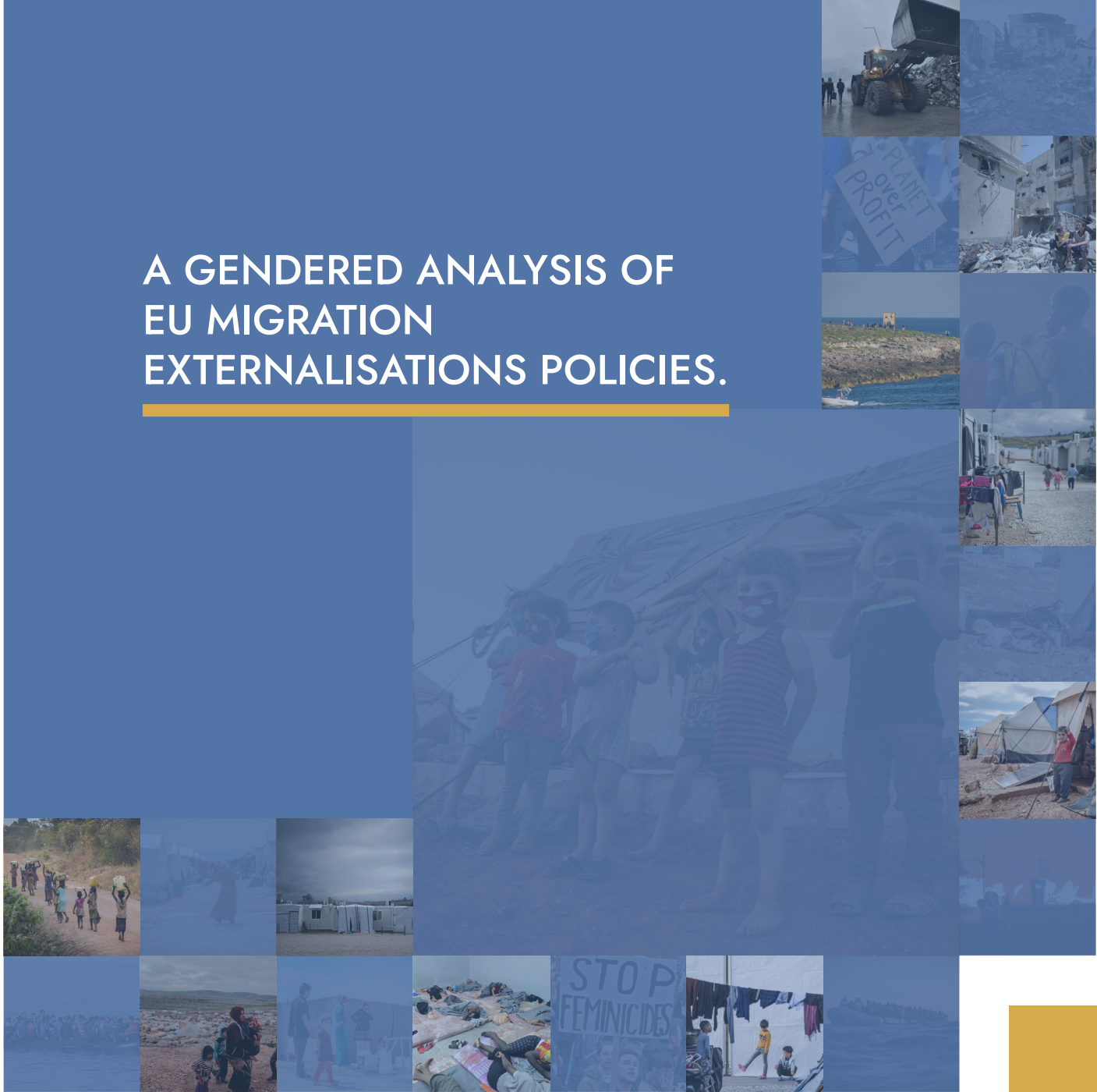


**A GENDERED ANALYSIS OF
EU MIGRATION
EXTERNALISATIONS POLICIES.**



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LIST OF ACRONYMS

ASGI	Associazione per gli Studi Giuridici sull'Immigrazione
CEAS	Common European Asylum System
CSO	Civil Society Organisation
DRC	Danish Refugee Council
EU	European Union
FRONTEX	European Border and Coast Guard Agency
IOM	International Organisation for Migration
LGBTQIA+	Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, Intersex, Asexual
MoU	Memorandum of Understanding
MSF	Médécins Sans Frontières
NGO	Non-Governmental Organisation
OHCHR	Office of the High Commissioner for Human Rights
PRAB	Protecting Rights at Borders Initiatives
SGBV	Sexual and Gender-Based Violence
SRH	Sexual and Reproductive Health
UM	Unaccompanied Minors
UN	United Nations
UNHCR	United Nations High Commission for Refugees
UNICEF	United Nations International Childrens Emergency Fund
UN IFFM	United Nations Independent Fact-Finding Mission

EXECUTIVE SUMMARY

The European Union (EU) has been pursuing migration externalisation policies for at least three decades (Faist, 2019). Externalisation involves a range of different policies and instruments, (formalized migration policies and visa regimes, bilateral and multilateral policy initiatives between states, ad hoc policies and practices) but they all have the goal of limiting the number of migrants arriving in Europe and placing the responsibility of “controlling” migration on to non-EU States bordering the EU, or on the main “migration routes” towards Europe. Countries within the Euro-mediterranean region and particularly those on the Southern border of the Mediterranean have thus been particularly targeted by these policies, with major impacts on those travelling to and through these States.

Externalisation has wide ranging impacts both in terms of diversity of effects on people on the move and in the geographical locations of these impacts. As previous research on migration has shown, gender inequalities and gendered structures of power and domination have an impact at all stages of a migration journey: influencing reasons for departure, affecting access to mobility and creating situations of gendered and racialized vulnerability in countries of transit and destination. Gender should be understood here as part of an intersectional framework, interacting with race, social class, age, sexual orientation, (dis)ability, and other axes of social inequality, to create particular forms of violence and situations of vulnerability (as well as opportunities) for people on the move.

As the report shows, one clear impact of EU externalisation policies in the Euro-mediterranean region, has been to reinforce immobility, as those on the move find it harder to undertake their journeys, and may find themselves “stuck” at various points along this journey. **Enforced immobility has clearly gendered effects, women’s mobility has always been more limited than that of men, but externalisation policies have exacerbated this difference** (Tyszler, 2019). Women may also be forced to take longer routes and it generally takes women longer to cross borders than men, if they make it at all (Freedman et al., 2023). Whilst people on the move remain blocked/immobilized in countries of “transit”, their rights may be severely limited. This includes limited access to health services, education for their children, accommodation or non-exploitative work. For women, there is a specific problem with access to sexual and reproductive health services, which is particularly problematic in the context of widespread sexual violence against women. Women may also have difficulties in finding childcare or putting their children into school. This is a problem for all migrants, but as women are more likely to have responsibility for childcare, this weighs particularly on them.

Forced immobility of people on the move has been compounded by arrest and detention in various Third Countries as a direct result of EU externalisation policies which lead to criminalization of migration, and funding of police and military efforts to stop migration. There have been many reports of the widespread use of rape and sexual violence in detention centres particularly in Libya. **Sexual violence is particularly targeted at migrant women.** There have been various reports of pregnant women being forced to give birth in detention centres in Libya, because their captors refuse to bring them to a hospital to give birth. Lack of medical treatment and difficult birthing conditions has led to some women dying from preventable deaths in childbirth. For survivors of rape and sexual violence, there is little or no access to sexual and reproductive health (SRH) services.

Externalisation has produced increasingly violent border control, which can be seen to be gendered with men and women experiencing different forms of violence as they attempt to cross. **Whilst men frequently talk about physical violence and beatings, women are more likely to report sexual harassment and sexual violence.** Border militarisation has also increased the power of smuggling networks. **For women, interactions with smuggling networks are often characterized by forced transactional sexual exchanges or sexual violence.** Women who do not have enough money to pay for their journeys are frequently constrained to engage in transactional sex in exchange for passage, or are subject to sexual violence and rape by smugglers.

The increasing number of deaths at sea provoked by externalisation, can also be analysed through a gendered lens. Although there is a lack of data, the evidence that does exist suggests that **amongst those migrants who die at EU borders, a greater proportion of women than men die by drowning** (Gerard and Pickering, 2013). This may be because women and children are placed below deck on boats during the crossing, making it harder to escape in the case of a shipwreck. Or because women are less likely to be good swimmers because of gender inequalities in access to swimming lessons. Wearing heavier or more unwieldy clothing, being pregnant or travelling with children might also make it less likely that they will survive a shipwreck (Gerard and Pickering, 2013).

The **hotspots**ⁱ set up by the EU in Greece and in Italy have become places of immobilisation and containment, as people on the move remain trapped, unable to continue their onwards journeys, and with the threat of being “returned” to their countries of origin, or a “safe” Third Country. Various studies have also described the poor conditions within the hotspots, including overcrowded and unsanitary living conditions, with little medical, legal or social support. These conditions **render women vulnerable to sexual and gender-based violence, and provide them with extremely limited recourse to social, medical or legal support if they have experienced such violence** (Freedman, 2016; Tastoglou et al., 2021).

Finally, the EU’s New Pact on Migration and Asylum looks set to reinforce and deepen externalisation of migration and will most likely create even more dangerous and violent journeys. The gendered impacts of this will reinforce existing inequalities and the intersectional vulnerabilities of people on the move.

ⁱ The hotspot approach was introduced in 2015 in the European Agenda on Migration. The European Commission presented hotspots as a solidarity measure that could offer a temporary measure for EU member states facing ‘specific and disproportionate migratory pressure’. The hotspot approach started to be implemented in the Moria reception and identification centre (RIC) on the island of Lesbos in October 2015. It became operational in RICs on four other Aegean islands (Chios, Samos, Leros and Kos) and in southern Italy in early 2016. In practice, it entails that all migrants disembarked following a rescue at sea or otherwise landing ‘irregularly’ in the most affected areas are to go through identification and registration and at a designated hotspot. The hotspot approach was meant as a temporary measure to address an emergency situation. However, it continues to be applied to this day notwithstanding the absence of a specific legal instrument regulating the operation of hotspots and the responsibility of EU agencies involved in their activities.

INTRODUCTION

The EU has been pursuing migration externalisation policies for at least three decades (Faist, 2019), outsourcing border control to non-EU States in an attempt to prevent migrants from reaching EU territories. As Lemberg-Pedersen (2018) argues, there is a clear continuity between these politics of externalisation and colonial policies of displacement of populations. Externalisation involves a range of different policies and instruments (formalized migration policies and visa regimes, bilateral and multilateral policy initiatives between states, ad hoc policies and practices), but they all have the goal of limiting the number of migrants arriving in Europe and placing the responsibility of “controlling” migration on to non-EU States bordering the EU, or on the main “migration routes” towards Europe. Countries within the Euro-Mediterranean region and particularly those on the Southern border of the Mediterranean have thus been particularly targeted by these policies, with major impacts on those travelling to and through these States.

Externalisation has wide ranging impacts both in terms of diversity of effects on people on the move and in the geographical locations of these impacts. Whilst it is clear that externalisation reinforces controls of borders, there are debates about where borders start and finish (Stock et al., 2019), leading to discussions about border zones (Gaibazzi et al., 2017) or “differential inclusion/exclusion” of borders (Casas-Cortes et al., 2015). Research, both empirical and theoretical, on borders and processes of ‘bordering’ or ‘borderisation’ (Cuttiitta 2014) and on ‘borderzones’ (Squire 2010) have multiplied in recent years, as the evidence mounts up to show that the idea of the ‘borderless’ world that was perhaps imagined as an outcome of globalisation is very far from the reality, and as the functions and operations of various global borders is interrogated. This research has highlighted the fact that borders are far more than geographical situated ‘lines on a map’ (Parker & Vaughan-Williams, 2009), and have complex historical, political, geographic, socio-economic and cultural roots and impacts. As Casas-Cortes et al. describe, externalisation contributes to the creation of borderzones that are ‘more labile, extended, extra-territorial and itinerant’ (Casas-Cortes et al. 2015), as within the EU borders are (re)created both outside and within the Schengen territory.

Militarisation of borders creates higher risks for migrants, making journeys more expensive and more dangerous. It also contributes to the development of smuggling networks as it is increasingly impossible to cross these militarized borders alone without the help of a smuggler. The dangers of migrant journeys in the face of militarized borders are starkly demonstrated by deaths at sea and en route, with the Mediterranean and Sahara becoming “mass graves” for migrants (Brachet, 2018). Despite the increased attention brought to borders, only a few of the academic studies on the subject have integrated a gender perspective (Tyszler 2019). Yet gender is an analytical tool that highlights different social, cultural, economic, spatial and legal declinations of the border (Freedman et al., 2023). Feminist theorists have pointed to the hyper-masculinity in evidence in the current policies of securitisation and militarisation of borders (Staudt 2010), a hyper-masculinity which constructs the ‘deserving’ migrant as a ‘vulnerable’ woman in need of masculinist protection.

Externalisation has also involved outsourcing of border control to non-State actors (Lemberg-Pedersen, 2018), which creates additional layers of opacity (Schapendonk, 2018) and potential for violence and human rights abuses against people on the move. In Libya, for example, the 2017 Italy-Libya Memorandum of Understanding, supported by the EU – which is still running and has a stated aim of preventing departure and managing returns - has provided large scale funding and investment for ‘construction of detention centres, training courses for Libyan police forces, readmission agreements, deportation schemes and the supply of various forms of equipment (vessels, rubber boats, road vehicles, binoculars etc.)’ (Pacciardi and Berndtsson, 2022). Given the political situation in Libya and the fragmented and weak government, much of this funding has been provided through private security companies meaning that ‘border security functions are equally carried out by militias, smugglers and armed groups that gravitate around official state structures’ (Pacciardi and Berndtsson, 2022). This in turn means that there is even less possibility for control or oversight regarding the violence and human rights abuses to which people on the move are subjected.

Externalisation also has a performative role, constructing people on the move as “illegal” migrants, even before they reach the EU borders. As Menjivar (2014) writes, the construction of immigrant illegality, ‘is no longer confined to the territorial borders of the receiving country; it is a process that starts before immigrants arrive at the physical border, in transit areas and, in some cases, even at the point of departure’ (Menjívar, 2014). This suspicion of illegality towards all people on the move clearly has an impact on the ways in which they are treated in “transit” countries that they move through, and contributes to legal precarity and vulnerability to violence in these countries.

As previous research on migration has shown, gender inequalities and gendered structures of power and domination have an impact at all stages of a migration journey: influencing reasons for departure, affecting access to mobility and creating situations of gendered and racialized vulnerability in countries of transit and destination. **Gender should be understood here as part of an intersectional framework, interacting with race, social class, age, sexual orientation, (dis)ability, and other axes of social inequality**, to create particular forms of violence and situations of vulnerability (as well as opportunities) for people on the move. For example, data shows an increasing number of Unaccompanied Minors (UM) arriving in the EU, which can largely be attributed to the impacts of externalisation on the difficulties and dangers of migration journeys, which frequently lead to family separations.

UNHCR, UNICEF and IOM report that in 2021, 24,147 children arrived in BULGARIA, CYPRUS, GREECE, ITALY, MALTA and SPAIN, a 44% increase on the figures of the previous year. Of these, 17,185 (71%) were UNACCOMPANIED OR SEPARATED CHILDREN (UASC).⁵

Several interviewees for this report also pointed to an increase in the number of UMs, for example among those rescued at sea¹.

SEA RESCUE BOATS frequently pick up large numbers of UMs who may be traumatized by the difficult journeys which they have undertaken. One interviewee describes a young boy crying because “*he just wanted to go back to his mother*”.² These UMs are frequently not recognized as such by EU States, and thus do not receive the specific protection to which they are entitled.³

An interviewee in **CROATIA**, for example, pointed to the fact that UMs were frequently returned to Bosnia-Herzegovina and Serbia under readmission agreements, or were included in pushbacks at the Croatian border.⁴

It is important to understand how gender and race are co-constituted, and the gendered and racist nature of violence produced by EU migration and border regimes. Several researchers have highlighted how border regimes actually tend to foster gendered and sexual violence, notably on women and LGBTQIA+ people (Freedman 2016; Gutiérrez Rodríguez 2018; Tyszler 2018, 2019; Holzberg et al. 2022). Externalisation also contributes to the production of racialised and gendered forms of violence in countries neighbouring the EU, which has been observed, for example in Morocco (Tyszler, 2018, 2019) and Tunisia (Scaglioni, 2017).

This report is based on a review of relevant academic and grey literature on the impacts of EU externalisation, and on gender and migration, as well as focus group discussions and interviews with EuroMed Rights members in various countries around the Mediterranean.⁶ Two focus group discussions were carried out with EuroMed Rights members from Belgium, France, Italy, Morocco, as well as interviews with members from Croatia, Tunisia, and Turkey. Further interviews were carried out with individuals working with other NGOs and civil society organisations. These focus group discussions and interviews served to highlight the ways that respondents perceived the impacts of migration externalisation policies in the locations where they worked, and how they saw these externalisation policies having an impact on men, women and people from with diverse gender identities and sexual orientations. Interviewees are quoted here anonymously to ensure confidentiality. Although it is clear that the impacts of externalisation policies are spreading to a wider and wider geographical area (e.g. countries in the Sahel region), the report focuses on those countries which are represented in the EuroMed Rights network, namely countries in Europe, Middle East and North Africa. Further, whilst we recognize that gender does not concern only men and women, there is a real paucity of data on the impacts of externalisation on LGBTQIA+ people⁷, and in many cases people on the move do not reveal their gender identity or sexual orientation for fear of suffering further discrimination and violence, and so the main focus of the report remains on gendered impacts of externalisation on women.

THE GENDERED IMPACT OF EXTERNALISATION

A. REINFORCING IMMOBILITY

One clear impact of EU externalisation policies in the Euro-mediterranean region, has been to reinforce immobility, as those on the move find it harder to undertake their journeys, and may find themselves “stuck” at various points along this journey. As well as using EU agencies such as Frontex and European border police to reinforce control of European borders, police and security apparatuses in Third Countries have been enrolled to criminalise, sanction and deport people on the move on their way to the EU. These Third Countries have frequently accepted significant funding from the EU towards this end. Enforced immobility has clearly gendered effects. Women generally have more restrictions on their movement than men for a variety of reasons including gendered inequalities in economic resources, gendered responsibilities for childcare, risks of gender-based violence on the journey.

Women are generally informed about the long and dangerous nature of the journey and the probability of experiencing sexual violence which might lead to them being more reluctant to undertake migratory journeys (Freedman et al., 2022, 2023; Krause, 2015).

In other cases, families may be less supportive of women’s migration than of men’s (Belloni et al., 2018). Thus, women’s international mobility has always been more limited than that of men, but externalisation policies have exacerbated this difference (Tyszler, 2019). A key informant for this research, commenting on the fact that a larger proportion of those who cross the Mediterranean are men than women, pointed to the fact that it is telling to understand who makes it that far, and that it is far harder for women to undertake migration journeys than men.⁸ Women may also be forced to take longer routes and it generally takes women longer to cross borders than men, if they make it at all (Migreurop, 2018).



© Brian Wertheim - September 2016; Syrian refugees residing in Lebanon's Bekaa Valley.

Tyszler (2019), for example, shows the **impacts of externalisation on women attempting to cross the Morocco-Spanish borders**. She describes the racist and gendered violence encountered by illegalized women migrants in these regions. The camps in the forest where they wait to cross are controlled by “chairmen” who set the rules for those living there. In some cases, these men blackmail women into having sexual relations with them in order to be able to attempt to cross the border. And some women are prevented from attempting the crossing because the chairmen want to retain them in the camps to be able to have sexual relations with them. One young Senegalese woman thus explains:

“Sometimes even if you’ve got money it won’t help you at all. Because all the chairmen you see there they want the girls. Especially the new ones who’ve just arrived. Every time you give your money but you don’t get to go. Why? Because the chairman’s interested in you. So he’s going to leave you there. Either you do what he wants, and then he takes you, or you don’t want to and you stay there. That’s it.” (Cited in Tyszler, 2019).

In this situation of constrained mobility, women may also be forced to become pregnant as this makes it “easier” for them to cross borders and more likely to be “saved” by coastguards. On the other hand, women who are menstruating are forbidden from attempting the crossing on zodiacs, because it is believed that a menstruating woman will attract sharks.

As Tyszler concludes, the situation of these women can be directly attributed to politics of externalisation which have created a “deadlock” situation at the border, a situation where women “face even more constraints than men, even within their own bodies, which they have to control at all costs or lend to male strategizing in order to hope to cross” (Tyszler, 2019). **EuroMed Rights’ members in Morocco supported this analysis, pointing to the number of women who are “stuck” in the country, without access to any type of support, and often forced to engage in transactional sexual relations to survive or to attempt to move onwards.⁹**

These types of constraints on women and on female bodies are also found in other countries where women are immobilized as a result of EU externalisation policies. For example, following the **EU-Turkey statement of 2016ⁱ**, many people remained stuck in Turkey, unable to move on to the EU. Research has shown that since the agreement between the EU and Turkey, conditions for people on the move have worsened in the country with reports of severe violence by Turkish border guards and coastguards against those trying to cross land or sea borders, forced deportations, worsening situation in refugee camps and increase in labour exploitation and violence against migrants, making their situation “desperate and legally insecure” (Van Liempt et al., 2017). The Women’s Refugee Commission (2016) argue that the consequences of the EU-Turkey agreement have been “nothing short of a protection and legal disaster for refugees, particularly women and girls”. An NGO working with LGBTQIA+ refugees in Turkey also pointed to the growing violence and discrimination against them in recent years which has worsened since the 2016 EU-Turkey statement.¹⁰

EU policies can be seen to have a direct impact on the situation of migrants living in Third Countries within the Euro-mediterranean region. For example, EuroMed Rights’ partners in Tunisia have reported that **the negotiations on the EU-Tunisia Memorandum of Understanding, signed in July 2023, contributed directly to the increase in violence against migrants in the country.¹¹ This included specific violence targeted at women and at LGBTQIA+ people.¹²** There is a clear link between externalisation policies and deteriorating conditions for migrants in Tunisia, as the Danish Refugee Council (DRC) reports: “The co-occurrence of the announcement of the EU-Tunisia ‘agreement’ with the deteriorating protection environment for refugees and migrants in Tunisia and the alleged expulsion of asylum seekers, refugees and migrants to remote and desolate areas on the border with Libya and Algeria put on full display the disrespect for human rights and lives”.¹³



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ⁱ On 18 March 2016, the European Council and Turkey reached an agreement aimed at stopping the flow of migration via Turkey to Europe.

According to the EU-Turkey Statement, all new irregular migrants and asylum seekers arriving from Turkey to the Greek islands and whose applications for asylum have been declared inadmissible should be returned to Turkey.

B. LIMITING ACCESS TO RIGHTS

Whilst people on the move remain blocked/immobilized in countries of “transit”, their rights may be severely limited. Several of the key informants pointed to the impacts of EU externalisation policies on migrants’ rights in countries such as **Morocco** and **Tunisia**, for example.¹⁴ This includes limited access to health services, education for their children, accommodation or non-exploitative work. **For women, there is a specific problem with access to sexual and reproductive health services, which is particularly problematic in the context of widespread sexual violence against women.** Women may also have difficulties in finding childcare or putting their children into school. This is a problem for all migrants, but as women are more likely to have responsibility for childcare, this weighs particularly on them. An interviewee in Tunisia remarked that **access to healthcare and childcare has become markedly more difficult since the EU’s negotiations with Tunisia and the signing of a Memorandum of Understanding (MoU) in 2023.**

Research on people on the move in **Turkey** has also pointed to the impacts of externalisation on their rights and on the differential social-legal status created for those from different national origins and with varying migration journeys (Ustubici, 2019). Andersson and Keen argue that “A trend towards increasingly repressive and restrictive refugee policies in Turkey does seem to have been encouraged and accelerated by the EU-Turkey deal”. And these repressive policies have gendered impacts. Researchers have pointed to the particular precarity of many women migrants in Turkey (Şenses, 2020), for example the legal violence faced by Syrian refugee women (Kivilcim, 2016).



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C. DETENTION

Forced immobility of people on the move has been compounded by arrest and detention in various Third Countries as a direct result of EU externalisation policies which lead to criminalization of migration, and funding of police and military efforts to stop migration. In **Libya**, as mentioned above, much of this funding goes to militias, with no control over the conditions of detention of people on the move. It is impossible to provide accurate figures on the numbers of those detained in Libya, but Amnesty International (2020) estimates that in 2017, there were about 20,000 people in various types of migrant detention centres in the country. Médecins Sans Frontières (MSF) has written about the conditions in Libyan detention centres where: “Detainees are stripped of any human dignity, suffer ill treatment, and lack access to medical care. [...] Medical teams treat more than a thousand detainees every month for [...] diseases [...] directly caused or aggravated by detention conditions. Many detention centres are dangerously overcrowded, with the amount of space per detainee so limited that people are unable to stretch out at night [...]. Food shortages have led to adults suffering from acute malnutrition, with some patients needing urgent hospitalization” (MSF, 2017). And a recent report by Amnesty International described the conditions of migrant detainees who are ‘held in inhuman conditions, amid rampant torture and other ill-treatment, extortion of ransoms to secure their freedom, and denial of adequate medical care’ (Amnesty International, 2022). The overcrowded nature of Libyan detention centres was confirmed by interviewees for this research, who pointed to the recent EU MoU with Tunisia, and the subsequent changes in Tunisian policies as contributing to this overcrowding as more and more people on the move are being deported from Tunisia to Libya.¹⁵

There have also been many reports of the widespread use of rape and sexual violence in detention centres in Libya. Indeed, the UN Independent Fact-Finding Mission (UN IFFM) reported in March 2023, that, “there are reasonable grounds to believe that migrants across Libya are victims of crimes against humanity and that acts of murder, enforced disappearance, torture, enslavement, sexual violence, rape and other inhumane acts are committed in connection with their arbitrary detention”¹⁶. Sexual violence is particularly targeted at migrant women. Amnesty International (2016), states that migrant women “expect to be raped and ... are constantly at risk of sexual violence at the hands of smugglers, traffickers, armed groups or in immigration detention centres”. The UN IFFM reports that “Migrants were routinely raped, with one male witness describing how, “during the nights, the guards [of Bani Walid] come in the dark with the torch and approach the ladies, pick any and rape her. They order us to sleep and cover ourselves with the mattress as they take the lady away”¹⁷. And another report found that women detained in the Shara’ al-Zawiya detention centre were coerced by the centre staff into having sex with them in exchange for their release or for better living conditions in detention (ECCHR, FIDH and LFLJ, 2021). **Although sexual violence against men is less documented, reports have emerged that this is also widespread in Libyan detention centres.** Some reports have noted horrific levels of sexual violence against women and men in Libya, with armed groups, guards and traffickers abusing men and boys for extortion fees or punishment (OHCHR, 2018; Womens Refugee Commission, 2019). Increasing numbers of men reporting having experienced sexual violence in Libya were also noted by some respondents for this research.¹⁸

“However, her boat was intercepted by the Libyan Coast Guard, who took her to the Janzour detention centre. Here she was detained for three months, until she was bought by a person who forced her into prostitution in a “connection house” in Tripoli, to pay the price for her liberation. For three months she was sexually abused in the “connection house”, where some 200 girls were held in a situation of de facto slavery. Following a raid by the Libyan police on the “connection house”, she was arrested and taken to a detention centre in Tripoli. Here she was beaten, forced to do hard labour, abused” (ASGI, 2021).

The connection house mentioned here is a description of a place in Libya “where people are held between transit and detention, in buildings controlled by local gangs and paramilitary groups and in private homes” (Kirby, 2020). The existence of such spaces illustrates again the links between Libyan authorities involved in “controlling” migration, and networks involved in trafficking and sexual exploitation. The UN IFFM supports this conclusion arguing that the Libyan Coast Guard, the Stability Support Apparatus and the Directorate for Combating Illegal Migration colluded with traffickers and smugglers¹⁹.

And a similar story is told by one of the women in MSF’s Tales of Women at Sea report, which tells the story of some of the women rescued by the Geo Barents in the Mediterranean:

“The first time Decrichelle tried to cross the Mediterranean Sea, she was arrested and sent to prison. She was released almost immediately and put in a cab to a brothel where she was expected to work as a prostitute” (MSF, 2023a)

UNHCR (2018) also reports on pregnant women being forced to give birth in detention centres in Libya, because their captors refuse to bring them to a hospital to give birth. This is also reported by the UN IFFM who report that, “pregnancies are a commonplace outcome of rape, and migrants reported having seen women give birth in detention without professional medical support”.²⁰ **Lack of medical treatment and difficult birthing conditions has led to some women dying in childbirth. For survivors of rape and sexual violence, there is little or no access to sexual and reproductive health (SRH) services.** Survivors face “insurmountable challenges in accessing safe and adequate sexual and reproductive health services and assistance programmes that could offer them protection and address the harm inflicted and consequential pregnancies and births. Since the irregular entry and stay of migrants is criminalized in Libya, migrant survivors risk prosecution and punishment if they approach Libyan authorities and medical facilities”.²¹

D. INCREASING POWER OF SMUGGLING AND TRAFFICKING NETWORKS

“Another consequence of militarised borders and increasing border security is that forcibly displaced persons are driven into the hands of smugglers, to help them cross borders. As the risks for smugglers increase, they in turn charge higher prices for their work and often expose forcibly displaced persons to more dangers too” (Akkerman, 2018).

For women, interactions with smuggling networks are often characterized by transactional sexual exchanges or sexual violence. Women who do not have enough money to pay for their journeys are frequently constrained to engage in transactional sex in exchange for passage, or are subject to sexual violence and rape by smugglers (Freedman, 2016; Tastsoglou et al., 2021). Tastsoglou et al. (2021) report that women on the move frequently have a contraceptive implant before they leave because they are aware that they might be raped at any time. The militarization of borders and attempted closure of migration routes has also fuelled the growth of criminal trafficking networks, and women are particularly at risk of trafficking for sexual exploitation.

Despite the EU’s stated aim of fighting trafficking networks, often there are no effective measures in place for protecting women at the borders of Europe. For example, Tyszler (2018) reports that **the director of the Temporary Accommodation Centre for Migrants in Melilla explained that the police did not wish to transfer women who had been victims of trafficking to the Spanish mainland for fear of creating a “pull factor”. And key informants for this research pointed to the fact that many women who reach the EU have become victims of trafficking on their journey.**²² Further, the use of the hotspot approach within the EU, has made it harder to identify victims of trafficking as they are often very isolated from any legal or social support where they could talk about this.²³



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E. SEXUAL AND GENDERED VIOLENCE AT BORDERS

Externalisation policies have led to increasing militarization of borders in States which are on migratory routes towards the EU. And this militarization and closure of borders has increased violence against those trying to cross. This includes pushbacks/refoulement at the borders which infringe the right of those who wish to make an asylum claim in an EU country²⁴. Many reports show that EU Member States are using illegal pushbacks at borders as a de facto means of preventing people on the move arriving in the EU and making an asylum claim. The Protecting Rights at Borders (PRAB) initiative reports that thousands of people are regularly pushed back at EU borders, with pushbacks being used systematically as a form of border control. As PRAB reports: “Many of these victims were not merely prevented from crossing a border. The data collected by PRAB partners further documents and explains how they were ‘welcomed’ at the doorstep to the EU with a denial of access to asylum procedures, arbitrary arrest or detention, physical abuse or mistreatment, theft or destruction of property”.²⁵ These pushbacks deny those on the move the right to enter an EU Member State to claim asylum. Those who might wish to make an asylum claim on the basis of gender-related forms of persecution are thus denied this right.

The violence of border control can be seen to be gendered with men and women experiencing different forms of violence as they attempt to cross. Whilst men frequently talk about physical violence and beatings, women are more likely to report sexual harassment and sexual violence (Freedman, 2016), although women also suffer beatings even when pregnant. **MSF reports for example, that during one pushback in Greece, one pregnant woman reported that the police officers had stamped on her stomach** (MSF, 2023b).

MSF reports the story of one woman’s experience of violence at the Algeria-Libya border, showing the gendered nature of violence in which women are raped and separated from their children:

“At the Libyan border, during the night, the people who were guiding us raped us. We were also shot at, we scattered, we got lost and we found ourselves with two children who did not speak French, without their mothers, who had disappeared... We spent three days looking for their mothers before leaving the children on their own. Who can take care of unknown children?” (MSF, 2023a)

Border violence increasingly takes the form of illegal pushbacks (EuroMed Rights, 2022), and here again gender-based forms of violence are in evidence. There are various reports of **humiliating and invasive body searches** by border guards and police (MSF, 2023b) which are particularly aimed at women. MSF’s report contains testimony several women who endured these types of searches:

“One woman, Asma, had travelled through five different countries before reaching Greece. “I wear the hijab, but on the boat, they undressed me. I was in my underwear. They touched me and searched me,” she told MSF. Asma had been pushed back a total of six times, three times each at sea and from land ... Another woman, Adele, was traveling with an infant. After one man searched her body by inserting his fingers inside her vagina and anus, he cut her bra to touch her breasts. He searched her hair, pulling at her braids one by one. Adele had pleaded with the man, saying that she was breastfeeding. He then proceeded to search her infant. Then he undressed the baby. He tore his diaper apart and was searching it. For what? For money? They searched his entire small body...” (MSF, 2023b)



And another woman, Saha reported similar intrusive and humiliating searches:

“When they search our body, the officers are all male police and they are touching us, they are touching us in a bad way, they touched us inside.... They asked us to get naked, they wanted to see if I was hiding anything inside the bra and inside my panties. I was searched three times, they searched my body once in the jungle, once more on the big boat where they put us, and one final time on the life raft in which they put us” (MSF, 2023b).

These types of invasive and humiliating searches are highly traumatic and even more so for women who may well have experienced other incidences of sexual violence during their journeys to Europe.

Violent pushbacks have also been reported regularly at the **Croatian borders**. An interviewee working for a Croatian NGO reported that although violence by police and border guards had been reduced in the past couple of years, in recent months there have been many new reports of violence. Again, this violence is gendered. **Women have reported being sexually assaulted and “groped” by police officers, and pregnant women have been denied medical care that they needed.**²⁶

Fear of pushbacks lead people to try and hide from police and border guards, which often places them in dangerous situations without access to services or healthcare. This can have particular impacts on pregnant women for example. MSF reports on one situation where they came across a group in Greece hiding in the mountains:

“In another emergency response, an MSF team assisted a group with several pregnant women; one had given birth that night in the mountains and another was in active labour. The group had been in hiding in the mountains for two days without food or water” (MSF, 2023b).

This type of situation clearly puts both the pregnant woman and her unborn baby at risk.

F. DEATH AT SEA

Externalisation has forced people on the move to take more dangerous routes, leading to greater risks of death at sea. It is impossible to have accurate figures of the number of deaths, but it is clear that the numbers, and the proportion of those who die trying to cross, are growing. As Akkerman (2018) states: “In 2017 1 out of every 57 migrants crossing the Mediterranean died, compared to 1 out of every 267 migrants in 2015”. And a recent report found that this rate had again increased to 1 in 21 people dying whilst trying to cross the Mediterranean in 2019 (Lloyd-Damnjanovic, 2020). This is directly due to the fact that externalisation policies forced people to take the more dangerous Central Mediterranean route, rather than the still dangerous, but slightly less so, Eastern Mediterranean route from Turkey to Greece, as well as the EU’s policies to criminalise search and rescue efforts in the Mediterranean (Lloyd-Damnjanovic, 2020). And as Akkerman adds it is estimated that at least double the numbers of people on the move die in the desert as die in the sea, but there are no figures kept on these deaths.

If there is a lack of reliable data on deaths in migration and at borders, this is even more true for sex-disaggregated data, so it is impossible to know exactly how many women die in the desert on the journey to the EU or at sea (Dearden et al, 2020). Although there is a lack of data, the evidence that does exist suggests that amongst those migrants who die at EU borders, a greater proportion of women than men die by drowning (Dearden et al, 2020). This may be because women and children are placed below deck on boats during the crossing, making it harder to escape in the case of a shipwreck.

Gerard and Pickering (2013) also found that women they interviewed were more likely to be placed in the most vulnerable positions on boats. Or because women are less likely to be good swimmers because of gender inequalities in access to swimming lessons. Wearing heavier or more unwieldy clothing, being pregnant or travelling with children might also make it less likely that they will survive a shipwreck.

Gerard and Pickering (2013) report that dehydration on board boats is a particular danger for pregnant women. They quote a law enforcement officer in Malta who explains that his most terrible memory is of “two women arriving dead on the boat and both were pregnant. The autopsies said they dehydrated” (quoted in Gerard and Pickering, 2013).

One of the respondents for this research pointed to the fact that those working on sea rescues are seeing more and more disengagement from Malta from their rescue obligations.²⁷ In a case in June 2023, a boat carrying fourteen people requested help from the Maltese authorities for over 38 hours and had even been in sight of a Maltese patrol boat without being rescued. There were women present on this boat, and even the presence of women who have previously been classified as “vulnerable” and most in need of rescue, did not prompt the Maltese authorities to act. And another testimony given to researchers, points to the refusal of Maltese authorities to rescue migrant boats, and the common policy of returning those rescued to Libya, including women:

“We are eight women in this place. We are all trembling. We were at sea for about seven days. We were picked up on the seventh day and we were hopeful. However, we were deported back to Libya without being told anything. We returned to Libya and we’re back locked up in Sikka again. We have returned to the place where we found no hope in the first place. Our throats were so dry that we had no choice but to drink sea water. What made us lose hope further was seeing helicopters fly over us and not helping when we were left stranded at sea because the boat was out of fuel.” (cited in Stierl and Dadusc, 2022).



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G. INTERNAL EXTERNALISATION

The concept of internal externalisation has been used to describe how the EU mobilises the logic of externalisation within the EU itself by forcing Southern European countries to take on more responsibilities than others in terms of migration control, turning these countries – principally Spain, Italy and Greece – into de facto internal areas of migration containment (Barbero and Donadio 2019). This process of internal externalisation can be argued to have been reinforced with the hotspot approach launched by the European Commission in 2015 (Tazzioli, 2018). Indeed Frontex defines hotspots as “a section of the EU external border or a region with extraordinary migratory pressure and mixed flows that require reinforced and concerted EU agencies support to the affected member states”²⁸, with this definition containing explicitly the notion that hotspots are part of “external” borders and thus not counted as fully within EU territory.

The hotspots set up by the EU in Greece and in Italy have become places of immobilisation and containment, as people on the move remain trapped, unable to continue their onwards journeys, and with the threat of being “returned” to their countries of origin, or a “safe” Third Country. In Greece, movements of migrants outside of the hotspots have been severely limited, especially since the Covid-19 pandemic (Danish Refugee Council, 2017; Freedman, 2021). A report by the Diotima NGO which focuses on Sexual and Gender-based Violence (SGBV) reported that survivors of GBV remained trapped on Lesbos and have extremely limited protection which has been further limited by the Covid-19 restrictions. They give an example of a case where a woman from the camp wished to report domestic violence to the police but was prevented from doing so because ‘this was not considered a sufficient reason for travel’ (DIOTIMA, 2020).

Various studies have also described the **poor conditions within the hotspots, including overcrowded and unsanitary living conditions, with little medical, legal or social support. These conditions render women vulnerable to sexual and gender-based violence, and provide them with extremely limited recourse to social, medical or legal support if they have experienced such violence** (Freedman, 2016; Tastoglou et al., 2021).

The “hotspot” approach is set to be deepened and reinforced by the Screening Regulation which is expected to be adopted by spring 2024 as part of the EU’s New Pact on Migration and Asylum (for more details on the Pact see below). Foreshadowing what this screening process will look like across the EU, Greece has introduced mandatory reception and identification procedures in mainland Greece, Crete and Rhodes, since September 2022, which have resulted in people being detained and denied access to basic asylum rights. Under the new procedure for applying for international protection, applicants who cannot prove their identity with a document issued by a Greek public authority must undergo reception and identification procedures within one of two screening facilities on the Greek mainland, located close to Athens and Thessaloniki. The screening procedure is mandatory for most people wishing to apply for asylum in Greece, and involves a police interview, medical check, vulnerability assessment and the registration of the asylum claim. During this procedure applicants’ movement is restricted to the screening facility, for an initial period of five days which may be extended up to 25 days (Mobile Info Team, 2023). Initial reports show that the system has left people without access to legal support and information, and unable to exercise their rights. There is no effective system in place for recognizing vulnerability, as the following testimony shows:

“In one case, a 29-year-old single mother from Afghanistan awaited screening and registration for two months. It was only under legal pressure that she was able to flag her vulnerabilities to the authorities and leave the centre. She said: “It was a very insecure place for me, I never felt safe. If I stayed there without any support or my lawyer, I would have suffered every day. My mental health issues would have worsened, and I would have thought: ‘This is the end of it.’” (Mobile Info Team, 2023).



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THE NEW PACT ON MIGRATION AND ASYLUM

DEEPENING EXTERNALISATION

The previous sections of this report have shown the ways in which the EU's migration externalisation policies create situations of violence, and violations of the human rights of people on the move, and how the impacts of these policies are clearly gendered, e.g. in increasing incidences of SGBV against women. Sadly, it seems that new EU policies will only reinforce the vulnerabilities and insecurities created by these externalization policies. The EU's New Pact on Migration and Asylum, presented in September 2020, promises further measures to reinforce and deepen externalisation. The Pact reinforces the security agenda within migration and asylum policy with proposals for compulsory screening of all asylum seekers at the external borders of the EU, strengthening of the Eurodac database, and quicker and "more efficient" returns of all those whose asylum applications are likely to be unsuccessful through accelerated procedures and new agreements with Third Countries. The organisation of these would be reinforced by the creation of a new post of European coordinator for returns under the aegis of Frontex (Bloj and Buzmaniuk, 2020). Critics of the Pact have called it both unworkable and inhumane (EuroMed Rights, 2021).

Within the Pact, the EU continues to pay lip service to the notion of protection of those who are "vulnerable" including gendered vulnerabilities. The Proposal for a Screening Regulation, for example, (COM (2020) 612 final), which introduces a procedure for "screening" Third Country Nationals at EU borders, thus incorporates the notion of those in a "vulnerable situation" who should be given "adequate support" regarding their physical and mental health. The Proposal re-iterates the indicative list of vulnerabilities which was present in previous Directives of the Common European Asylum System (CEAS), namely "pregnant women, elderly persons, single parent families, persons with an immediately identifiable physical or mental disability, persons visibly having suffered psychological or physical trauma and unaccompanied minors" (recital 27). **This group-based approach to vulnerability has previously been criticised for the way in which it essentialises vulnerability in a gendered fashion and potentially ignores hidden or invisible vulnerabilities** (Freedman, 2019). This screening is supposed to be conducted within five days, which is problematic since many vulnerabilities need more time to be identified.

LGBTQIA+ people seeking asylum in the EU, may not, for example, feel safe to reveal their sexual orientation or gender identity within five days of arrival at the borders (Danisi et al., 2021; Ferreira, 2023). Similarly, research on survivors of SGBV has repeatedly shown that it is very difficult for them to be able to talk about their experiences, and it may take a long time for them to be confident in doing so (Belanteri et al., 2020; Ludt et al., 2022). In countries such as Greece, where this type of screening procedure is already being experimented, it is clear that there is little or no added protection for those in vulnerable situations, as we have discussed above.

And it is clear that this attention to gendered vulnerabilities will be over-ridden by the priority given to the EU's determination to "protect" its borders. The proposed Crisis Regulation, for example, which will allow Member States to detain asylum seekers at the border for up to twenty weeks in the event of 'crisis', will increase the risk of refoulement and collective pushbacks at EU borders, and provide a justification for large scale detention and confinement. This type of policy which will reinforce externalisation can only exacerbate the existing violence of the border regime, and the gendered and racialized violence which it produces (EuroMed Rights, 2023a, 2023b).



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CONCLUSION

Despite all of the EU's attempts to prevent people on the move arriving in a Member State, the numbers of arrivals have not significantly diminished, proving once again that EU migration and asylum policies are doomed to "fail" (Andersson, 2016). **In fact, all that the EU's migration externalisation policies have accomplished is to make the journeys of racialised people on the move to Europe more difficult, dangerous and expensive.** A gendered analysis of these policies reveals that the insecurities faced are experienced differently by men, women and LGBTQIA+ people.

For women, externalisation has meant greater chances of **forced immobility**, an increase in risks of experiencing **SGBV**, and of **dying** at borders. For all those who are hoping to seek asylum in the EU on the basis of gender-based forms of persecution in their countries of origin, the frequent **pushbacks and refoulements** at EU borders, and the difficulties of the journey, mean that they are most often denied this right. And although the EU claims to take gender issues into consideration in its migration and asylum policies, particularly through the definition of "vulnerable" groups who should be entitled to special protection measures, in practice a label of **vulnerability** does not lead to any real increased protection. In fact, this vulnerability labelling merely reinforces **gendered and racialised stereotypes** concerning people on the move, and may mean that young racialised men, who are perceived as a "threat", may receive even worse treatment than they have done previously.

In a speech in September 2020, Ursula von der Leyen promised that the EU's New Pact on Migration and Asylum would create "faster, seamless migration processes", but in fact all that the New Pact seems to do is to reinforce externalisation processes and border militarisation which will create even greater insecurities for people on the move. **The EU's prioritisation of border "security" comes at the expense of the safety and well-being of those on the move. It is imperative to understand the impacts of externalisation and to combat them by providing safe and legal migratory routes to the EU in order to truly protect the lives and rights of those on the move who are seeking to arrive in Europe.**

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- 2 Interviews, NGOs, 27/10/23 and 12/12/2023.
- 3 Interview, 12/12/2023/
- 4 Interviews, NGOs, 27/10/2023 and 04/12/2023.
- 5 Interview, NGO Croatia, 04/12/2023.
- 6 These were held between October and December 2023.
- 7 There is a general lack of sex-disaggregated data on people on the move so even gaining data on numbers of men and women is difficult.
- 8 Interview, International NGO, 27/10/2023.
- 9 Interview, NGOs Morocco, 26/10/2023.
- 10 Interview, NGO Turkey, 11/12/2023.
- 11 Interview, NGO Tunisia, 8/11/2023
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- 21 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G23/043/04/PDF/G2304304.pdf?OpenElement>
- 22 Interview, International NGO, 27/10/2023
- 23 Interview, NGO Tunisia, 8/11/2023
- 24 The right to claim asylum in a country of choice is enshrined in the 1951 Convention on the Status of Refugees, and also in the European Charter of Fundamental Rights which states in Article 18 that, 'Everyone fleeing persecution or serious harm in their own country has the right to ask for international protection'.
- 25 <https://pro.drc.ngo/media/cxihgutp/prab-report-january-to-december-2022.pdf>
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