

## Chapter 2

# The Journey to the Border: Continuums of Crossing

### 1 Introduction

The focus of this chapter is the impact of violence on women's capacity to cross national borders. The aim is to better understand crime, violence and mobility in relation to women fleeing what many regard as a collapsed state and site of one of the world's most intractable conflicts: Somalia. We approach this subject by considering women's experiences of conflict and the conditions surrounding their *exit*, their *transit* through refugee camps and/or neighbouring countries, and their *reception* in countries of asylum or the Global North. We argue that an increase in the number of women fleeing conflict zones such as Somalia is occurring at the same time that extra legal border crossing is becoming increasingly difficult and dangerous. We also argue that the conditions of exit, transit and reception are shaped by both organised and opportunistic crime. Green and Ward (2009) have recently termed crime that serves both organised and opportunistic goals as "dual purpose" criminality. Ordinary, political or indeed dual purpose criminality effectively acts as a border policing apparatus that controls women's mobility, thus gatekeeping women's access to other countries, and in many cases access to legal remedies and protection. Such criminality can be enacted by organised political groups, militia, individuals or groups from opposing clans, government agents, smugglers and traffickers, or can take the form of the structural violence entailed in reception processes in places like Malta. Such criminality largely controls the nature of the border crossing experience for women fleeing Somalia. Furthermore, this criminality may be regarded as a form of political, cultural, organised and individualised policing of women's mobility that routinely employs practices of rape and sexual violence.

This chapter charts the experience of women crossing borders extra legally, fleeing conflict in Somalia and arriving in Malta. Malta has been at the forefront of regional Europe's efforts to reshape itself in order to prevent and counter global mobility. This research was originally focused on women's experiences of extra legal

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crossing into Malta. By nationality Somali women are currently the largest group of women arriving in Malta (National Statistics Office, 2009). Their extra legal border crossing of the Mediterranean, often from Libya into Malta, is the final in a series of extra legal border crossings from Somalia to Malta. Consequently, this chapter begins with an exploration of women's experiences of mobility and border crossing within Somalia, including moving across Somali territory controlled by different militia and clans, across the borders with Somalia's immediate neighbours—Kenya and the refugee camps inside the Kenyan border—and then the border crossing experience through transit countries such as Libya and Sudan, immediately prior to attempts to enter Europe via Malta. It then considers women's experiences of violence upon arrival and extended detention and confinement in Malta.

There is an inherent difficulty in systematically obtaining information about women's extra legal border crossings using traditional data sources which overwhelmingly fail to record gender let alone the impact that gender has on unauthorised migration and attempts to police it at the border. For example, Malta does not systematically disaggregate refugee data by gender. Research on Somalia has been limited to the testimony of women who have reached Malta along with secondary material drawn from the limited scholarship and human rights reports on the country. Physical insecurity and limited accessibility have militated against field-based research in Somalia (Hagmann, 2005; Crisp 2000, 2004). Somalia has been considered too hostile for international actors to maintain ongoing operations. In 2005, UN and UA troops withdrew because they considered the casualties too great. International non-government organisations, UNHCR and others who routinely work in contexts of protracted conflict have repeatedly withdrawn from Somalia. Indeed, only one international non-government organisation has maintained a constant presence in Somalia since 1991 (Noor, 2007). The conflict has meant that any meaningful collection of data on the level and nature of violence, or on the numbers of deaths, rapes and forced migrations are at best estimates, and the usual methodological limitations of such counts in conflict situations are compounded by concerns over physical security and access to affected populations. Attributing moral let alone legal responsibility to crime in Somalia is as difficult as it might be useful or meaningful. By comparison, violence in Somalia may be considered as occurring on such a scale that it can easily daunt any meaningful criminological analysis, and instead intellectual analysis is left to the scholars of international relations or those concerned with the political economy of war (cf. Menkhaus, 2004). At the very point at which violence cannot be meaningfully understood as crime and only meaningfully understood as war, women's accounts of attempting to flee Somalia, and cross borders to gain protection, suggest that experiences of rape evidence some pattern of criminality that achieves both opportunistic and more organised goals. As Green and Ward (2009, p. 609) argue: "...there is no simple distinction between, on the one hand, violence serving the organisational goals either of state or non-state political actors and, on the other, violence for individual gratification. The same violent act often serves both purposes". The impact of this violence in Somalia on women has fundamentally shaped their experience of crossing borders to escape the conflict.

## 2 Violence, Rape and Criminality in Conflict

Nowhere has a state collapse been so profound, prolonged or misunderstood as in Somalia (Menkhaus, 2004). Somalia has had no effective government since 1991 when the government of Siyad Barre was overthrown after 16 years in power. What sets Somalia apart from other failed states is that it has not been able to maintain even a weak central government or a modicum of juridical sovereignty (Menkhaus, 2004). As Menkhaus has described, "Somalia is a failure among failed states" (2004, p. 17).

The United Nations intervened in Somalia in 1993 (UNOSOM), only to withdraw in 1995. The unrelenting violence perpetrated by militia, those that have attempted government, neighbouring countries, international actors and criminal actors is complex and cannot be covered in a single chapter (see Lewis, 2002; Bestemen, 1996). Increasingly subject to criticism, the limited scholarship on Somalia has often problematically reduced conflict in the country to "anarchy" and "lawlessness" and has been rooted in cultural essentialisms (see Beestemen, 1996 for a detailed critique of stereotypes of Somalia). According to such analyses, "...the civil war and state collapse transformed Somali politics into senseless infighting between clan factions, everyday life consisted of marauding militia intoxicated by *khat*, and the absence of a central government threatened regional stability and the effectiveness of the international community" (Hagmann, 2005, p. 526). On this account, Somalia was to be viewed as an aberration that exemplified "development in reverse" (Lindley, 2009, p. 33). However, a nascent critical scholarship on Somalia is evidencing more complex analyses of the power relationships and networks of control that have developed since the 1990s and intensified over the past few years in the most recent phase of the conflict. Instead of reducing violence and insecurity (along with all of the other factors that contribute to the parlous state of health, education and governance in Somalia) to the status of a "failed state", this recent scholarship suggests the benefits of decentring a statist conception of violence. For example, the *Human Development Report* for Somalia in 2001 (Bradbury, Menkhaus, & Marchal, 2001) understood the collapse of the Somali state as a process rather than an event, noting that the measures of development did not significantly alter with the outbreak of civil war in the early 1990s. Rather, the Report argues, the provision of services, the rise of black markets and the increased importance of kinship could all be evidenced prior to 1991. Indeed, "state collapse and warfare were most effective in achieving what structural adjustments had failed to bring about: the total privatisation of all public services from water to electricity, and schooling to security.... Highly dependent on remittances from its worldwide diaspora, Somalia gradually evolved into an entrepot economy and a labour reserve for the global market" (Hagmann, 2005, p. 528).

Hagmann has argued that the absence of government should not be considered to be synonymous with the absence of governance in Somalia or the predominance of conflict and criminality. However, there is agreement that the conflict can be regarded as rooted in intense ethnic and communal antagonisms and high levels

of organised violence and deliberate targeting of individuals: "...the fighting has been sustained by the fact that various actors—politicians, warlords, militia groups, local entrepreneurs and international business concerns—have a vested economic interest in the continuation of armed conflict" (Crisp, 2003). Menkhaus similarly argues that the collapse of central government is not inherently linked to criminality, and instead advances a taxonomy that understands the collapse of the state through three interdependent crises: (1) the protracted collapse of central government, (2) protracted armed conflict and (3) lawlessness. It is by exploring the intersection of ethnic and communal antagonisms, organised violence and individual targeting that this chapter considers women's experience of violence in fleeing Somalia.

Menkhaus (2004) refers to Somalia as a case of protracted state collapse and the theatre for a proxy war between Ethiopia and its Arab rivals:

Arab states seek a strong central Somali state to counterbalance and outflank Ethiopia; Ethiopia seeks a weak, decentralised client state, and is willing to settle for ongoing state collapse rather than risk a revived Arab-backed government in Mogadishu. Both have provided military and financial support to their Somali clients, reinforcing the tendency towards violent political stalemate. (Menkhaus, 2004, p. 9)

If we accept Hagmann's argument that the collapse of the state and the ongoing conflict have "catalysed" Somalia's modernisation then we need to consider how violence against women, and specifically of the practice of rape, has been shaped by the contested local authorities that are often in varying states of flux, and the associated free market capitalism based on largely unfettered entrepreneurship that continues to make use of historically, culturally and religiously based social control processes in Somalia. This chapter therefore focuses on how we might make (criminological) sense of the sexual violence women experience when they cross borders in order to gain protection. Criminology has long been concerned with crimes against the person, even if it has been less concerned with collapsed states such as Somalia. This chapter explores the relationship between organised crime, opportunistic crime (which we argue has been carried out by organised groups, or what may be understood as the conflict entrepreneurs of Somalia) and the individuals who enact a dual purpose criminality against women fleeing Somalia.

There has been some debate about the nature of lawlessness and criminality in Somalia. Conditions immediately following the collapse of the state have been perceived as conducive to opportunistic crime not dissimilar to what has occurred in other conflict zones following an invasion or toppling of a regime. Menkhaus argues that there is evidence of Somali communities establishing and maintaining high levels of lawful behaviour and personal security either through clan customary law, the enforcement of blood payments for wrongs committed or the application of customary law (p. 31). The effectiveness of these systems is dependent on the relationships between local clans. From his observations, while such systems are subject to rapid and substantial change, they form a social order in which "[w]hole-sale looting, rape and murder associated with armed clashes rarely occur" (2004, p. 32). Instead, violent crime is more likely to be addressed via the related informal systems of customary law and blood payments. This occurs in the absence of formal law enforcement, which effectively collapsed with the state. However,

Menkhaus' conclusion is based on two unaddressed assumptions: that all members of communities are equally protected by such forms of social control and justice; and that the forms of violent behaviour noted as being rare are not themselves being transformed and committed in changing contexts. However, our research, together with that of human rights organisations, supports the finding of Menkhaus that the most devastating forms of criminality are committed by political leaders and business groupings. In supporting his analysis, Menkhaus cites the types of kidnapping which draw together various alliances between gangs and business and political interests in enforcing the control of territory and resources. Our research similarly suggests that criminality and violence result from problematic alliances between opportunists and organised interests, yet we also find that such violence can be traced in their practice of rape and sexual violence.

The situation in Somalia has been misunderstood because Somalia has undergone significant changes since 1991, yet most analyses have remained static (Menkhaus, 2004). For the purposes of this chapter, we need to be mindful of how criminality against women has changed since 1991 without recourse to pathologisation or assumptions regarding the nature or causes of violence. Prior to 9/11 collapsed states were considered a threat to international peace and security in political rather than strategic terms and only partially attracted a meaningful response from the international community. The rape of Somali women captured international attention in the early 1990s; however, international focus shifted to conflicts in Rwanda and the former Yugoslavia where rape was recognised as a war crime and form of ethnic cleansing. According to human rights reports, since the early 1990s rape and sexual violence in Somalia have often, albeit not exclusively, been committed by groups of men. The impact of this violence is shaped not only by the fact that the victims are women, but also by their imputed ethnicity or other identity markers. More recent research concurs with the view that rape often results in communal ostracism of the victim and even punishment for being the victim of the crime and thus offending familial or communal honour (Musse, 2004; HRW, 2009c). To this end, the discussion in this chapter shares some of the elements of the assertions of Green and Ward (2009) in their consideration of sexual violence in post-invasion Iraq. In the case of Somalia an additional issue must be considered: that of the currency of rape in purchasing women's and men's mobility out of Somalia. Rape is not only a form of violent ritual (cf. Tilly, 2003) but also a transaction for travel whereby women, as targets of rape, become the currency of exchange for both men and women seeking to exit Somalia. Women are targets for rape because of the gendered, cultural and communal consequences of having been raped.

The conflict and collapse of the state in Somalia have left women particularly vulnerable.<sup>1</sup> Yet at the same time gender roles in Somalia have changed since the beginning of the civil war—some have even suggested that gender roles have been

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<sup>1</sup> Despite the high levels of gender-based violence in Somalia, it is important to recognise the many examples of women's resistance to violence and conflict. While not the focus of this chapter, other authors have cogently made this argument: see, for example, the collection by Gardner and El Bushra (2004).

“reversed” (Hagmann, 2005). Gardner and El Bushra (2004) documented the impact of the conflict on women’s roles in relation to both displacement and the division of labour. They evidence that displacement has increasingly meant women have become the main breadwinners and that international efforts at increasing women’s political involvement have also led to their increasing participation in reconciliation activities. Gardner and El Bushra’s edited collection further evidences the ways in which women are increasingly negotiating multiple clans—those of both their husband and their maternal family. Straddling two clans has resulted in clear benefits for displaced families when women have had to deal with travelling through territory controlled by other clans. However, crimes against women have marked women’s efforts at negotiating any new individual or collective status.

### **3 Part 1: Fleeing Conflict, Crossing Borders**

The capacity and opportunity to exit a country is a precondition for being able to access another. Many women who have crossed borders extra legally must first negotiate, confront and escape the conditions of exit from their home country. As the analysis above suggests, a range of actors are often involved in both the formal and informal means of preventing them from fleeing. From our research it is clear that rape is a central consequence for women fleeing violence in Somalia.

#### ***3.1 Fleeing Somalia***

##### **3.1.1 Rape on the Road**

Most recently those who have fled Somalia by sea have often used the Gulf of Aden to reach Yemen. This dangerous sea voyage is almost exclusively controlled by people smugglers operating out of the lawless region of Puntland. UNHCR suggests that capsizing and drowning are commonplace. In one eight-month period in 2008, 261 Somalis died attempting this crossing. Because the passage is controlled by smugglers, additional anti-apprehension strategies have further endangered lives—for example, UNHCR has documented cases of smugglers forcing refugees off boats and into the sea to avoid apprehension. For women on board boats sexual violence is a constant threat. Reports indicate that rape and sexual harassment are routine during these already dangerous crossings (HRW, 2009c). Women who have arrived on Yemeni beaches have reported being raped trying to make their way from the landing point to a safe place. “The victims of these abuses know they cannot complain to the authorities without risking arrest, and the people who target them are well aware of that as well” (HRW, 2009c, p. 3).

In the early 1990s, at the outbreak of the civil war in Somalia, the most typical route for those fleeing the violence was to walk to the border with north-eastern

Kenya in small groups, making the dangerous voyage by boat to Kenya's shores. The threat of violence, especially rape, for women taking the land route has been documented by non-government organisations. The experience of a young Somali woman walking along the road south towards the Kenyan border was recently documented by Human Rights Watch:

Militiamen waylaid our car. They stopped our driver forcefully by use of gunshots and threatened to kill him if he did not stop. He complied. They ransacked all of the passengers. There were only three [young] women out of the fourteen on board—the rest were all children and older people. All three of us were raped. They took us to some bushes near the highway. The militiamen were five in number. Two kept watch and forced the driver not to go anywhere, while three of the butchers took us to a nearby thicket and raped us. Each of them went for one of us. I did not suffer too much bodily harm other than kicks and blows and slaps. I gave in because I heard stories of girls who tried to resist being frightened by having bullets shot between their legs or by other ways. From there we were brought back to the car. They took our personal belongings and disappeared into the bush. (HRW, 2008, p. 82)

Those fleeing Mogadishu often take the road to Afgooye just outside the capital, along which temporary IDP settlements have been built. Those fleeing have been described as finding "...that the brutality they fled has followed them there. And those who choose to risk travelling further to seek asylum abroad must run a deadly gauntlet of abusive freelance militias, soldiers, police, and human smugglers" (HRW, 2008). The NGOs that have operated inside Somalia have documented that the act of travelling and attempting to cross borders entails an enormous risk of violence. "Human Rights Watch interviewed refugees who were raped, robbed, beaten, imprisoned, or tortured while trying to reach the country's borders. Some saw their travelling companions murdered on the road" (HRW, 2008). Militias operate along the main roads and stop vehicles transporting refugees. Women recount stories of being stopped and raped by such groups, or watching other women be raped. Many women described how they or other women travelling in their group could be held for up to weeks at a time and repeatedly raped at various points along the border, effectively paying a "toll" for their vehicle to pass through militia-held territory.

### 3.2 *Transit: Libya*

Libya is usually the last African point on the journey to Europe for many women from the Horn of Africa. Most migrants and refugees arriving in Italy have set sail from the Libyan coast. The overwhelming majority of refugees intercepted by Maltese authorities to date have boarded in Libya (NSO, 2009). Those who make the crossing rely on people smugglers. The crossing from Malta is particularly dangerous. In 2008, 2,100 people and in 2007, 1,900 people died attempting to make this crossing (USCRI, 2009). Since 2008, NGOs have been documenting the refusal of Libyan authorities to go to the aid of vessels in distress. In 2009 Libya entered into an agreement with the Italian Government for the Italian navy to patrol the Libyan coast. Under this arrangement Libyan personnel on board are charged with



interdicting migrants. In May 2009, the Italian navy transferred a group of refugees picked up off the coast of Malta back to Tripoli after an agreement had been struck between the two governments. This followed the signing of a “Treaty of Friendship, Partnership and Co-operation” between Libya and Italy, which included the joint patrol of the sea. The Treaty, which focused on financially compensating Libya for Italy’s occupation, included Libya agreeing to increase its control of its territorial and international waters and to accept refugees interdicted at sea attempting to enter Italy. Moreover, Libya has agreed to tighten security of its southern borders in response to increased extra legal border crossings. This effectively a “contracts out” of Italy’s refugee obligations to a country that is not a signatory to the Refugee Convention.

Libya is considered to have relatively high living standards and good employment opportunities, and those seeking to enter Europe have reported transiting for months or even years in Libya, working both in the formal and informal economies to fund the price of their voyage to Europe. Women who had worked in Libya to fund their travel to Malta report that it was easier for women than men to gain work in the informal economies, often in cleaning, domestic service and related activities. Refugees in Libya have no right to work and limited health care is provided through UNHCR.

Their lack of social status in Libya also makes women vulnerable, both at work and in public spaces. Women report being fearful of violence because they believed the authorities would not protect them or respond to crimes against them, as well as fearing the violence of the authorities who had the power to deport them.

There have been reports of women being held in houses run by authorities and having to pay them a required sum of money to be allowed to leave—if they could not pay they were raped. Women are reluctant to share first-person experiences of these houses, but clearly many knew in detail the activities conducted within them. Smugglers have used sexual violence against refugees both as “payment” for their services and opportunistically. Smugglers have been operating with virtual impunity and sometimes in concert with the authorities in Libya. A recent report found:

The traffickers were involved with the soldiers. They work with the government to keep the special house outside Tripoli. There were 32 of us held in this house, 25 men and 7 women. They didn’t respect the women. They saw one girl and admired her. They forced her into a room. She said to me three times, “Why didn’t you save me?” I answered, “What could I do?” She said, “They forced me.” I cried. I couldn’t do anything. (HRW, 2009c)

For the past five years, human rights organisations have documented Libya’s forced return of refugees. Most recently, this has included the Libyan Government threatening to summarily deport an estimated one million foreigners without legal status (USCRI, 2009).

UNHCR has seen a steady increase in the number of asylum seekers in Libya, from 676 in 2005 to 2256 in the first six months of 2009. It has been alleged that the Libyan Government and law enforcement agencies are involved in people smuggling. Research has found that “One Somali asylum seeker said he went to the Somali Embassy to pay his money for the boat trip and was transported directly from the embassy to the point of departure” (HRW, 2009c). Human rights organisations



have also detailed evidence of “smugglers houses” (HRW, 2009c). For example, Human Rights Watch found in a recent report:

...both men and women told Human Rights Watch that they frequently saw smugglers and police separate or try to separate women from groups of migrants. They told Human Rights Watch that they believed the women were being taken away to be sexually assaulted. In addition to sexual abuse, women interviewed by Human Rights Watch also described other violations, including beatings, lack of adequate sanitation, and extortion. Sexual abuse may occur—not only at the hands of smugglers but also for women migrants in police custody. (HRW, 2009c)

In an interview for the Human Rights Watch report researchers were told:

The smugglers used police handcuffs, so we thought they were with the police, but they did not wear police uniforms. They handcuffed two or three people to frighten us. The smuggler used to say, “I’ll kill you if you do not pay the money.” He also said, “I will take you to prison.” I paid the \$800. He handed us to another smuggler who took us to Ajdabiya, where we were held for one month and where they again held us for ransom and demanded more money. The beatings there were even more severe because we couldn’t pay the money.

In another interview they were told:

They took us to a big house that held a lot of Eritreans and Somalis, about 190 people. The doors were locked. We couldn’t go out. We spent one week in that room. Every day, the Libyans came and took women to do whatever they wanted with them. No one slept well. We were worried that they would turn us over to the police. No one had the right to ask any questions.

### 3.2.1 Rape in the Camps

The available data indicate that most women fleeing Somalia travel via Yemen where they are able to obtain *prima facie* refugee status. However, as previously noted the voyage is hazardous and women’s vulnerability to sexual violence en route and upon arrival is significant (HRW, 2009c). Another main route taken is via Kenya, which has ordinarily resulted in extended, if not indefinite, periods in refugee camps, which is discussed further below.

Somali refugees who reached the Kenyan border could register with UNHCR, which effectively protected them from immediate deportation were they apprehended by Kenyan authorities. In early 2007, the border between Kenya and Somalia was closed and is now patrolled by Kenyan police charged with keeping out Somali refugees. This means that refugees need to make an unauthorised and dangerous desert crossing. This crossing is increasingly undertaken at night, and increasingly involves the use of smugglers to avoid being apprehended by Kenyan police. Non-government organisations have documented the use of bribes to pay Kenyan police to be released, with those who could not afford this being immediately deported to Somalia (HRW, 2009c). The border was closed in response to US concerns that this route could be used by terrorists moving between Somalia and Kenya, hence endangering Kenyan national security. On the day the border was closed, 420 Somalis were deported, the vast majority of whom were women (Amnesty International,

2007). The border between Kenya and Somalia is almost 700 km long, and despite the fortification and patrol efforts since the border was closed, refugees continue to cross, running the gauntlet between the border and one of the refugee camps they need to reach in order to register with UNHCR and avoid deportation. The closure of the border has resulted in increasing corrupt or criminal activity of Kenyan police, including bribes, violence and rape (HRW, 2009a): “Kenya’s police now have free reign to intercept and demand bribes from Somali refugees attempting to reach Dadaab’s camps, threatening deportation and inflicting violence if refugees refuse” (HRW, 2009a, p. 21). It has been reported that women apprehended by police are at risk of being raped both in the outdoors but also within police stations. Historically, Kenya has been reluctant to host refugees from Somalia, citing concerns over their impact on national security. However, Kenya has more recently been admitting refugees because of its obligations under the Organisation for African Unity, and because to do otherwise might be perceived by important international aid donors and others as undermining efforts at promoting democracy and broader human rights standards. However, the events of 9/11 and US pressure provided the rationale and resources to close the border and stop the flow of refugees. The Kenya–Somalia border has emerged as a strategic interest for the United States. Recent research indicates that such efforts have not effectively sealed the border, but rather have entrenched a hostile space in which rape and corruption are perpetrated.

Kenyan refugee camps are overcrowded and made up predominantly of women and children, the elderly and other vulnerable groups who are poor and getting poorer (Crisp, 2004). Militia operate within and around the camps. Kenyan refugee camps are almost entirely reliant on international aid. They are home to “angry young men” (Turner, 1999) confronted by the collective realignment of gender relations and UNHCR and international aid groups effectively usurping the historically unquestioned patriarchal rule. Despite efforts at various informal and formal legal and policing responses to violence in the camps, most recent reports indicate that there is an absence of effective legal, political or sexual protection in the camps (Pittaway & Bartolemei, 2004).

Refugee camps contain a concentration of violence based on conditions of pervasive insecurity, the quantification of which is almost impossible to manage (Crisp, 2000). Refugees face ongoing insecurity in the two main refugee camps in Kenya: Kakuma and Dadaab. Crisp’s (2000) typology of violence in Kenyan refugee camps includes: domestic and community violence; sexual abuse and sexual violence; armed robbery and violence both within and between national refugee groups. This typology demonstrates the significant burden of violence that women experience in these camps. Customary systems of justice in operation in the camps, either with the actual or tacit approval of UNHCR, the Kenyan Government and other international aid agencies, routinely rely on forcing victims of rape to marry their attackers, or if the victim has been attacked by a member of another clan her male relatives may receive compensation which she cannot access (Crisp, 2000). Numerous scholarly and NGO reports highlight that refugee women have experienced rape and other forms of gender-based violence in the camps since their inception. This research has paralleled work that has historically recognised the prevalence of rape and sexual

violence as a routine part of the refugee experience (Pittaway & Bartolemei, 2004; Crisp, 2000, 2004). While international and grassroots organisations have worked to reduce the incidence of sexual violence in camps there are inherent problems with data collection on the incidence of sexual violence as well as service delivery to the survivors of attacks. There has also been some debate regarding the extent to which agencies such as UNHCR should bear the responsibility (let alone whether they have the resources) to ensure the physical safety and security of refugees in the camps (Crisp, 2000).

At the outbreak of conflict in 1991 UNHCR was alerted to the seemingly high level of rape in the Kenyan refugee camps. In a seven-month study (February–August 1993) UNHCR documented 192 cases of rape in these camps, including four against children and one against a man. Of these, 85 were reported to have occurred inside Somalia while the remaining 107 occurred inside the Kenyan refugee camps. UNHCR noted that these were the reported cases and expected the real figure to be approximately ten times higher.

In an overwhelming number of cases, refugee women and girls are violently attacked by unknown armed bandits at night or when they go to the outskirts of the refugee camp to herd goats or collect firewood. According to UNHCR, nearly all (100 of the 107) rape cases that occurred in the Kenyan camps were committed by bandits. Increasingly, these bandits join forces with former Somali military men or fighters from the various warring factions who launch raids across the Kenya–Somali border. To a lesser extent, refugee women are also vulnerable to attack by Kenyan police officers posted in the area, who were responsible for seven reported rape cases. (HRW, 1993, p. 1)

There is general agreement in the extant literature that the perpetrators of rape and sexual violence in the camps include local Kenyans, Somali refugees, Somali militia involved in cross-border activity, Kenyan border police and military personnel. Reports indicate that most attacks involve more than one perpetrator (Musse, 2004), and that the same perpetrators are involved in the commission of armed robberies at night and perpetrate the rapes by day (Crisp, 2000). Refugee scholars have often analysed violence in the camps, including the use of rape, as opportunistic—“There are simply more items to steal, more people to rob and more women to rape in and around the camps that [sic] in other parts of the two provinces” (Crisp, 2000, p. 619)—or as a “weapon of war” (Fitzgerald, 1998) used by one clan against another.

However, rape and sexual violence against women cannot be understood only by recourse to opportunistic explanations of criminal activity. From the available studies of rape in the refugee camps, it is evident that over half of the women raped knew their attackers, and almost all were gang raped (Musse, 2004). Victims of rape were effectively “chosen” because of their clan affiliation: “Many women said that the rapists would ask their clan affiliation or demand to know the location of dwellings of a particular clan. The attackers would then target the women of that group. Women who were from the same clan as their attackers were often spared from being raped and were only robbed” (Musse, 2004, p. 73). Clan affiliation was integral to transforming the rape from an “opportunistic” crime to an act intended to extract political effect. The cultural stigma of rape has long-term political and

social ramifications for the women attacked, their families and their clans. These consequences can differ for women of different marital, social and cultural backgrounds. The possible outcomes for women who are raped include rejection by their families (and consequent exclusion from economic and other protections as well as social and cultural isolation), and for an unmarried woman removal of her chances of making a successful marriage. Rape brings shame and stigma to the families involved, members of which may also be ostracised. Most importantly, however, the rape of a woman by an attacker from a rival clan symbolises their dominance and defilement of the victim's clan, which is accomplished by the possibility of the woman then bearing the child of a member of the opposing clan.

#### **4 Part 2: Reception: Malta**

It is estimated that the sea journey from Africa to Malta takes between two and five days. Boats set sail from either Libya or Tunisia (Ostergaard, 2008). It is common for it to take more than one attempt to successfully reach Malta or another European port.

Government officials and NGOs agree that there has been a significant recent increase in the number of single women arriving from sub-Saharan Africa, including Somalia. There is also some consensus as to women's reasons for fleeing: some leave for economic reasons, some because of gender-based persecution, and some for more general protection needs. Experiences vary significantly across the female asylum seeker population and are dependent on whether women travel alone, have access to social capital, travel with men and children, or whether they are pregnant. Regardless, conditions are difficult for women when they arrive in Malta and while they await refugee determination. Access to paid work is only possible once they are released from the detention centres, and discrimination often prevents them from gaining employment. There are reports of women being forced into prostitution or ending up in prostitution after they arrive. Prostitution is sometimes carried out in transit or en route to Malta, either coercively or as a way to fund the voyage. Many of the women arriving in Malta have experienced rape or other sexual violence in Somalia en route, in transit in Libya, or throughout all parts of their journey. Some make the journey from Somalia to Malta relatively quickly because they have family and clan-based connections which assist them. Others have to stay in Libya to raise money, while others escape prostitution by coming to Malta. Women are reluctant to discuss their knowledge and experience of prostitution, whether coerced or not, because of the associated shame and stigma. The violence experienced throughout the previous stages of fleeing Somalia does not simply cease once in Malta, but rather is perpetrated in a different context: within the European system of warehousing asylum seekers in Malta, of which the proportion of women is significantly increasing (NSO, 2009).

Over the last decade—Malta, a European Union member state since 2004—has rapidly become a country on the frontline of policing irregular migration. Geo-

graphically positioned on Europe's southern border, Malta is receiving growing numbers of people arriving by boat who are seeking asylum. The majority of people arriving commenced their long and treacherous journeys in Horn of Africa and West African countries (NSO, 2009, p. 3). The response of the Maltese Government to extra legal border crossing has been hostile and punitive, and in spite of efforts to put in place appropriate refugee determination processes has faced international condemnation for its use of detention. *Médicins Sans Frontières* classifies its treatment of refugees as inhuman (2009, p. 1), particularly for its impact on vulnerable populations including single women and pregnant women, and for the historical practice of not separating women from detained male populations.

In stark disproportion to its tiny land mass, Malta's maritime boundaries award it a search and rescue area that stretches for some 250,000 km<sup>2</sup> (Lutterbeck, 2009, p. 128), or 790 times its land mass. This has placed considerable strain on Malta's maritime squadron in the context of policing unauthorised arrivals. Two thirds of all arrivals in Malta are rescue operations (Communication with government official). The Armed Forces of Malta (AFM) has responsibility for the significant search and rescue area around Malta. Malta has an economic interest in sustaining this broad zone as the country receives revenues from air traffic that earn the government approximately 8 million € per year (Lutterbeck, 2009, p. 133). Approximately half of the boats are intercepted by the AFM prior to reaching Maltese shores. Up until 22 September 2009, the AFM had intercepted or rescued 1314 irregular migrants. The Maltese Government has lobbied the EU for additional support and resources, particularly needed around the summer months, which constitute the peak period for arrivals.

The European Union has answered this call through Frontex, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union. Frontex is based in Warsaw and was established in 2005. In 2008, Frontex had its budget doubled to tackle the Mediterranean (Lutterbeck, 2009, p. 129). During Operation Nautilus in the Mediterranean off Malta, 2942 irregular migrants were intercepted in 69 days of operation (Communities, 2008). Little is known of Frontex's handling of irregular migrants or what happens to them following their apprehension. Despite this, the presence of Frontex has been considered a humanitarian advance over the previous efforts of Maltese fishermen and armed forces. The Head of the Fishing Association in Malta said that fishermen would "put the engine in full thrust" upon seeing a boatload of migrants so as not to lose a day's work (Lutterbeck, 2009, p. 132). International attention was focused on Malta when, in May 2007, 27 Africans were found clinging to tuna nets while Italy, Malta and Libya fought to avoid responsibility. The men were finally picked up by an Italian vessel and brought to safety (Ostergaard, 2008).

Sovereignty has a new place in the Maltese national consciousness as the perceived threat posed by irregular migration is sensationalised in the media. Asylum seekers are portrayed as diseased and criminal, a perception implicitly supported by the government's mandatory detention policy.

The policies of the government have led the European Commission against Racism and Intolerance (ECRI, 2008, p. 27) to express the concern that:

The policies put in place by the Maltese authorities to respond to the challenges of irregular immigration into the country are seriously reinforcing perceptions of immigrants as criminals and increasing the levels of racism and xenophobia among the general population.

The preamble to its key policy brief of departments responsible for asylum seekers uses words and phrases that indicate the heightened vulnerability of Malta. It uses terms such as, “the fight against irregular migration”, and makes clear that “the cooperation and collaboration of all EU Member States are necessary so as to ensure equitable *burden sharing*”. It recognises that “Malta is in a truly vulnerable position” (MJHA & MFSS, 2005). Statistics as at 2006 indicated that the average annual arrival numbers were equivalent to 45% of the annual birthrate (LIBE, 2006, p. 3), a statistic often cited by government officials. As a result of this perception of Malta’s vulnerability to the threat of immigration, the integration of asylum seekers and those who have received successful determinations was not on the government’s agenda until very recently. Integration has also been hampered by the fact that most arrivals in Malta never intended on reaching Malta and instead were hoping to reach Italy.

Up until 2000, Malta was without a domestic refugee-processing framework. Despite signing the Refugee Convention in 1971, the government opted to out-source its refugee determination procedures to UNHCR (MJHA & MFSS, 2005; Amore, 2007). In passing the *Refugee Act 2000*, the Maltese Government created the Office of the Refugee Commissioner and the Refugee Appeals Board. This new national system operated autonomously in processing and making determinations on applications for refugee status from 2002 onwards (MJHA, 2009). Malta has been criticised for its treatment of irregular migrants by various human rights organisations and EU institutions. More recently, its questionable conduct of search-and-rescue operations has drawn condemnation (Ostergaard, 2008). The rising incidence of racism and xenophobia is also seen as a reflection of government inaction.

The number of people arriving by boat in Malta has increased dramatically since the early 2000s: the 2008 total was almost 50 times the 2001 number of arrivals at the start of the decade (NSO, 2009). Statistics in the Maltese context are difficult to obtain as record keeping is limited and the system is still in a nascent stage. We sought to obtain a gender breakdown of these statistics from the Office of the Commissioner for Refugees but no statistics were recorded. In addition, NGOs have expressed concern at the number of irregular migrants turned away at the airport, yet statistics on this number are also unavailable (LIBE, 2006; NSO, 2009). In order to put the increased influx of arrivals into context, in 2007 there were 51,000 arrivals along Europe’s southern borders, including the coastlines of Spain, Greece, Italy and Malta (Ostergaard, 2008). The Maltese share is but a tiny slice of the overall number, but authorities argue that in proportion to the country’s population, the numbers are significant. The southern borders of the European Union constitute the primary countries of entry to the EU. UNHCR states that, in the first half of 2009, arrivals in Europe’s southern region occupied three quarters of all arrivals into Europe (UNHCR, 2010).

The surge of arrivals in Malta corresponds with similar increases in Sicily and Lampedusa (Lutterbeck, 2009, p. 122) and then the decline in arrivals since the out-



sourcing agreements with Libya have come into full force in mid 2010. Although research has yet to shed definitive light on the complexity of migration routes, Lutterbeck speculates that the strengthening of border protection policies in other key areas along Europe's southern border, such as Spain and Italy, has affected this massive increase in Malta. Lutterbeck contends that migration routes have shifted from the former route through Albania to Italy via the Adriatic Sea, as a result of Italian policing deterrents along the Adriatic coast (Lutterbeck, 2009, p. 122). The success of Spanish policing efforts off the Canary Islands is also said to have contributed to the number of West Africans arriving in Malta (Lutterbeck, 2009, p. 123). Since 2008 larger boats have been used in preference to the smaller boats used in the past. These larger boats carry over 250 people, compared to the previously used fishing vessels or tailor-made rubber dinghies which could carry no more than 30 persons. The perception was that the larger boats move more quickly and carry more persons, making it a more lucrative operation for smugglers. In mid-2009, in the run-up to the Italian elections, boats ceased arriving in Malta most likely as a result of Italian Government pressure on Libya to prevent boats from leaving the Libyan coast.

A focus on advising arrivals of their rights for asylum has also led to significant increases in the percentage of people who have applied for asylum. Prior to 2005, the Jesuit Refugee Service of Malta found that people arriving by boat were given insufficient information regarding their right to apply for asylum (JRS, 2006). This is particularly crucial given that arrivals are only allowed a two-month window in which to apply for asylum, although this can be extended in certain circumstances (JRS, 2006, p. 7). Communication between immigration authorities and new arrivals has also improved recently. The Office of the Refugee Commissioner has adopted a practice of providing information on how to apply for asylum and distributing this in several languages (ECRI, 2008, p. 17).

In 2008, the bulk of applicants were coming from the Horn of Africa countries: Somalia, Eritrea and Ethiopia. A considerable number have also been arriving from West Africa: the Ivory Coast, Ghana, Mali and Nigeria. The clear majority of asylum applicants come from Somalia (see Table 2.1).

In previous years a greater number of asylum seekers came from Iraq and other parts of the Middle East (UNHCR, 2005). Moreover, Somali women comprise a higher proportion of Somali arrivals than do women of any other country of origin.

Although arriving unauthorised in Malta is no longer a criminal offence, Malta has a system of compulsory detention for all unauthorised arrivals. Policy documents suggest that the rationale behind mandatory detention is linked to the national interest, "and more specifically, for reasons concerning employment, accommodation and maintenance of public order" (MJHA & MFSS, 2005, p. 6). Malta has had a policy of compulsory detention since 1970.

Up until 2005, people could be detained indefinitely. Indeed, some people had been in detention for more than five years before the policy was amended to set a time limit (LIBE, 2006, p. 2). People are now meant to be detained for a maximum of either 12 (if they have applied for asylum and are waiting on a determination) or 18 months (for those who have had their claim rejected or did not apply for asylum in the first instance); yet there are reports of people being kept beyond the 18-month



**Table 2.1** Applications for asylum by citizenship in 2008 (NSO, 2009)

Citizenship	Male	Female	Total
Burkina Faso	33	0	33
Ivory Coast	262	0	262
Eritrea	153	22	175
Ethiopia	78	19	97
Gambia	44	0	44
Ghana	106	1	107
Guinea	39	0	39
Guinea-Bissau	8	0	8
Liberia	24	1	25
Mali	209	0	209
Niger	93	1	94
Nigeria	172	52	224
Senegal	15	0	15
Sierra Leone	19	4	23
Somalia	875	207	1082
Sudan	30	0	30
Togo	70	1	71
Other Africa	30	4	34
Other countries	29	7	36

maximum (LISE, 2006, p. 2; ECRI, 2008). In Southern European states Spain and Italy, people are detained for 40 days and 60 days, respectively (Ostergaard, 2008, p. 14). UNHCR believes Malta's policy is the strictest in Europe by a considerable margin (UNHCR, 2009). The maximum length of detention permitted is a policy decision and is not covered by legislation—a matter that has alarmed refugee advocates (ICJ, 2008). The mandatory detention policy for “prohibited immigrants” also breaches Article 5 of the European Charter on Human Rights which states that detention is only allowable in two circumstances: to prevent unauthorised entry into the country or when action is being taken with a view to deportation or extradition. Malta has refused to sign other European instruments related to migrants (ECRI, 2008, p. 7).

#### ***4.1 Detention Centres***

At present there are six detention centres and 14 Open Centres on Malta. Three detention centres are run by the armed forces and three by the police (LISE, 2006). An army colonel has oversight of all closed centres. The Detention Service was established in 2005 to bring the military and police management of detention centres under joint command. The Maltese Government has committed to replacing military and police roles with civilians, but this is yet to happen. The government claims that all personnel have had human rights training; however, there are reports of a heavy emphasis on security and control in place of human rights and dignity (ECRI, 2008; Ostergaard, 2008).

Conditions in detention in Malta have been deplorable for women. Single women have been forced to share living quarters with single men, and both government and non-government agencies attest to significant rates of pregnancy in detention. Until relatively recently no contraception was distributed in detention centres. There has been a suggestion that women have resorted to pregnancy as a way to gain release from the closed centres and be relocated to open centres, as single women are not classified as vulnerable. People categorised as “vulnerable persons” may be released from detention centres into Open Centres. “Vulnerable persons” refers to “elderly persons, persons with a disability, lactating mothers and pregnant women” (ECRI, 2008, p. 13). A recent report by the European Commission against Racism and Intolerance found that waiting periods for assessments could extend into months (2008, p. 15).

The perpetration of sexual violence and forced pregnancies in detention centres has been compounded by the extensive system of gendered social control in Malta. Malta is intensely Catholic (Scicluna & Knepper, 2008). The marriage laws of Malta contain no provision for divorce. Abortion is illegal and there is little access to sexual health education (HRC, 2009, p. 9). In its report of 2009, the UN Human Rights Council urged Malta to amend its Civil Code, which presently distinguishes between “legitimate” and “illegitimate” children (HRC, 2009, p. 5). “Legitimate” children have more rights than those born outside of wedlock (HRC, 2009, p. 5). Malta has one of the lowest employment rates for women: 34.9% for women, compared to 74.5% for men (Eurostat, 2008, p. 256). In 2008, the proportion of female members of parliament was 9.2% (UNSD, 2008). A significant emphasis on the family has meant that women are largely confined to, and defined by, that context. To illustrate the point, in Malta’s Criminal Code rape falls under the title “Of Crimes against the Peace and Honour of Families and Morals” (HRC, 2009, p. 6).

The state of detention centres in Malta has been criticised by numerous groups including the European Committee for the Prevention of Torture, the Council of Europe Commissioner for Human Rights, the European Parliament’s Committee on Civil Liberties and Human Rights, Amnesty International, Medicine de Monde, and *Médecins Sans Frontières* (MSF). MSF opted to pull out of Malta in protest at conditions in 2008. Lyster Barracks, one of the detention centres visited by the Rapporteur from the Committee on Civil Liberties, Justice and Home Affairs (LIBE, 2006, p. 8), was described as follows:

The centre is run by military personnel and accommodates up to 230 people. A large number of tents have also been erected to house migrants outside. In each tent there are about 20 beds and only one small heater. Some beds are used as cupboards because there is very little space.

In the actual centre itself the living conditions are appalling. Men and women live together in extremely tight spaces. In one room there are two married couples living together, each couple sleeping in a single bed, as well as two single girls. The delegation met women who were four months pregnant and an old woman. At the entrance to the centre there is a prison for migrants guilty of some misdemeanour. One of them, a deaf mute, is accused of hitting his wife. There are only two functioning toilets for more than 100 people. The migrants have organised shifts for cleaning. The hygiene conditions and the overcrowding are intolerable. The women are not given any sanitary towels. Here, too, people are given

out-of-date drugs and poor quality food, and they are not allowed to go out. There is not even an outside area at this centre.

The same Rapporteur found that there were no activities available for detainees. The need for qualified staff is of greater importance in this context because the population has health or psychological problems as a result of having experienced trauma. Conditions in the detention centres are said to be difficult for both the detainees and the guards (LIBE, 2006, p. 5). Although some observers have remarked that services in these detention centres have improved with the advent of private management, Medicine de Monde and MSF have been critical of the conditions and the healthcare available (Ostergaard, 2008). Detainees must clean the centres themselves (LIBE, 2006). The UN Working Group on Arbitrary Detention visited two of the detention centres: Safi and Lyster. It found conditions to be “appalling to the extent that the health, including mental health, of the detainees is affected”. They went on to say:

The sub-standard closed centres of Safi and Lyster Barracks are overcrowded. At Lyster Barracks, families are not separated from men, women, including pregnant and nursing mothers, and children, including unaccompanied minors. Although the Government applies a fast track procedure for the release of vulnerable groups in administrative detention, the procedures may take several months and be in vain for those who are considered a health risk. Many dwell in tents and the Working Group notes with serious concern that 59 inmates do not even find a place to sleep in these tents at present. (WAGD, 2009, p. 4)

As recently as 2007 a UNHCR report found that:

Malta’s detention policy is also at times applied to vulnerable persons, namely children, pregnant and lactating women, elderly persons, persons with disabilities and victims of torture and trauma. The procedure for fast-tracked release of these vulnerable persons from detention often suffers from administrative hindrances, resulting in unnecessarily long detention and related negative consequences for the vulnerable persons. Whilst in detention, minors, including children, do not generally receive any kind of education and are only permitted minimal time for leisure activities in the open air. Female, male and minor asylum-seekers are not segregated, but accommodated in the same premises and with joint use of showers and toilets.

The medical service provided in detention is not sufficient to meet all the needs, often urgent, of the detained asylum-seekers. Health risks are also present due to the severe hygiene conditions and lack of ventilation. The Detention Service also makes extensive use of inappropriate cells for the confinement of asylum-seekers as a means of punishment, and use of violence and offensive language, including threats, is common in the centres. (UNHRC, 2007, p. 5)

## 4.2 *Open Centres*

Open Centres are run either by state or non-state organisations for several categories of people: people released from detention after 12 months who have not yet had their asylum claim decided; those who have been released after 18 months of detention; and those who have had their asylum claims approved. If people’s asylum claims are not settled after 12 months they are granted certain working rights.

In order to participate in the labour market people are transferred from detention to Open Centres. People are only allowed to stay in an Open Centre for up to one year, after which time their financial assistance is cut off (Masurelle & Poykko, 2007). Men are still housed in tent-style accommodation in Hal-Far Open Centre, and there is a converted hanger that also houses asylum seekers. Those in Open Centres are given an allowance of € 2.30 for every child and 4.60 for each adult (Masurelle & Poykko, 2007). If they leave the Open Centre and access the private market they lose both this allowance and their ability to return to an Open Centre. There are a great number of people living in Open Centres who have been denied any sort of humanitarian protection. In 2006, this number was put at 800 (UBE, 2006, p. 2).

There are three types of protection available to those who arrive in Malta and seek asylum. Firstly, applications are assessed on the basis of refugee status. Failing that, asylum seekers may be entitled to “subsidiary protection”, otherwise known as humanitarian protection. According to the government’s website, subsidiary protection “applies to failed asylum seekers, who if returned to their country of origin would face a real risk of suffering serious harm” (MJHA, 2009, p. 3). The subsidiary protection scheme was introduced in 2008 following an EU Council Directive.<sup>2</sup> The third category of protection is temporary humanitarian protection, which is available to those who do not qualify for refugee status or subsidiary protection, but are deemed worthy of temporary protection. This is re-evaluated on a yearly basis. The Refugee Commissioner said that those given this protection are generally minors or have medical problems.

### 4.3 *Subsidiary Protection*

According to the Office for the Commissioner of Refugees, on average 70% of extra legal arrivals apply for refugee status and 47% receive some kind of humanitarian protection, but a mere 3% receive refugee status (Ostergaard, 2008, p. 29). In 2008, for example, 19 people received refugee status whereas 1394 received subsidiary protection (MJHA, 2009, p. 6). This amounts to 0.07% of applicants receiving refugee status, and 50% receiving subsidiary protection.

Those with subsidiary protection are given one-year residence permits that are renewable. They are able to receive travel documents, to work, to receive welfare benefits, healthcare and access to education and integration programs. Dependants, if they are in Malta at the time the protection is granted, have the same rights and benefits as the primary holders. This assistance is provided to people until they re-settle in a third country or are able to return to their countries of origin. Subsidiary protection has generated a great deal of criticism among refugee experts who query whether it is assigning a label to avoid recognising the rights of refugees (Hathaway, 2003). Subsidiary protection provides a formula for humanitarian protection that is temporary.

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<sup>2</sup> EU Council Directive 2004/83 EC.

#### **4.4 *Dublin II Treaty***

Essentially, the first Dublin Treaty outlined the common asylum application procedure. It sets out the criteria for determining the member state for processing the asylum applications of third-country nationals. It also established “Eurodac”, a fingerprint system that enables asylum seekers to be identified. Malta is one of the few European nations that fingerprints asylum seekers. Dublin II stipulated that the responsibility lies with the country in which the applicants first make their application for asylum. Although Malta complies with Dublin II, it has not received favourable treatment. The Maltese Government has criticised the Treaty, arguing that it was forced to share too much of the burden and that the Treaty favours other countries that do not receive as many asylum seekers. As a result, those who arrive on Malta’s shores do not have the right to apply for asylum in another EU country. The Maltese authorities have sought an exemption from the Dublin II regulation based on the argument that they are handling a disproportionate share of Europe’s asylum applications (LIBE, 2006).

### **5 Conclusion**

Women’s experiences of crossing borders, including their experience of violence for both opportunistic and political or organised ends, have dramatically shaped the ways in which they cross borders to flee conflict. By studying women’s experiences from Mogadishu to Malta, we can see that such violence manifests in different ways, but is all part of a changing landscape of violence that is effective in preventing women from crossing from the Global South to the Global North, and which in essence punishes them for arriving unauthorised in the Global North. Gender-based violence, and rape in particular, has been used for political, cultural and social ends for it has consequences not only for individual women, but also for families and clans, in a range of conflicts involving local, national and regional actors.

If we begin with women’s stories of flight and border crossing it becomes apparent that there is rarely a singular border crossing in the journey to their destination. Rather, there are many crossings of both internal and external borders, which often do not map onto the sovereign territorial borders on which developed nations continue to focus their enforcement efforts. The violence women experience before, during and after extra legal border crossing occurs along a continuum of harm, most of which goes unnoticed at the formal territorial border crossing. Moreover, the continuums of the crossings women make are only possible through their risking serious violence in flight, transit and reception. Fleeing persecution, serious harm, threat of violence or insufferable poverty often requires submitting or at least risking those same or greater harms in order to escape. This chapter has evidenced that women’s extra legal border crossings are numerous and ongoing, and throughout the continuum those who police their crossings include both opportunists and organised

interests who rely in concert and individually on practices of sexual violence. The control of women who cross borders in Africa is overwhelmingly performed by non-government agents, using an array of gender-based acts of violence to achieve ends that are either organisational or individual. Finally, European-based forms of border control, in this case those of Malta, regularly use institutional violence as a frontline strategy in deterring and punishing forced migrants.

## **6 Summary**

This chapter focuses on women's experiences of border enforcement when fleeing conflict from Somalia, through Libya and Kenya and reception in Malta. It is concerned with the ways both state and non-state violence act as the most effective forms of control over women. Such violence includes gender-based violence by militia, government agents and institutions. Somalia has been regarded as a failure among failed states, yet at the same time depictions of lawlessness do not adequately account for experiences of control over women's mobility. Malta has been on the frontline of European attempts to reject extra legal migration and has been subject to extensive criticism for warehousing of refugees in appalling conditions.

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