide the case during which time uncertainty of the legitimacy of the practice prevailed.

Notwithstanding international law surrounding safety of life at sea Conventions that confer a 'duty to render assistance' to boats in distress (See Goodwin-Gill, 1996: 157), the practices of many EU Member States have exacerbated the distress of asylum seekers on boats at sea by denying these international obligations. While the women interviewed in this research did not talk about any direct experiences of interdiction, they did discuss interacting with other vessels at sea. Two of the refugee women spoke of being 'in trouble' on their boat, including mechanical and navigational failings, the impact of overcrowding on the operation of the vessel, and of interception by another vessel. One participant described interacting with people on another boat, receiving minimal assistance:

¹ *Case of Hirsi Jamaa and Others v Italy* (Application no. 27765/09) 23 February 2012, Grand Chamber European Court of Human Rights.

We set off at 4 am and it took two days. On the second day the sea was very rough. We were sitting with our knees up to our heads and the water was directly behind me. We were so scared. A big boat came past on the second day and we asked them for petrol. We only had 40L and we were begging them 'please, please' for petrol. The boat said no. They said we are only three hours from Malta. But it was the day and we couldn't see Malta. At night you can see for the lights. But we couldn't see so we decided to stop and continue at night. Then we arrived in Malta. (Katna)

Women's experiences of the reluctance of some vessels to get involved upon coming across a boat in distress with illegalised travellers on board was in many ways emblematic of their exposure to harm during transit to the EU. The Council of Europe has recently called NATO countries to account for failing to come to the aid of a boat carrying 72 illegalised travellers during the recent Libyan conflict (Davis, 2012). NATO's blockade of the waters between Italy and Libya ensured they were being closely monitored, yet no country came to the aid of the vessel after repeated distress calls by Italian maritime authorities. After 15 days at sea, their boat eventually drifted back to Libya with only 11 people alive. Two others later died ashore. These incidents demonstrate the reluctance of key players to save the lives illegalised travellers at risk at sea. Transit is a period of significant environmental, social, sexual and legal risk for women who participated in this study where there are not clear demarcations for state and non state actors to be considered accountable or engaged for either the direct or structural violence Galtung explained.

Conclusion

The experience of transit is a period of direct and structural violence for refugee women journeying from Malta to Somalia. The violence occurs in a range of sites. Considering transit as a period of direct and structural violence seeks to make often hidden or unspoken violence more visible to EU policy makers. Direct violence shapes women's experiences of transit through exposure to sexual violence, exploitation, extortion and even death. Despite evidence of agency in some contexts, structural violence is clearly relatable to the broader conditions in which individual and collective violence is experienced. Women's experiences of transit en route to Malta reveal the inaccessibility of refugee protection in the regions neighbouring Somalia. The failure to protect produces conditions that generate and sustain violence throughout the transit period. Moreover, border securitisation that is based on the broad exclusion of undesirable migrants compounds and extends the direct violence. That racialised and gendered groups of illegalised travellers are drawn into making long, dangerous and expensive journeys to the EU is illustrative

of the structural violence of blanket border securitisation, especially for those from North Africa. The securitisation of migration contributes to the conditions in which mobility comes at a higher price, literally and metaphorically. The ability to withstand and/or negotiate direct and structural violence in transit is a major determinant of who is able to successfully transit to the EU.

EU co-operation on border control in North Africa has intensified and refugee women participants have revealed some of the impacts. Interviews with women who have travelled through North Africa and successfully sought refugee protection in Malta, illustrate the risks involved in irregular border crossing have gendered dimensions. Pregnant women are more prone to dehydration and women were more likely to be placed at the most vulnerable position on the boat to the EU. Refugee women, NGO and law enforcement participants all experienced and/or observed women experiencing specifically gendered experiences crossing borders into Europe. The sexual violence or the provision of sexual services was often the border toll paid by many women to negotiate their crossing. NGO participants understood that some women were sometimes agentive in using sexual services to pay for their journey. It was their view that women were drawn into sex work as part of an exchange for assistance in crossing borders. This has significant consequences for women when they arrive in the EU, such as pregnancy or other health issues, as our previous research has highlighted (Gerard and Pickering, 2012).

Current EU policy embodies clear structural contradictions that bear a disturbing relationship with the violence experienced by refugee women in transit. On the one hand, refugee protection obligations exist at law and women's experiences in securing some form of refugee protection are testimony to that lived reality, however partial and compromised (see Gerard and Pickering 2012). On the other hand, the EU and individual Member States are doing all that they can to securitise the border and stop illegalised travellers from arriving in the EU and applying for asylum. Transit is an important part of the picture for EU politicians and policy makers who have worked to craft a latticework of functional border sites to prevent and stop illegalised travellers from reaching the EU. The securitisation of migration may put in place bilateral agreements and other arrangements to deter illegalised travellers but ultimately they divert people into riskier methods of travel (Weber and Pickering 2011), symbiotically reinforcing each other in the borderlands surrounding the Global North (Michalowski, 2007, Pickering, 2011). Constraints on the mobility of illegalised travellers drives an economy for guards, private militia, and other actors in North Africa.

The recent trend that sees an increase in funding to refugee protection programmes in North Africa, may lead to more Member States designating Libya a 'safe third country' to facilitate readmission agreements that enable deportation of asylum seekers from the EU to Libya. The cycle of violence analysed here will continue until sound policy based on human rights breaks the impasse. Such policy may contain increased regular legal pathways of migration, an increase in resettlement quotas and secure protections to refugees upon arrival in the EU. There is a strong relationship between the sites of women's experiences of violence and the efforts of the EU to secure the EU's external borders to exclude illegalised travellers. Securitisation heightens exposure to harm for illegalised travellers and aligns poorly with the humanitarian emphasis of the international legal refugee protection framework.

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