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Drowning In It: State Crime and Refugee Deaths in the Borderlands

by

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A thesis submitted in partial fulfillment of the
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Abstract

This paper examines the current state of border hardening against refugees in the European Union and Australia through the lens of state crime. Border hardening strategies are described for both of these areas and a theoretical basis of state crime victimology is used to examine the refugees who encounter this border hardening. The present study analyzes two data sets on border deaths, one for the European Union and one for Australia, to examine the demographics of the refugees who perish while attempting to transgress the border. Results indicated that there remains a significant amount of missing data, suggesting that official methods of record-keeping are necessary to determine the most basic demographics, such as gender and age, so analyses can be run to determine significance in this area. One clear finding was that migrants most frequently die from drowning (EU: 83.6%; AU: 93%) compared to any other cause. Also, there is indication that those from disadvantaged areas of origin (such as the Middle East and Africa) are more likely to die in the borderlands than others in the dataset. Practical implications of the findings are discussed along with suggestions for future research.

Dedication

This work is dedicated to the refugees whose deaths so often remain unknown and uncounted in the border lands. It is my sincere hope that work in this field will continue to convince governments of the importance of refugee protection and the consequences of border hardening.

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Chapter One: Introduction

White collar crime is unquestionably underrepresented in criminological and criminal justice literature (Wright & Friedrichs, 1991; Cullen & Benson, 1993; Tunnel, 1993; Wright, 2000; Lynch, McGurrin, & Fenwick, 2004; Rothe & Ross, 2008; Shichor, 2008). This is the case even though white collar crime causes greater loss of life, more injuries and illnesses, and larger economic losses than all traditional street crimes combined (Moore & Mills 1990; Lynch et al. 2004). State crime is no exception to this fact. Although it is estimated that more than 60 million people died in the 20th century due to direct actions of states around the world, state crime has been studied less than corporate or occupational crime (Friedrichs, 2010). State crime refers to the harmful undertaking by an agency or the state as a whole. Green and Ward (2000) define state crime as deviance by the state that violates human rights in the pursuit of organizational goals. Another definition focuses on the action by the state that violates international or domestic law on its own behalf or in the name of the state (Mullins & Roethe, 2007).

State crime comes in several forms, including corruption, repression, and violence towards citizens (Friedrichs, 2010). Green and Grewcock (2002) further describe it as a kind of legal entitlement for governmental administrations to behave in ways that if done by an individual would be considered violent, harsh, and against basic human rights. State-organized crime, in particular, utilizes laws and the pursuit of these laws to cause harm to people (Friedrichs, 2010). For example, both the European Union and Australia have put into place multiple policies that have hindered those who cross borders in an

irregular fashion from receiving proper access to claiming refugee status, holding them for undetermined amounts of time in unsafe conditions, and creating situations that may endanger lives.

Migrants attempt to enter a new land for a myriad of reasons. Some are voluntary reasons, such as a better job, healthcare, or more freedoms. On the other hand there are individuals, known as refugees, who migrate for involuntary reasons, such as fleeing a more serious problem in their homeland. This paper is focused on those people who cross borders irregularly. Since it is difficult to know the legal status of migrants who may be barred from a chance to file for status, one must look to those people generally who enter irregularly, often smuggled in by boat or truck (Pickering, 2004). Many of these individuals come from areas riddled with war, oppression, and conflict (Castles & Loughna, 2003; Hatton & Williamson, 2006). However, whether or not they are a refugee or another type of migrant, border hardening may be putting them at risk of injury or death. Due to this complication and in order to focus on the issues rather than terminology, Green and Grewcock's (2003) definition of refugee is used. This definition is stated as any individual who is seeking refuge in a country. This is distinct from the UNHCR's legal definition of refugee as someone who has been granted asylum under the 1951 Refugee Convention.

Historically Australia and the EU ensured specific rights to refugees by signing the 1951 Refugee Convention, as well as the 1967 Protocol. The Convention guarantees the rights of refugees in international law, and the main rights allotted to refugees are

those of non-refoulement (otherwise known as not returning someone to a country where he/she might be persecuted) and non-discrimination. However, in recent years, both regions seem to have taken evasive action from the promise to protect and accept these migrants into safe conditions through restrictive refugee policies. Such actions may have resulted from policies adopted under the guise of human rights to protect victims of trafficking and create a safe state in opposition to terrorism. Indeed, both states have funneled funds and labor into creating a militarized and impenetrable border (Green & Grewcock, 2002; Pickering, 2004; Weber, 2007). Several authors have argued that this militarization and increase in border patrol has not seen a reduction in migration (Nevins, 2003; Purcell & Nevins, 2005).

Authors have argued that this border hardening around the world has an adverse effect on the migrants trying to transverse this line (Bosworth & Guild, 2008; Carter & Merrill, 2007; Green & Grewcock, 2002; Kim, 2007; Nevins, 2003; Pickering, 2005; Purcell & Nevins, 2005; Scarpellino, 2007; Weber, 2007). Of those authors, only a few have framed their arguments through the lens of state crime or structural violence (Green & Grewcock, 2002; Nevins, 2003; Pickering, 2005; Scarpellino, 2007; Weber, 2007). These studies have illuminated the links between organized trafficking, refugees, and state crime (Green & Grewcock, 2002), structural violence and deaths along the border in the United States (Nevins, 2003), refugees framed as criminals by the regulatory state in Australia (Pickering, 2005), and a systematic violation of human rights by border hardening in the US and the EU (Scarpellino, 2007; Weber, 2007). Most of these

previous authors investigating this phenomenon have used mainly a natural experiment

approach, observing a real-world situation (border hardening) to look at the harmful

effects that it might cause to migrants bolstered by government documents and media

coverage to examine the issue of state crime and border hardening. None of the studies

have specifically explored the fatalities associated with border hardening, such as the

demographics of the victims, the causes of their deaths, and the locations from which

these migrants come.

The purpose of this study is to examine the history of EU and Australian refugee

policies, examine the role that gender and area of origin play, and explore how these

factors play a role in leading to denial of victims and deaths at the border. Border death

is defined as those persons who die while crossing the border or in the borderlands

attempting to cross the border. Two secondary datasets are used for analyses: one, which

was compiled from data by UNITED[1] on EU migrant deaths and another on Australian

border-related deaths used in a 2011 study conducted by Weber and Pickering. For both

datasets, information was gathered from NGOs on individual migrant deaths, including

demographics, cause of deaths, and place of death. It is important to recognize that there

is no official national or regional count of border-related deaths in EU or Australia. These

two data sets are used to explore the demographic characteristics around deaths at or near

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[1] UNITED is a network of non-governmental organizations (NGOs) that was founded in 1992 that is
located in Amsterdam. It is made up of over 560 NGOs and it is their goal to raise awareness on several
issues including anti-nationalism, anti-racism, anti-fascism, and support of migrants and refugees.
UNITED gathers information, from its partners, on migrant deaths.

the border with a specific focus on how border hardening may disproportionately affect

women and those from socially disadvantaged areas of origin.

Chapter Two: Review of the Literature

Border hardening is defined in this paper as the culmination of measures, including symbolic deterrence, civil actions, and military enforcement, to keep out unwanted migrants (Pickering, 2004). State sovereignty is an important argument in modern times for the hardening of borders. In this globalizing world, some scholars have argued the rights of sovereignty to control who enters its borders are declining due to international human rights regimes (Jacobsen & Lawson, 1999; Sassen, 1996). Although this argument seems balanced on the surface, it is important to remember that states also have the responsibility to uphold human rights, as well as protecting their sovereignty.

There are many reasons that people migrate, however refugees are often fleeing a state of conflict and violence. Weber (2007) argues that deterrence can only be effective for people who have a choice about their migration. Therefore, the militarization of borders and the target hardening of easier entry ports is not effective in deterring migration (Nevins, 2003). However, what border hardening may do instead is increase the risk for refugees who are trying to enter a country. This trend of border hardening in Australia is seen most clearly through the lens of the Pacific Solution, when the Australian government began the initial stages of making its borders more difficult to cross with the excision of territory in 2001. Territorial islands were excised which meant that they were no longer considered part of Australia. Edwards (2003) argues that this was done in order to prevent access to territories that were closer to countries in which emigrating refugees were arriving by boat. This created a new category of refugees called

"offshore entry persons." If an asylum seeker landed in the new excised zone, he or she was prohibited from legal proceedings, even to challenge detention (Kneebone, 2006). Additionally, the unlawful arrivals were unable to apply for a visa (York, 2003).

Similarly, the countries that currently comprise the EU have also hardened its borders against migrants. Grewcock (2003) argues the 1970s held the infancy of this border hardening in the EU. In 1975, there was a meeting called the TREVI group (Terrorism, Radicalism, and Violence International) of twelve representatives from the European community that focused on security, refugees and a pan-European police force that would help fight terrorism, drug trafficking, illegal immigration, and organized crime (Grewcock, 2003; Green and Grewcock, 2002). The pre-EU policy was known as European Security Zone. However, it was the Amsterdam Treaty signed in 1997 that centrally focused on official border hardening. The Amsterdam Treaty secured the Schengen Agreement as part of EU law and set an international human rights standard, including a focus on equal protections and protection against discrimination for within its borders (Kjaerum, 2002). In the same treaty, the EU announced more protections for its citizens, it placed strict standards on those outside the borders. By implementing safety and international zones, carrier sanctions and visa restrictions, Western Europe cut in half the number of asylum seekers from 692,685 in 1992 to 350,000 by 1998 (Kjaerum, 2002).

Border policing is a substantial part of border hardening. Border policing helps countries control who goes in and out of its borders, detection of human smuggling

activity, and the discovery of illegal drugs and items being smuggled across borders (Andreas, 2000). However, border policing may also increase the risk for those attempting to enter the country. Pickering (2004) argues that the Australian Federal Police's (AFP) enforcement of the borders only makes border crossing more likely to result in serious harm and death for refugees, as well as promoting business for organized crime such as human trafficking. The AFP has narrowed its focus not to pursuing action against smugglers, but by trying to stop boats of migrants from leaving Indonesia for Australia (Pickering, 2004).

FRONTEX, from the French, "Frontières extérieures" meaning "external borders," is the legal name for the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union that patrols the EU's borders. It originated in 2005 and began its work in the field in 2006 in the Canary Islands (Lutterbeck, 2008). FRONTEX's purpose is EU border security in conjunction (and often through joint operations) with the member states themselves (FRONTEX, n.d.). In 2008, FRONTEX had problems with finding qualified staff, and no base of operations in southern Europe where most people cross the border (Brady, 2008). The most controversial practice of FRONTEX involves turning away ships to their point of origin, often with no assessment of possible refugees on board or any consideration to the seaworthiness of vessels, endangering the lives of people aboard the ships (Rijpma, 2010). Many NGOs consider FRONTEX's securitization of the borders to be a "war against migrants." However, recently FRONTEX partnered with the United Nations High

Council on Refugees, a human rights agency, in an attempt to change its image and policies (Lenoard, 2011).

The threat of terrorism is also closely linked to the border security argument. It is the duty of the state to protect its citizens from harm and, in order to do this, authors have discussed how various governments' securitization around borders is connected with the need to keep out dangerous terrorists who wish to do harm to those same citizens (Adamason, 2006; Huysmans, 2000; Salter, 2004; Solana, 2005).While states may believe that they are effectively increasing the security of the country by policing at the border, the same states may also be ineffective at achieving justice for a migrant person (Weber, 2007).

Victims of state-organized crime need to be analyzed in order to understand the gravity of crimes committed. Ross and Roethe (2008) explain how states use a variety of practices during their offenses, including censure, scapegoating, retaliation, plausible deniability, relying on the self-righteousness, misdirection, and fear mongering. All of these pieces can be seen in the treatment of refugees by the Australian and the EU. Matthews and Miller (2001) describe five propositions to victimology in regards to state crime.

First, Matthews and Miller (2001) describe how state crime victims are not socially powerful and are often stereotyped, giving no recourse against government "othering." The refugee issue is a complex one. Governments in the EU and Australia fear that if the borders are not secured, that the country would be overrun with

impoverished individuals who will need state assistance, have low skill levels, and alien cultures (Basok, 1996; Razin & Wahba, 2011; Xu, 2007). These issues concern governments and citizens on both a fiduciary and emotional level. However, these fears must be placed in the context of human rights. Refugees are not socially powerful in myriad of ways that include factors like coming from disadvantaged countries, being racially different than the dominant group in the arrival country, and face issues regarding gender in both the journey and the arrival. Modern-day refugees coming to the EU are mostly from African and Asian countries (Schuster & Solomos, 1999). The difference of culture and "civilized" values has often been brought up as a threat to European, especially British identity by Douglas Hurd, British Foreign Secretary, members of Parliament such as Jaques Arnold, and British Prime Minister Michael Howard (Green, & Grewcock, 2002; Schuster & Solomos, 1999). From the former Prime Minister, John Howard to his ministers to other high ranking Australian officials refugees have been framed as undesirable immigrants (Dyrenfurth, 2005; Colic-Peisker, 2005; Kuhn, 2009). In the UK, the government used words like "bogus" and "vast hordes" to describe refugees in the 1990s by members of parliament, including Kenneth Baker, Jaques Arnold, and Anne Widdecombe (Schuster & Solomon, 1999). This terminology, coupled with the lumping together of refugees with foreign nationals and economic migrants in government "white papers" in England and Australia has led to refugees not only being seen as unwanted, but dangerous (Bosworth & Guild, 2008).

Similarly, the Australian government passed policies which could block them from recourse. The Advanced Passenger Processing (APP) network is a system which relies on risk profiles to look into someone who is applying for a visa. That means the visas are granted based on national risk profiles which disadvantages those refugees from countries that are "high risk" (Weber, 2007). This forces those "high risk" individuals who cannot get a visa to approach Australia in a different manner, such as by boat or smuggler, which in turn is more dangerous that entering with a valid visa by air. Bosworth and Guild (2008) argue that immigration measures by governments have a discriminatory effect on the poorer, the less skilled, and the darker skinned. In 2010, the Kevin Rudd (Australia's Prime Minister) government suspended the processing of new visas from Sri Lanka and Afghanistan. Immigrants from these two countries are the ones who most often populate boats that attempt to enter Australia and both are considered high risk countries (Koser, 2010). Most of the refugees that arrive by boat are Arab or Persian in descent (Iraqis, Afghans, and Iranians) and Muslim, while those who arrive by plane are more likely to be Asian or Eastern European (Kuhn, 2009; Pickering 2004). Pickering (2004) argues the deterring of refugees into Australia is primarily about discrimination, particularly targeted at those migrants who arrive from the Middle East and have the Muslim faith.

Several authors have argued that many refugee women are triple disadvantaged in the realm of migration, because they are discriminated against based on gender, race, & class (Calavita, 2006; Carling, 2005; Luibheid, 2002; Pittaway & Bartolomei, 2001).

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Pittaway and Bartolomei (2001) argue that racist state policies of host countries result in the exploitation of refugee women. Women are highly vulnerable to physical and sexual violence during migration. Lubiheid (2002) states very high numbers of women are assaulted by border patrol agents, soldiers, and other officials when trying to cross borders. Most women do not report their experiences, for fear their refugee claims will be denied or they will be labeled as prostitutes (Pittaway & Bartolomei, 2001).

Matthews and Miller (2001) second proposition of state crime victimology highlights how the victimizer dehumanizes victims by utilizing specialized vocabularies and denial to cause harm. The governments in the EU and Australia have used multiple terms to describe the refugees as different from those who reside within the borders. There is a whole set of language that is used in reference to refugees. For instance, among EU refugees, words like illegal arrivals, queue jumpers, poor integrators and possible terrorists are often attached to them by members of parliament, prime ministers in both Australia and England, and the EU council of ministers (Dyrenfurth, 2005; Colic-Peisker, 2005; Kuhn, 2009). There have also been cases where political representatives from both the EU and Australia have denied that actions were causing harm to refugees (Dryenfurth, 2005; Kuhn, 2009). Often times the media can play a role in this as well, by repeating the government vocabularies as well as adding to them.

Cultural identity is an important thing to many individuals. However, this identity can go to extremes when the language is pitted against those who have newly arrived within the country. This idea of "higher loyalties" is a part of this vocabulary that

Matthews and Miller (2001) refer to. The rhetoric of "Real Australians," "British values," "German Identity," and "fighting for national identity" were also used by Presidents and Prime Minsters to distance the majority population from refugees and to harm the reputations of refugees outside the border (Dyrenfurth, 2005, Schonwalder, 1999, Schuster & Solomos, 1999). The UK government stated that criminal sanctions were necessary to stop migrants from abusing the system which lumps refugees into the criminal element (Bosworth & Guild, 2008). All of these terms help the government to "other" the refugees from "real" citizens, deny them as a victim, frame them as illegal, and make them less human in the eyes of the public. This could cause direct harms to refugees. The idea of citizenship is used to create a competing dichotomy of citizens versus non-citizens. Another of the vocabularies used by government is neutralization through language. By using terms like "streamlining" and "managing," Bosworth & Guild (2008) argue refugees could be seen as a bureaucratic shuffling which may avoid the issues surrounding migration.

Another specific example of "denial of harms" is Australia's *Tampa* Incident. The *Tampa* Incident involved the rescuing of a sinking boat of mostly Afghan refugees by a Norwegian ship, the *MV Tampa* on August 26th, 2001 (Burnside, 2002). When the ship attempted to take the refugees to Christmas Island for processing, the Australian government would not allow the disembarkation of the refugees and instead routed them to the neighboring island of Nauru where Australia had set up a refugee detention center (Edwards, 2003; Kneebone, 2006). Australian Defense Minister Reith linked the Tampa

Incident with the September 11th attacks in the U.S., stating that the refugees could be terrorists and that is why the refugees were not allowed to land on Australian soil (Perera, 2002). Although the UNHCR originally said they would assist in processing the "rescuees" from the *Tampa*, they refused to do so for Australia in protest to the Pacific Solution (Ryan & Mitsilegas, 2010).

In the same year as the *Tampa* incident, on October 19, 2001, the *SIEVX* (Suspected Illegal Entry Vessel - Unknown) sank off of the coast of Christmas Island resulting in the deaths of 353 people. The Howard government claimed to have no knowledge of the incident (sievx.com, n.d.). This, coupled with the *Tampa* incident, brought the issue of refugees arriving by boat to the forefront of the public's view. Weber (2007) brought up the words of diplomat Tony Kevin, who pointed his finger directly at the AFP and the Australian government, stating that the *SEIVX* was sunk as part of the strategy to disrupt people smuggling in cahoots with the Indonesia National Police. The failure of a timely rescue by the government further enforced this argument (Weber, 2007).

The media also plays a role in the vocabularies surrounding refugees. During the *Tampa* Incident, newspapers stated that only seven people were found to be refugees on that ship. However, it later came out that 77% had been accepted as refugees (Maclellan, 2002). ABC radio hosts and newspapers, such as the Sun Herold, have also used terms like "backdoor people," "gate crashers," and "queue jumpers" to describe refugees (Gelber, 2003). These types of terms could dehumanize and stereotype refugees, helping

to label them as the "other." In a study of public opinions on refugees, it was found that people were only concerned about immigration when media campaigns that focus on the topic are occurring (Jupp, 1995). This indicates that the public could be swayed by the way the media which is often repeating the vernacular and standing of the government.

The victims being blamed for their own suffering is the third proposition of state crime victimology (Matthews and Miller, 2001). If individuals at the border are framed as migrants who are moving based solely on the premise of a better life, it is easy to understand why they are viewed as causing their own problem. However, many of those individuals may be refugees who have no choice but to flee their country. Boundary enforcement with a human rights agenda would not place migrants in potentially dangerous situations (Nevins, 2003). The governments of the EU and Australia may be committing state crime based on how they use misdirection to blame refugees, harden the border, then blame the refugees for their own injuries or deaths.

For example, the Australian government may have used misdirection to blame refugees during the Tampa Incident. Prime Minister Howard and Defense Minister Reith would not allow the media to cover the story, including banning photos or interviews with the refugees, essentially censuring the situation (Burnside, 2002). The Howard government blamed the refugees for their situation and framed them as economically-driven, diseased, uneducated, terrorists and the deviant other (Jamieson & McKevoy, 2005; Pickering, 2005).

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Another example where the government may have used blame and misdirection is of the so-called "children overboard" story that ran during the 2001 election. The Prime Minister John Howard said that children were being thrown overboard by refugees to blackmail the Navy into allowing them to land. Pictures of children in life vests in the ocean were shown to the public. It came out later, however, that no refugee had thrown their child overboard and the pictures were actually taken after the boat had sunk (Maclellan, 2002). Additionally, a story by another government official stated there was documented evidence that refugees were threatening to strangle their children to keep the Navy from boarding their ship. This also later turned out to be false (Maclellan, 2002).

The EU government takes a position that refugees should not try to cross the border by boat in order to stay safe from harm (Schuster & Solomos, 1999). On the surface, this may seem like rational advice to those who have a choice about migration. Why would anyone who knew the dangers that lie ahead of them, attempt a dangerous journey? Many irregular border-crossers, specifically refugees, may not feel they have a choice about leaving. The government uses this idea of rational thought to blame the refugees for harm that comes to them when they try to cross the hardened border. Migrants attempting to travel into southern Europe find high fences, advanced technology, and intense border patrol which has lead to the deaths of those who try to enter (Scapellino, 2007). Klepp (2010) notes that the number of drownings nearly doubled in 2007 and more than 551 people were reported missing that year in the Mediterranean due to migrants attempting to use smaller boats which are less likely to be

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detected by border patrols. The EU's argument that refugees should not cross the border if they want to stay safe, may suggest a blaming of the victims for their own suffering.

Matthew and Miller's (2001) fourth proposition of state crime victimology is that victims must rely on the victimizer for recourse. This means refugees, who may already be victims of state crimes, seeking justice may have to look to those parties that do not have their best interests in mind. This is further bolstered by Jamieson and McEvoy's (2005) research that describes the idea of judicial "othering" in response to state-organized crime. This judicial "othering" allows the government to use language and laws to perpetrate acts that violate human rights. Jamieson and McEvoy (2005) describe how using the difference between citizens and refugees places the victims of state-organized crime away from national laws and jurisdiction.

Governments have the right to make laws as they choose because of their sovereignty. However, when these laws tread on international obligations, a balance must be met to protect human rights and the state's right to laws. In some cases, the actions of governments may jeopardize the rights of the individual. A particular example that may help to illuminate this point for Australia's refugees and judicial "othering" is case brought against the government. A group of attorneys decided to bring a case against the government about refugee rights in the *Tampa* incident where the judge that ruled in favor of the refugees. The Australian government, under the advice of Immigration Minister Ruddock, then passed the Migration Amendment Act which officials made retroactive that criminalized the refugees by making it illegal to not have a visa within

Australia. The refugees were forced to leave the country (Pickering, 2005). This means that refugees may have not been allowed justice and may be forced to rely on their victimizer for assistance in receiving rights.

Detention centers are another issue that causes controversy in immigration policy. Many citizens would be able to understand that the government needs somewhere to house migrants while claims for legal status are process. However, this could be another issue that falls under the fourth proposition of victims having to rely on their victimizer for protection, specifically in the Australian creation of detention centers. In 1991, the first group of refugees (Indo-Chinese) who arrived by boat were detained in newly built detention centers. In 1992, this practice was broadened by mandating detention for all "unlawful non-citizens" with no limit on the amount of time that one could be held (York, 2003). The amount of time a refugee is detained in Australia is based on how long it takes to process a refugee application, usually an average of two years (York, 2003). While refugees were in the detention center waiting for their claim to be processed in the new excised zone, he or she was prohibited from legal proceedings to challenge detention (Kneebone, 2006). Additionally, these unlawful arrivals were unable to take legal action in Australian courts and could not apply for a visa (York, 2003). Essentially, the refugees looking for recourse against these actions have to rely on government agencies and the courts for recourse.

In the EU refugees must also look for recourse from the government. In 1993 and 1996, the UK government, under Prime Minister Michael Howard, passed two acts

whose purpose was to reduce the number of refugee applicants and likely limited rights

of recourse. The acts limited who could claim asylum, made provisions for speedy

removal after claim denial, limited the numbers of admissible claims, and removed

welfare, housing, and child benefits for those refugees who did not apply for status within

3 days of being in the UK (Schuster & Solomos, 1999). In the same year that the UK was

tightening its borders, so was Germany. In 1993, Article 16 was passed which made

expulsion easier, reduced refugee appeals, and made a list of countries where persecution

was non-existent which meant that all application for refugee status from those countries

(some examples: Gambia, Ghana, and Romania) was not allowed (Schonwalder, 1996).

The Germans managed to reduce the number of claims for asylum from 400,000 in 1992

to 127,000 in 1994 (Schonwalder, 1996). Not only were governments reducing the

number of claims, but limiting the recourses refugees had from who could be considered

their victimizers.

The last proposition put forth by Matthews and Miller (2001) is that victims of

state crime may be easy targets for continued victimization. This means refugees who

may have been victimized already by the state may find themselves the victim of

additional crimes by the state. Australia's use of Temporary Protection Visas, detention

centers, and the EU's Dublin Regulation may be examples of this continued

victimization.

The importance of state sovereignty and its ability to make laws is important, as

discussed earlier. To deal with refugee issues, governments might pass laws to control

length of stay, family reunification, or travel restrictions. Despite this important right, disparity in treatment of refugees may constitute a breach of international law and what could be viewed as continued victimization. Australia's Temporary Protection Visas (TPV) are issued to refugees after the Pacific Solution was put into place. Before the TPV was put into place, all refugees were given permanent status (York, 2003). The TPV divided refugees into two categories, either permanent or temporary. Permanent visas are issued to those who have a valid visa and who later claim asylum. Alternatively, refugees who arrive in excised Australian territories without authorization (already held for lengthy time in detention centers with no legal recourse) are only offered temporary visas (Edwards, 2003). These TPVs have shorter lengths of stay (three years), allow no re-entry or travel outside of Australia and no family reunification (Gelber, 2003). In 2008, the Australian government abolished TPVs at the urging of United Nations and multiple NGOs and began granting permanent visas to all refugees. Nevertheless, the recent rise in the number of people who arrive by boat has caused the public and some government officials to suggest that the TPVs be reinstated to curb arrivals. The Australian government is currently attempting to bring back TPV status for those who are convicted of criminal activity while in detention camps (Interview with Immigration Minister Chris Bowen, April of 2011).

As discussed, refugees are held for indeterminate amounts of time in detention centers. The quality of the facility's health care (mental and physical), living spaces and sanitary conditions are of utmost importance, especially because the sheer number of

refugees with Post-Tramatic Stress Disorder (Bilboe, 2007; Momartin, Silvoe, Manicavasagar, & Steel, 2003; Silvoe, Austin, &Steel, 2007). The conditions of camps have been explained, at their best, as "jail-like" and at their worst as "totally unacceptable" (Bilboe, 2007; Silvoe, Austin, & Steel, 2007). In an affidavit by an Iranian refugee who spent nine years in a Pakistani detention camp, she described the Australian detention centers as having much worse conditions (Burnside, 2002). Despite the condition of the immigrant detention facilities, refugees are given a bill for $147.50 per day for the accommodation which means that someone who is detained for 2 years (the average length of stay) must pay $100,000 upon their release (Burnside, 2002). Not only are the refugees detained in terrible conditions, possible a crime in and of itself, they are then billed for that service by the government.

In order to attempt to streamline the refugee process, the European Union passed the Dublin Regulation with enforcement beginning in 2003 which stated refugees must be processed in the country of first arrival. While at first glance, this law would seem to do make sense, it has instead unbalanced the processing of migrants and may have lead to continued victimization of migrants. This regulation was based on a fear of so-called "economic migrants" going to a country which was more lenient in granting asylum claims. This forces the burden of asylum applications to a few countries, including Cyprus, Greece, Malta, and Italy (Brady, 2008). The Dublin regulation significantly slows the process of application processing. Refugees are not allowed to work while they are waiting for their claim to process and most European countries have significantly

reduced their welfare to those people without permanent status. That means while people

are waiting for their application to be processed by these few overwhelmed countries

(sometimes waiting over a year), the refugees are also kept in poverty and in some

countries detention centers in remote areas of Europe (Brady, 2008).

Utilizing Matthew and Miller's (2001) theory of state crime victims, Australian

and EU practices and polices are examined through a lens of state crime. Refugees,

arguably the victims of state crime, have been discussed by many authors; however, none

have focused particularly on the details of victims and the harms that are caused to them.

Using a critical state-crime perspective, this study investigates refugee deaths along the

Australian and European Union Borders. Careful attention is given to determine the

demographic characteristics of those refugees who perish along the borders in an effort to

determine whether certain groups, such as women and certain ethnic groups, more

frequently die in comparison to other groups.

Chapter Three: Methods

Data and Procedure

Data were derived from two secondary sources. First, records compiled by the organization United for Intercultural Action (UNITED), a European network of NGOs working to combat nationalism, racism, and fascism to support migrants and refugees, were analyzed. Second, the Weber and Pickering (2011) database on Australian border-related deaths was also sourced. Taken together, these databases formed a quantitative picture of border deaths at major border sites which have been subject to heightened levels of enforcement. These data were compiled under the ARC Future Fellowship Grant entitled "Policing the border: Security, human rights, and gender."

It is important to recognize that there is no official national or regional count of border-related deaths in Europe or Australia. Therefore, these datasets have been used to explore the characteristics and dynamics of border deaths in Australia and the EU with a focus on the disproportionate deaths of women and those from disadvantaged areas origin. According to the United Nations (UN) developing regions are those most likely to contain disadvantaged countries and include areas such as Africa, Oceania without Australia, and Asia except for Japan (UN.org, 2011). Disadvantaged countries are defined as those considered "developing" by the United Nations, characterized by citizens in poverty with limited access to natural resources, economic opportunities, and where basic needs such as sanitation, running water, food, and healthcare are not met for the average person. The United Nations defines their list of developing countries by three

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criteria: (1) per capita gross national income, (2) human assets index (including nutrition, health, and education for adults and children), and (3) economic vulnerability index (including population, remoteness, merchandise export concentration, instability of exports, victims of natural disasters, etc.) (UN.org/eng, n.d.).

Europe

To compile the data on border deaths in the EU, data gathered by UNITED (2011) from 1993 to 2011 from news sources, government reports, shadow reports, newsletters, news bulletins and documents produced by NGOs, blogs, testimonies, and media monitoring was combined to create a deaths database (N = 14,037). UNITED is a network of non-governmental organizations founded in 1992 and located in Amsterdam. Comprised of over 560 NGOs, their goal is to raise awareness on several issues including anti-nationalism, anti-racism, anti-fascism, and support of migrants and refugees. UNITED gathers information from its organizations who work in the field of refugee and migrants' protection in Europe. These include NGOs, research institutes, journalists, government organizations, and film-makers. The list of deaths includes refugees, asylum seekers, and undocumented migrants whose death fits into as least one of the following categories: (1) death has occurred during a border-crossing journey from outside Europe into Europe in relation to asylum or refugee status; (2) death has occurred within a detention centre, a refugee centre or shelter, or any other property designated to host migrants, refugees and asylum seekers by public authorities; (3) death has occurred on the public soil of any European country during a police raid, a border control activity, or

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a public investigation aimed at penalizing the presence of 'illegally' residing people; (4)

death has occurred during deportation procedures; (5) death has occurred outside Europe

after deportation and it is directly linked to the risk that pushed that individual to flee

his/her country in the first place; (6) death has occurred as a direct consequence of a

racist attack that has been perpetrated by a public officer, directly encouraged by him/her,

or purposely ignored by him/her; death has occurred during a human trafficking action;

(7) death has occurred as a consequence of neglect or ignored pleas for help or

medical/psychological/security assistance by undocumented migrants, refugees and

asylum seekers by any public officer or medical staff; (8) death has occurred as a direct

consequence of a serious episode of institutional racism perpetrated against an

undocumented migrant, refugee or asylum seeker; and (9) death that occurred in any of

the above situations, but in a non-European country that acts directly on behalf of

European immigration policies in accordance with such an agreement

(unitedagainstracism.org, n.d.)

Data were collected on gender (male, female, unknown), pregnancy status

(yes/no), region of origin (Eastern Europe, Middle East, North Africa, Sub-Saharan

Africa, Indian Continent/Asia, South/Central America, other, unknown) and the

decedent's cause of death (arson attack, car accident, drowned/reportedly

drowned/missing at sea, exposure/starvation/thirst/suffocation, minefield,

murder/manslaughter/execution, flee/fear/terrified, suicide, missing, no medical

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treatment, poisoned, or unknown). Additionally, information was gathered on whether the

migrant died while crossing the border (yes, no).

Australia

      The Australian data came from Weber and Pickering's (2011) database. They

collected data on deaths (N = 676) recorded from 2001 to 2010. In Australia, there is only

one source of information on border-related deaths at this time: the website SIEVX.com.

These data were collected by a group of concerned individuals, which formed largely in

response to the sinking of the SIEV-X on October 19, 2001. The aim of the people who

maintain the website has been in capturing the names and demographics of the dead,

details of their death, and photos of the families involved using primary (from survivors

and their families) and secondary data (from media and government reports).

      Data were collected on gender (male, female, unknown), the death site (border

crossing point, borderlands, en route, offshore detention, onshore detention, labor

exploitation, hate crime, in destination/host country suicide/destitution, during

apprehension/deportation, upon return), year of death, and the region of origin (Eastern

Europe, Middle East, North Africa, Sub-Saharan Africa, Indian Continent/Asia,

South/Central America, Western Europe, unknown). Information was also gathered on

the cause of death (drowning, exposure, asphyxiation, starvation, violence, accident,

suicide, chased by authorities, lack of medical care, medical condition, unknown).

Chapter Four: Results

One of the first commonalities noticed when analysing the data is that the

identities and characteristics of many of those who die remain unknown. Table 1 shows

that when examining the EU data at the base level of gender, the dead were about 15%

male (n = 2,077), 4% female (n = 496), and 80% were unknown (n = 11,464). For the

Australian dataset, the dead were about 15% male (n = 108), 12% female (n = 84), and

70% unknown (n = 484). In order to get a closer view of gender and deaths, two

particular incidents of similar size were examined for Australia and the EU. In examining

the data on deaths on the SIEV X in particular (the 2001 incident involving one ship

sinking off the coast of Australia), 12.7% (n = 45) were men, whereas 17.8% (n = 63)

were women and 69.4% (n = 245) were missing. Looking at a disaster of similar size for

the data regarding the EU, three boats sank off of Tripoli on same date in 2009 with 300

people reported missing. Of those identified from the 300, 69 (about 23%) were female.

These missing data on gender demonstrate the lack of even partial data on those who die

while crossing borders.

Age of those who die while trying to cross the border is another area obscured by

missing and partial data (see Table 1). For the EU, about 18% (n = 2,565) were over the

age of eighteen, while about 4% (n = 556) were under eighteen. The average age of death

was twenty-five years. However, missing data comprise almost three-quarters of cases (n

= 10,916). For the Australian data, 8% (n = 54) were over 18 and about 9% (n = 60) were

under eighteen, and the average age of death was 20. However, once again the missing

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data was over 80% (n=562). In order to get a closer view of age and deaths, two particular incidents of similar size were examined for Australia and the EU. In examining the data on deaths on the SIEV X incident from Australia, about 16% (n = 55) were under 18, whereas 6.6% (n=24) were over eighteen and over three-quarters (n = 274) were missing. Looking at disaster of similar size for the data regarding the EU, less than 1% (n = 2) were under 18, whereas about a quarter (n = 69) were over eighteen and again three quarters (n = 230) were missing.

Table 1. *Gender and Age of Recorded Border Deaths*

		European Union		Australia	
		%	n	%	n
Gender					
	Male	14.8	2,077	16.0	108
	Female	3.5	496	12.4	84
	Missing	81.7	11,464	71.6	484
Age					
	Adult	18.3	2,565	8.9	54
	Minor	3.9	556	8.0	60
	Missing	77.8	10,916	83.1	562

Looking to Table 2 and the areas of origin for deaths in the EU, Africans, at over half, (n = 7,792) were those who most frequently died border crossing. North African regions were cited in about 40% (n = 5,295) of deaths and Sub-Saharan Africa in about

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18% (n = 2,497). The third highest area of origin for deaths was the Middle East with about 8% (n = 1,159). The lowest rates of death for crossing the border into the EU were South/Central America at less than one percent (n = 47). Although a smaller portion of data is absent in this analyses, there is still almost 25% (n=3,516) missing.

In Australia the area of origin with the highest percentage of deaths was the Middle East with nearly 80% (n = 519), followed by the Indian Subcontinent/Asia with 20% (n = 135). The area of origin with the lowest frequency of death from crossing the border to Australia include both Eastern Europe (n = 1) and Sub-Saharan Africa (n = 1) with both at less than 1%. The region of origin category for the Australia dataset has a low rate of missing data at less than .7 percent.

Table 2. *Region of Origin Cited Among Border Deaths*

	European Union		Australia	
	%	n	%	n
Eastern Europe	6.3	887	.1	1
Indian Subcontinent/Asia	4.5	636	20.0	135
Middle East	8.3	1,159	76.8	519
North Africa	37.7	5,295	0	0
South/Central America	.3	47	0	0
Sub-Saharan Africa	17.8	2,497	.1	1
Western Europe	0	0	.3	2
Missing	25.0	3,516	.7	5

Because these datasets cover a very broad definition of border deaths, specifics as to whether someone died crossing the border or in the borderlands was examined. For the EU data, nearly 95% (n = 13,182) died while crossing the border, with no missing data in this variable. Similarly, the Australian data reflected that nearly 95% died while crossing the border (n = 636), also with no missing data (see Table 3).

Table 3. *Died Crossing the Border*

	European Union		Australia	
	%	n	%	n
Yes	93.9	13,182	94.1	636
No	6.1	855	5.9	40
Missing	0	0	0	0

When looking closer at the causes of death, the data showed the leading cause for both the EU and Australia was drowning: the EU at over 80% (n = 11,583) and Australia at over 90% (n = 629; see Table 4). The second highest percentage for the EU was lack of medical treatment at about 3% (n = 331). Australia's second most frequent cause were both suicide and violence, both at less than 2% (n = 11). The EU had 9.5% (n = 1,332) of cases missing and Australia had less than 2% (n = 11). When reviewing a crosstabs analysis between border deaths and cause of death for the EU, about 96% of deaths in the borderlands resulted from drowning (n=11,521). For Australia, almost 100% (n=629) of those who died in the borderlands did so due to drowning. About 10% (n=1,332) for the EU and less than 2% (n=11) for Australia had missing data for this test.

Table 4. *Cause of Death*

	European Union		Australia	
	%	n	%	n
Accident	0	0	.1	1
Arson Attack	.3	47	0	0
Car Accident	1.2	174	0	0
Chased by Authorities	0	0	.3	2
Drowned/Rpt. Drowned	82.6	11,583	93.0	629
Frozen	.7	93	0	0
Medical Condition	0	0	1.2	8
Minefield	1.5	212	0	0
Murder/Manslaughter	.4	61	1.6	11
No Medical Treatment	2.4	331	.4	3
Poisoned	.9	130	0	0
Starvation/Thirst	.4	52	0	0
Suffocate	.2	22	0	0
Suicide	0	0	1.6	11
Missing	9.5	1,332	1.6	11

Crosstab tests on the European Union data comparing dying in the borderlands and area of origin showed that Africans had the highest numbers of death with more than three quarters of all deaths in the borderlands: North Africans were about half (n=5,019) and Sub-Saharan Africans about one-quarter (n=2,383) of all deaths. North Africans were also most likely to die not in the borderlands, as well at 36% (n=276), followed by

Eastern Europeans at about 20% (n=155). The percentage of missing data for this crosstabs was about 25 percent (n=3,516; see Table 5). When running these same tests for the Australian data, again between dying in the borderlands and area of origin, those from the Middle East had the highest number of deaths at 80% (n= 510), followed by those from the Indian Subcontinent/Asia at about 20% (n=122). For those who died while not in the borderlands, the Indian Subcontinent/Asia had the highest percentage at about 40% (n=13). The percentage of missing data for this crosstabs was less than one percent (n=5). Also refer to Figure 1 which gives a visual interpretation of these statistics.

Table 5. *Region of Origin and Border Deaths*

	Died Crossing the Border							
	European Union				Australia			
	Yes		No		Yes		No	
	%	n	%	n	%	n	%	n
Region of Origin								
Eastern Europe	7.4	732	19.9	155	0	0	3.7	1
Indian Subcont./Asia	5.9	573	8.2	63	19.2	122	46.3	13
Middle East	10.5	1,029	16.7	130	80.3	510	32.1	9
North Africa	51.6	5,019	35.6	276	0	0	0	0
South/Central America	.09	9	4.9	38	.5	3	7.1	2
Sub-Saharan Africa	24.6	2383	14.7	114	0	0	3.7	1
Western Europe	0	0	0	0	0	0	7.1	2

	European Union		Australia	
Missing	%	n	%	n
	25	3,516	0.7	5

Figure 1. *Region of Origin Cited Among Border Deaths*

Region of Origin Cited Among Border Deaths
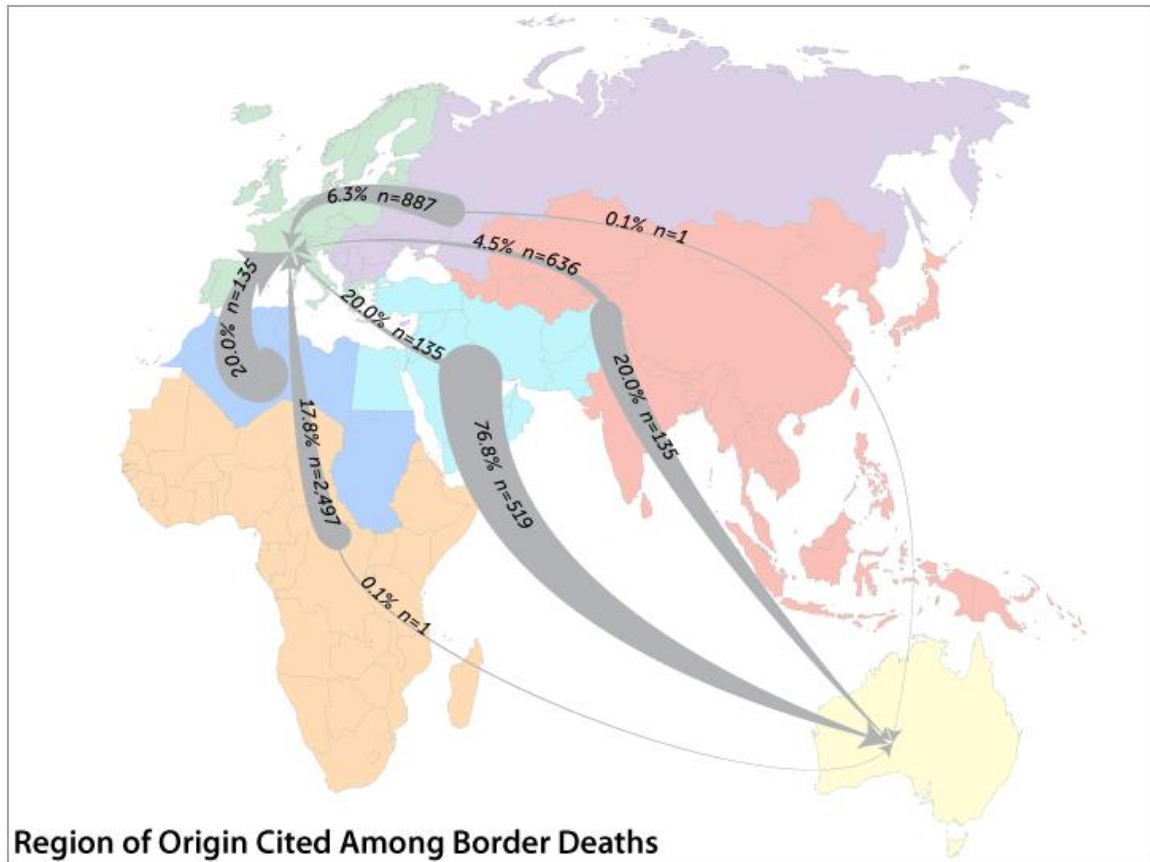
Grouping of deaths are also interesting to examine. The EU numbers did not push past the 1,000 mark until 2003 (n=1,302) and was at its highest in 2006 (n=2,000). The two spikes in Australian deaths (2001 and 2010) relate to two specific sinking of ships: the SIEV X (53.8%; n=364) and the Christmas Island shipwreck (23.1%; n=156). See Figures 1 and 2 for full layouts of deaths by year.

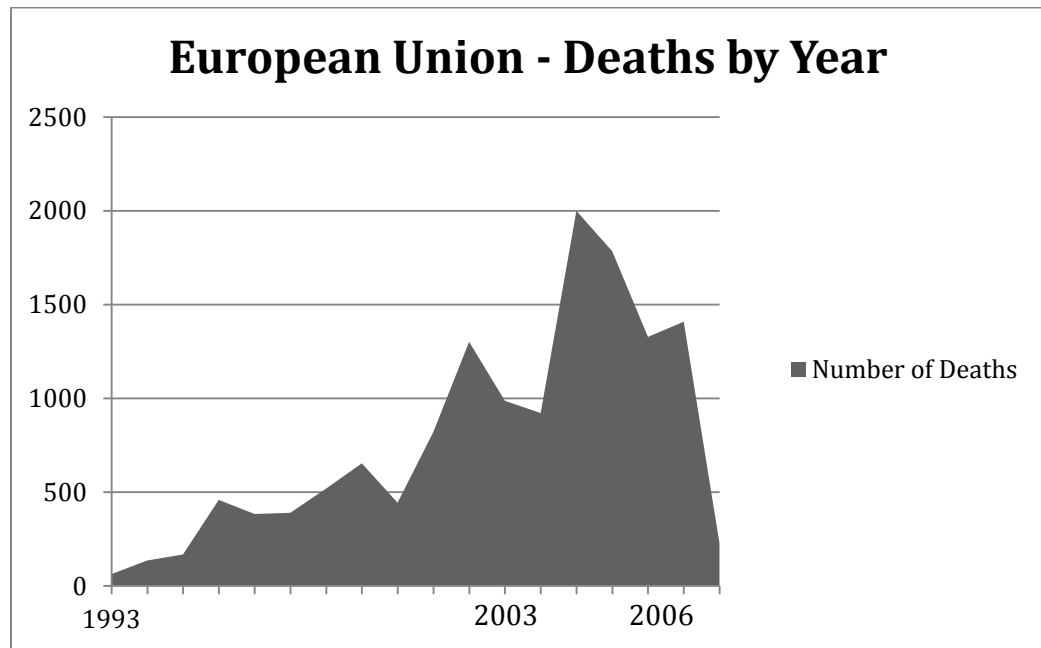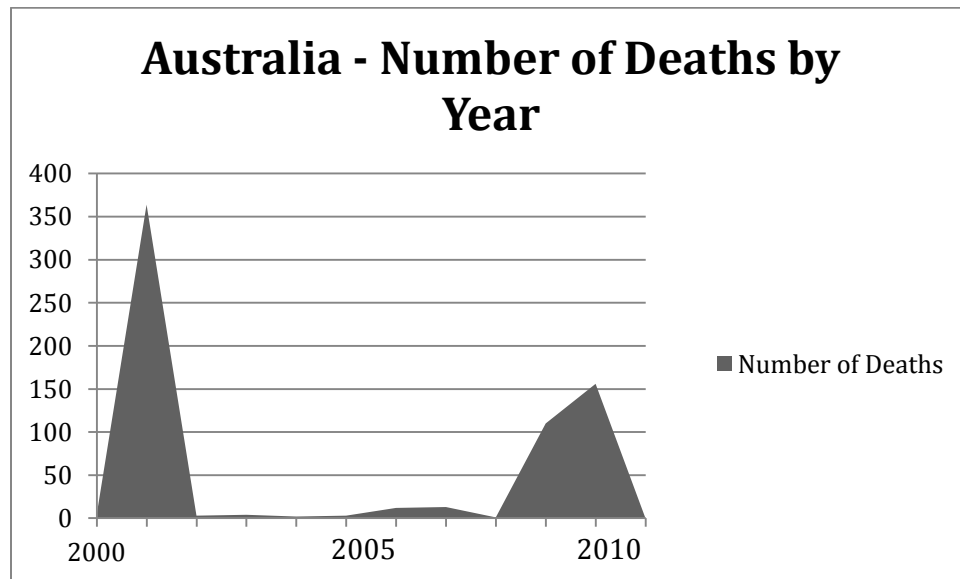Figure 2. *European Union Deaths by Year*

European Union - Deaths by Year

Figure 3. *Australian Deaths by Year*

Australia - Number of Deaths by Year

Chapter Five: Discussion

The focus of this thesis was to examine the demographic characteristics of those refugees who perish along the borders in an effort to determine whether certain groups, such as women and certain ethnic groups, more frequently die in comparison to other groups. The counting and categorizing of refugees, in and of itself, is a difficult task (Pickering, 2011). This is further complicated by the struggle to count deaths in the wake of disasters, such as shipwrecks (Quarantelli, 2001). Trying to get a closer look at the demographics of those refugees who have died, through the filter of NGO data, has also proved challenging.

As one can see from the data analysis, much of even the most basic data are missing for those refugees who perished, especially in the areas of gender and age. Around 80% of the data on gender and age were missing in both the EU and Australian datasets. These missing data preclude an analysis for further understanding of the most basic information on these refugee deaths. For example, crosstabs tests comparing age and gender would have been important to receive a clear understanding of the demographics of this data set. Since so much of the data are missing, there is no way to garner this information.

Women have long been socially marginalized in this world. This is often triply true of refugee women who lack status based on gender, race, and class. This marginalization is especially prevalent during crisis situations (Chandra, et al. 2009). Women's labor in third world countries in areas such as agriculture and informal sectors

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has often been undervalued, but even beyond that women often remain uncounted and unknown (Corner, 2009; Drake, 1983; Ludher, 1995). Harms to women and girls during times of war have also long been overlooked when examining the official cost of war (Hynes, 2004). This idea of women as often the unknown and missing may relate to data at hand.

Given what has been seen in other research, women are likely at a survival disadvantage during migration. UNICEF studies across Asia have consistently shown that in the case of drowning, while men regularly outnumber women, in terms of exposure to potential drowning situations women are at a survival disadvantage (Linnan, 2011). This is partly because in developing countries women typically swim at half the speed of men, which is likely a side effect of gender roles (Linnan, 2011). Moreover, in these developing countries women of reproductive age often have young children in their care, further placing them at a disadvantage in dangerous situations. In a recent study conducted in Indonesia following the 2004 Tsunami, researchers found that of people in villages who had been killed, most were either very young or very old, with one exception: women who were caring for a young child (Doocy et al., 2007). Even more significant is that women with two or more children had the lowest survival rates of all-- no women with more than one child survived the disaster (Doocy et al., 2007). While most research in the developing world on drowning has been carried out in Asia, these patterns are likely similar for people from the Middle East and Africa, which has led epidemiologists to conclude that a similar picture can reasonably be formed in relation to

the countries of origin of asylum seekers arriving by boat (Linnan, 2011). In short, women who irregularly cross borders by boat, especially those travelling with children, face a survival disadvantage relative to men and may likely make up many of those in the missing category of gender.

Globally there are no governmental or official sources of data regarding border-related deaths. These types of deaths often remain unrecorded and unrecognized by nation states and international organizations. Researchers instead must rely on information from news outlets or NGOs where the quality and quantity of information available is often limited. Arguably, these organizations are important resources for advancing the study of harms at the border with the data that they collect, but beyond that it is necessary to collect detailed information on this topic in an international database by governments and other interested parties, such as the United Nations High Council on Refugees (UNHCR). A strong database of these deaths will serve to better document the human cost and demographics of irregular border crossing, as well identifying the commonalities and differences between border zones and the relationship between border crossing and border hardening practices. Beyond that are the fundamental ideas of human rights and budgetary concerns from the public and the government about the cost of border hardening.

Under international law itself, there are few protections for the individual, including right against discrimination, right to be free from arbitrary deprivation of life, and the right not to be tortured or killed via genocide (Hathaway, 2005). However,

Australia and the EU ensured additional rights to refugees beyond those basics by signing the 1951 Refugee Convention, as well as the 1967 Protocol. The Convention guarantees the rights of refugees in international law. The main rights allotted to refugees when they come under a state's jurisdiction, even by conservative scholars, are non-refoulment and non-discrimination (Hathaway, 2005). Keeping track of border deaths will allow governments to be able to point to specific actions that may be contributing to these deaths and point to potential methods of curtailing them in order to hold up their international obligations.

Budgeting and monetary issues also play a large part in concerns surrounding border hardening and refugees for both the public and governmental bodies. Governments are spending large amounts of their budgets to deter refugees from trying to enter their borders. However, when researchers looked at this border hardening along the US-Mexico border, they found that this myth of deterrence, in the form of enhanced border patrols, did not lessen migration, but instead forced migrants to rely on expensive smugglers to assist them across difficult to traverse borders (Purcell & Nevins, 2005). Weber (2007) argues that deterrence can only be effective for people who have a choice about their migration. This is not the case with refugees who are fleeing a state of terror and violence. Therefore, the militarization of borders and the target hardening of easier entry ports are not effective in deterring migration (Nevins, 2003). In the 2009-2010 immigration budget, Australia invested approximately 170 million AUD just on the single aspect of border protection. The numbers of those trying to enter Australia has not

lessened with the large expense and effort put into border hardening. They received about 8,580 refugee applications in 2010, an increase of 31% over 2009 (UNHCR.org, 2011).

The consequences of border hardening need to be closely reviewed by the Australian and EU governments enforcing it. As examined in the results section, many of the victims of border hardening remain not only nameless, but completely unknown. The policies being put into place to harden the border may be leading to more deaths. When looking to where these deaths are occurring, for both the EU and Australia, over 90% for both data sets died crossing the border or in the borderlands. This means deaths which happened while a person was attempting to cross the border or making way to a border. The other deaths included in this data set enumerate deaths like those that occur in detention centers or within borders.

Examining the causes of deaths in this data set, drowning was easily the most common cause of death at over 80% for the EU and over 90% for Australia. The secondary causes of death are both at less than 3%. Theses data, in concert with the data in the previous paragraph, likely indicates most deaths happen at sea while people are attempting to cross or get to the border. Understanding where and how these refugees are dying is critical, otherwise these deaths remain easier to ignore and harder to identify. The information is vital to human rights' organizations and governments to determine where the biggest dangers are for refugees fleeing to what they hope will be safety.

The largest jump in deaths in the data set for the European Union was from 2005 to 2006. In 2005, the death count was at 922 people, but in 2006, the number jumped to

almost double with the highest accounting of deaths from the dataset at 2,000 people.

This may have a link to above-described FRONTEX, the border patrol agency for the

EU. It originated in 2005 and began its work in the field in 2006 (Lutterbeck, 2008).

These deaths might possibly be caused from FRONTEX's practice of turning away ships

to their point of origin, often with no consideration to the seaworthiness of vessels. The

big jumps in the Australian data are all related to disasters at sea. In 2001, the SEIV X

sank killing 364 people in international waters with the so-called Australian aerial border

protection surveillance zone. The Australian government takes no action and the

survivors are saved by an Indonesian fishing boat. 2001 was also the beginning of John

Howard's Pacific Solution in response to the August *Tampa* incident. This border

hardening policy may have affected the response of Australian border police to this

incident leading to more death due to a long-delayed rescue from farther off Indonesia.

Hatton and Williamson (2006) name several reasons that refugees leave their

countries of origin. The authors found that the main reason for movement was war and

violence. Casteles and Loughna (2003) also found the biggest factor in migration was

conflict, especially when it involves repression of minorities and ethnic conflict. These

authors also explain how the largest factor in where a refugee determines to go is

geographic proximity. However, other factors such as strong colonial links between

Africa and Europe, common language, existing ethnic community, smugglers choosing

the destination, past guestworker programs, direct plane flights, and economic incentives

help texturize the migration to a new destination (Castles & Loughna, 2003; Hatton & Williamson, 2006).

Hoffman (2010), in a qualitative study, looks at why Iraqis end up in Australia—Often times they first head to nearby countries such as Jordan and Syria, where again they had to move on due to lack of safety due to the Iraqi regime and intelligence. Next the refugees ended up in Malaysia (relatively safe for a short time due to two-week visas to promote tourism issued to Arabs at the airport) then to Indonesia, neither country a signer of the Refugee Convention meaning that their were no protections or rights for individuals. The refugees then headed to Australia by boat to claim asylum. Australia gave them rights to safety, the ability to work to feed their families, and education for their children (Hoffman, 2010).

Another consequence may be that refugees from certain areas of origin are being adversely affected by border hardening. In sheer numbers, those who come from Africa are dying in the greatest amounts in relation to the EU, while those from Middle Eastern countries are most likely to die in relation to Australia. Looking at the results between area of origin and dying crossing the border, the EU and Australian data may reveal that groups facing the greatest likelihood of dying at or near the border come from these same countries, notably African countries for the EU (75%) and Middle Eastern countries for Australia (80%), that are also most likely rejected for lawful entry due to being from "risky" countries based on risk assessment made by these states. The results of these data may also indicate people of certain ethnic origins are being funneled into these more

dangerous crossings, as they do not have equal access to this legal entry. For example, Australia gave out more protection visas to Yugoslavian and Bosnian refugees, both European and white, than any other group in the recent past and upped the humanitarian quota to accept more of this group in the future in the face of civil war occurring there (Colic-Peisker, 2005). None of these same changes were made for Middle Eastern countries during civil war and unrest periods.

Matthews and Miller (2001) have six propositions of victimology in regards to state crime. They include victims not being socially powerful & stereotyped, that the victimizer may dehumanize victims using special vocabulary and denial of harm, victims are blamed for their own suffering, victims must rely on the victimizer for recourse, and that victims are easy targets for continued victimization. This paper first looked at these through the literature surrounding irregular-border crossers who are seeking entry into the European Union and Australia. Results may support the idea that these victims are not socially powerful, as many come from disadvantaged countries and may not have much financial capital of their own.

Identifying and collecting information on refugees is the first step in determining how these border hardening strategies may be affecting populations of people. The first priority of the EU and Australian government should be the safety of these individuals. As discussed above, refugees have been linked to terrorism and crime by governments and the media. However, the government and the media may frame refugees and links to terrorism, but there have been no instances of global terrorism connected to refugees

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(Adelman, 2002). There is also a perception held by the general public that migrants cause a disproportionate amount of crime. Nevertheless, in a recent study of migrants and crime, researchers in Italy found there was no causal link between immigration and the overall crime rate (Bianchi, Buonanno, & Pinotti, 2010). Other researchers have come to this same conclusion—finding immigrants are more law-abiding than those born natively (Martinez, 2006; Rumbaurt and Ewing, 2007). In fact, Sampson (2006) suggests that the drop in crime in the United States in the 1990s might be in part due to an influx of immigrants into neighborhoods during that time. Immigrants are not a high crime risk. Even when looking specifically at legal and illegal immigrants' criminal recidivism, there was no difference between the two groups (Hickman & Suttorp, 2008). This suggests that the legal status of a person is likely not linked to crime rates.

The protections of refugees should be tantamount to unfounded concerns of criminality by the government or the general public. This is especially true for those who are attempting to enter via water, most of whom have no choice but to flee, but are often faced with the dangers of leaky boats, overcrowding, poor swimming abilities, and corrupt smugglers. Each migrant should be given the chance to have their plea for asylum heard by a governmental body for validity, rather than facing the dangers of a hardened border and a possible death at sea.

Chapter Six: Conclusion

White collar crime is understudied in criminological literature, despite its serious harms, and this is especially true for state crime. State crime can come in many forms, but many authors agree that one of the most egregious of these types breaks the basic human rights guaranteed to citizens and non-citizens. The victims of state crime are often not socially powerful, find themselves "othered" by governments and the media, blamed for their own suffering, likely easy targets for continued victimization, given little recourse for the crimes against them, and what recourse they may look for must come from the state which was the one to perpetrate the crime in the first place.

The EU and Australia have multiple obligations to protect the refugee population, including the Universal Declaration of Human Rights and the 1945 Refugee Convention. However, they fail to meet these responsibilities by instituting border hardening practices that have proven fatal for a number of those attempting to reach these areas. These border hardening practices include heavier border policing, excisions of country territory, refoulment, denial of visas for high risk countries, and offshore detention facilities. The purpose of this study was to examine the demographics around the border deaths that may occur from border hardening by the EU and Australia with a specific focus on women and those from disadvantaged areas of origin.

As described in the results section, some conclusions could not even by drawn from the data collected, due to the sheer amount of missing numbers in the areas of gender and age. This, in and of itself, is an important finding. The lack of data present in

these most basic areas indicates that this problem is not being properly documented and a full picture cannot be drawn of those who die due to border hardening efforts. When looking at areas of origin, the data are somewhat more complete. Many of the refugees who come from what the United Nations would describe as developing areas, die more frequently from drowning while in the borderlands. The other interesting result in this dataset was how further border security, such as the introduction of FRONTEX and the instating of the Pacific Solution, may be related to a rise in deaths. This relationship should be examined further by future research to determine the exact connection between policies and border deaths.

On the most basic levels, it is of great import to identify and collect information on refugees to determine how these border hardening strategies may be affecting populations of people. Without this information a complete picture of border deaths cannot be examined. As suggested, an international database kept by governments and other interested parties such as the UNHCR, would help two-fold: to identify information on these individuals and, just as importantly, for governments and the public to recognize this issue exists.

Beyond the essential act of collecting information via an international database, it is necessary to change our way of thinking about refugees and migration. Although governments and the public feel that securitization of the borders allows for a safer country, the refugees who are looking for asylum are more likely to bring positive qualities to the countries that accept them rather than the negative attributes often

assigned to them. Refugees bring a richness of different cultures, a myriad of skill sets, and an eagerness to build a better life for future generations. Beyond these benefits, it is the duty of these countries to uphold their international obligations of human rights. Furthermore, the millions of dollars that are currently being funnelled into border security can instead be routed into programs and state-run agencies such as schooling and healthcare that benefit both refugees and citizens alike.

Nevertheless, the question still lingers about whether the refugee situation can be handled safely and legally in an efficient manner for states. Gibney (1999), who writes about the case of Kosovo refugees and the world's response, states that instead of hardened borders and negative press from media, the refugees were instead welcomed. The UK bypassed family reunification procedures, Australia increased the number of humanitarian visas to this region, more funding was produced from the UNHCR ($1.23 per day as opposed to the .11 a day it spends on African refugees), and there was immediate NATO action in the area. Gibney (1999) states how this "popular" refugee status may have come from things like geographic closeness and cultural identity with the refugees. If a more balanced effort was put forth by the international community for all refugees, a more equal effect would likely be seen.

By hardening borders, based on unfounded fears and fabrication around security, governments unjustly harm those who are at their most vulnerable. Multiple authors have shown that this securitization does not keep migrants out, but instead likely leads to further harms. It is imperative that the protection of people be of tantamount importance

to governments. The views on refugees and migration need to change in this globalizing planet to thinking of everyone as citizens of the world, rather than isolated regions with hard arbitrary border lines placed to keep the unwanted out while the privileged move with ease.

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