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# "Intersectionality and the Vulnerability of Irregular Migrant Women to Sexual Assault: the Journey and Arrival to the U.S./Mexico Border "

*by*

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## Declaration Form

The work I have submitted is my own effort. I certify that all the material in the Dissertation that is not my own work, has been identified and acknowledged. No materials are included for which a degree has been previously conferred upon me.

Signed:

A handwritten signature in black ink that reads "Laura M. Clark". The signature is written in a cursive style with a large initial 'L' and 'C'.

Date: May 26th, 2017

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# Abstract

This research looks at the sexual assault of irregular migrant women on the journey and arrival to the United States/Mexico border from an intersectional perspective. It aims to analyze this topic through understanding cultural issues and changes at the border which have fomented abuse of migrants' human rights, and combines the academic research with data regarding irregular migration, militarization of the border, and gender statistics. The research aims to investigate how various factors and developments of the U.S./Mexico border have led to a more precarious experience for migrants, and how these situations lend themselves to the perpetration of sexual violence of female migrants. The study focuses on desk research to understand the connections between academic research and statistical information, and is interpreted through feminist intersectionality theory. The study zooms in on several scenarios of violence en route and upon arrival to the U.S./Mexico border and underlines that the situations lend themselves to particular vulnerability of sexual assault for irregular migrant women. In applying intersectionality, the space of irregular migrant women is analyzed through three axes of power: militarization, legal status, and gender. In analyzing the connections and imbrications of systems of power, it becomes clear that the subjects in question are marginalized and subordinated in various and interconnected ways. This study concludes that more meaningful and gender-sensitive research is necessary because the subjects in question are being compromised and have little feasible recourse for justice or proper acknowledgement.

**Key words:** intersectionality, irregular migration, U.S./Mexico border, migrant women, sexual assault, militarization

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# Chapter 1: Introduction

## 1.1 Topic

For my dissertation, I use intersectionality theory to look at irregular migration and the sexual assault of women in the act of migrating and arrival to the United States/Mexico Border. I want to hone in on the idea that *human rights are for all* and that rampant sexual assault of these migrants is a human rights issue that deserves just consideration and attention, regardless of the legal status of the migrant. I aim to get a clearer look at the experience of these migrants in the process of crossing by digesting the literature that specifically focuses on women's experiences: of migrating, how they were met by perpetrators, and how research has dealt with the complexities of the topic. I will focus on the vulnerability of irregular migrant women to sexual assault by situating their experience within a larger discussion of intersectionality, which aids in understanding power structures and marginalization at work.

## 1.2 Justification

Without the possibility of doing empirical work at the U.S./Mexico border, and in view of the scarcity of reliable and meaningful statistical or empirical data, I have decided to focus my research questions on secondary and archive research. With this in mind, I focus on various occurrences where violence was recorded and studied. In other words, I honed in on specific data to inform my literature review to get a better understanding of the situation. Through my research, I have concluded that the journey is extremely dangerous and violent. It is estimated that 6 in 10 women are sexually assaulted during their journey to the United States (Amnesty International, 2010). This estimate reflects an epidemic of violence and harm for irregular migrant women. By focusing on the processes that lend themselves to sexual assault, the research will be able to unearth how systems of power have specific and deliberate outcomes that affect individuals in a gendered manner.

The United States/Mexico border is a hotspot for discussion, argument, and politics. As the border, and the borderlands, the territory surrounding the border, are affected by

several different forces, this dissertation topic lends itself to analysis from just about every academic discipline. For this dissertation, I will analyze the literature review through a feminist lens in the findings chapter. By situating the various spaces of vulnerability that are conducive to sexual assault within a gender sensitive framework, I will be able to form more solid ideas when it comes to my findings concerning the data that is coming from the United States/Mexico border and borderlands. I consider that a feminist framework is appropriate because it directly considers women's marginalization vis-à-vis power structures and abuse.

The purpose of this study is to bring to light the issue of sexual assault of irregular migrants at the border and in the borderlands of Mexico and the United States. Research is needed on this topic because sexual assault defies and breaks a multitude of human rights including, but not limited to: security, right to life, right to health, right to movement. The topic is relevant to a multitude of human rights documents; both migrant rights and gender-based violence have been recognized by the United Nations and the Organization of Inter-American States. The United Nations High Commissioner for Refugees has commented that sexual and gender based violence is the “kind of violence [that] perpetuates the stereotyping of gender roles that denies human dignity of the individual and stymies human development” (UNHCR, 2003). The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) condemns “discrimination against women in all its forms” and underscores that “public authorities and institutions shall act in conformity”, which reinforces the idea that police forces and governments are not exempt from this decree (CEDAW, 1979, art. 2). The Convention of Belém do Pará outlines that violence against women includes “physical, sexual, and psychological violence”, and calls on specific protection of women by part of state actors (Organization of American States, 1995, art. 1). Rape and sexual assault are not singular, isolated events, but are part of a wider issue that reflects the society at large (MacKinnon, 1989). Therefore, research is needed on this topic because sexual assault is a gendered problem, which perpetuates dangerous systems of domination, power and control, and misogyny.

Additionally, by focusing on migrant movement, I am able to reflect on our Master's coursework, which has discussed effects of globalization, gender, and systems of power. Globalization inherently includes migration, and the presence of sexual assault of migrants is deserving of analysis. In sum, this research is necessary because sexual assault undermines human rights in a variety of ways. This study hopes to add a distinct discussion to the topic of sexual assault at the border. Through the use of feminist theory, more specifically,



intersectionality, this research hopes to contribute insightful commentary and analysis that communicates how systems of power, that are greater than any individual, affect society and the people living within their confinements.

### **1.3 Structure**

The thesis will move into the following sections: a brief background section, methodology, literature review, an explanation of the theoretical approach, a findings section, a conclusion, and recommendations. The background section aims to give the reader some context about the fluxes at the border; its main purpose is to comment on the border and migration generally. Methodology will concisely discuss the approach and methods I've chosen to assess the topic, and will come early in the dissertation because it framed the literature review as well as the findings. The literature review will discuss the topic at hand and how other scholars have examined the topic, and will include three main subheadings: Violence Against Women, Militarization, and Impunity/Legal Status. The Theoretical Approach will give a succinct background on feminism and patriarchy, and will describe the development and application of intersectionality. This dissertation does not aim at empirical research, therefore the findings chapter will assess the reports and data that specifically consider irregular migrant women's experiences via specific instances of vulnerability and susceptibility to sexual violence through the lens of intersectionality. Finally, the conclusion and recommendations sections will review the research and analytical aspects, and will also comment on suggestions for future practice and study.

### **1.4 Research Questions**

Primary:

What contributes to women's sexual assault and sexual violence in the U.S. Mexico/border and borderlands?

Secondary:

How are irregular migrant women's bodies compromised in the borderlands of the U.S./Mexico border?

How does irregular status affect migrant women's experience regarding migration?

How can the theory of intersectionality address this population of migrants?

## 1.5 Background

In the current historical and political juncture in which this research finds itself, it is no secret that the situation surrounding the United States/Mexico border is relevant and worthy of study. This border, and all the processes contiguous to its existence, including irregular migration, have a history of political discourse, opinions, and variety of previous considerations and treatment. The border and the adjacent borderlands (the perimeters of the border in which security measure and border policies are still salient) have been exposed to a variety of rules and guidelines. Though the history of the United States/Mexico border and the relations between the two countries is too vast for this research, it is necessary to briefly capture how recent changes in policy have led policy in the United States to where it is today.

During the 1980's and 1990's, there was a remarkable increase of irregular migration to the United States, therefore the Border Patrol increased their manpower and advanced their technology (U.S. Customs and Border Protection, 2017, n.p.). The change in response by the Border Patrol signaled a more militarized way to secure borders, which continued to grow in the 1990's, under the Bill Clinton administration in the United States, and saw powerful changes regarding US/Mexico border policy. These policies changed border control tactics, which pushed migrants to isolated and perilous border zones (Slack et al., 2016). The enforcement of two strategies, Operation "Hold the Line" in 1993, and Operation "Gatekeeper" in 1994, both proved deadly for migrants. Pickering and Cochrane argue that these procedures under the Clinton administration relied on irregular migrants' deaths as a way to curb irregular migration (2012, p. 41). In total, the end of the century saw a shift in border control policies that emphasized harm for many.

The occurrence of 9/11 brought with it an anti-immigrant rhetoric that called for greater military presence in the country (O'Leary, 2008). Coleman notes that after 9/11, "US lawmakers and administration officials scrambled to present undocumented migration as a possible national security threat" (2007, p. 54). The U.S./Mexico border was put into focus, with the deployment of thousands of guards, surveillance technologies, and fences to secure the border (Hanson, 2006; Coleman, 2007). Regarding Mexico's policies regarding irregular migration, prior to 2008 it was considered a criminal act to provide "humanitarian assistance

to irregular migrants” (Amnesty International, 2010, pp. 6-7). Both of these political discourses and climates show a disdain toward irregular migrants. Presently, the newly elected President of the United States, Donald Trump, has outlined how the United States will secure the U.S./Mexico border “through the immediate construction of a physical wall on the southern border” (The White House, 2017, n.p.). In sum, the attitude and dealing of the U.S. Mexico border has seen an increased level of control and militarization through the years.

The decision for women to illegally cross the border is determined by circumstances in their home countries (Pickering and Cochrane, 2012, p. 34) including experiences such as “extreme poverty, lack of safety, and little opportunity” (Amnesty International, 2010, p.5). Moreover, migrants move to escape armed conflict and domestic violence (Falcón, 2006, p. 128; Comas-Díaz and Jansen, 1995, p. 323). The backdrop to women’s irregular migration contains a multitude of factors that are larger than the individual. As immigration policies have become more restrictive with respect to family unity, women and children have been directly affected as they make hazardous journeys (Jimenez, 2009 in Pickering and Cochrane, 2012, p. 35). The changes in border security directly affected migration; women’s migration was impacted in regards to repeat migration for family needs, while the process of crossing became more unsafe, putting women’s well-being at risk. Despite the growth and severity of security measures at the border, migrants continue to make the journey to cross the border. Specifically, women’s migration has been increasing since the 1980’s; women’s amplified participation in the labor market is understood as the “feminization of international migration” (Ramírez, Garcia Dominguez, & Miguez Morais 2005 in O’Leary, 2009, 523). These ideas evidence that women, in recent history, have joined the flow of international migration in large and significant numbers. Additionally, women migrants are prone to cyclical crossing of the border, even though they generally have less previous migration experience than men (The Center for Latin American Studies, 2013). Cyclical migration of women, coupled with the act of solo/unaccompanied migration, increases the chances of these women becoming victims of violence (O’Leary, 2009, p. 526).

Due to the nature of sexual assault and irregular migration, there are no precise statistics on its incidence. Naturally, women’s extra-legal migration is also fragmented as it is “not systematically undertaken by any international or regional institution or agency” (Pickering and Cochrane, 2012, p. 33). As a continuation of this incomplete knowledge, statistics on rape at the border do not exist (Falcón, 2001, p. 45), though Amnesty International estimates that 60% of women making the journey irregularly have experienced

sexual assault during their journeys (Amnesty International, 2010 cited in Pickering and Cochrane, 2012). These estimates reveal that there is a grave, urgent criminal issue at the border: the sexual assault of irregular migrant women. It is reported that the prevalence of sexual abuse is so high for this demographic that smugglers/*coyotes* suggest or demand that women take birth control before beginning the journey to the border (Amnesty International, 2010; Joffe-Block, 2014). This aspect of migration underlines that sexual assault is not an off-chance occurrence, but rather something so frequent that it is planned for and expected. Although the prevalence of sexual assault is high, it must be remembered that this crime breaks human rights and women's rights. Overall, human rights treaties aim to safeguard basic security for women who migrate, thus, "women have the human right to be free from the threat and occurrence of sexual violence in the borderlands" (Falcón, 2001, p.47).

## Chapter 2: Methodology

The methodology used in this dissertation very much informed both the literature review and the data collection and analysis. In considering the topic and feminist theory, and keeping in mind that I did not perform secondary research, document review and a kind of discourse analysis were applied. As my dissertation topic does not lend itself to large amounts of data, I place methodology early in the dissertation because the literature review and the findings have a closer relationship.

### 2.1 Document Review

Document review takes place for research that aims to get a full picture of literature that has been written on the topic. Within this method, I chose literature review and archival reviews. I chose literature review because it is a “systematic, explicit, and reproducible method for identifying, evaluating, and interpreting” what has been written by previous researchers (Fink 1998 cited in Reed and Pads kocimaite, 2012). For my literature review, I focused on academic research, research by human rights organizations, and on news sources. This research, together, categorized the three large practices at play when considering the U.S./Mexico border and borderlands vis-à-vis a context of vulnerability and violence. This literature informed the topic with specific theories and practices that are in place at the border, but do not easily lend themselves to measurability. In other words, the literature review specifically addressed experience at and around the border for those transgressing the border, but very rarely provided statistics and measurable accounts.

For my data collection, I employed aspects of archival research, which allowed me to step away from academic research and fill gaps with numerical data related to the research topic. I explored government sources including: budgets, figures, percent increases and spending, and statistics which all considered migration patterns both in numbers and in nationalities. I used these facets of document review because I feel they were able to explain the phenomenon numerically and statistically, which complimented the literature. Within research from various migration research institutes, non-governmental organizations (NGOs), Inter-American Court of Human Rights, and various entities of the United States government, I used triangulation to confirm and present the information in a way that highlighted main points of concern. This allowed me to see how the literature and the data, though presented in very different ways, had similarities. Through document review, I was able to present

different instances of violence and vulnerability that irregular migrant women may face in their experience as migrants.

## **2.2 Discourse Analysis**

Due to the fact that I did not have primary access to the subjects in question, the data at hand was understood through a form of discourse analysis. In doing so I was able to “analyze text in context” (Howarth, 2005 cited in Reed and Pads kocimaite, 2012, p. 43). As this research is decidedly feminist, it was necessary to employ discourse analysis to dissect the text and data at hand. Discourse analysis allowed me to focus both on explicit discourse used, and to recognize where discourse fell short and did not cover all subjects equally, or sufficiently. Discourse analysis became part and parcel of my theoretical application because it focuses on women’s inclusion and treatment. In focusing on specifically *irregular* migrants, *women* migrants, and *sexual* violence, discourse analysis allowed me the space to analyze those specific titles and keep in mind what was lacking and where, which aided in my theoretical application. In total, discourse analysis was employed to understand the data in relation to the topic, through the lens of intersectionality, which will be explained in chapter 4.

## **2.3 Ethical Considerations**

Ethical considerations have been taken into account in this dissertation; this research complies with ethical guidelines for two reasons. First, I have not conducted interviews nor had any contact with the group that this research considers. This was a conscious decision as I realized that I did not have previous connections with these women, and that the time frame for research would be too short. In this way, I avoid overstepping boundaries, and focus on literature and data, as mentioned above. I feel that this is an ethical and productive decision because it allowed a nuanced study of a multifaceted and complex topic, without risking ethical questions. Secondly, I believe that this research is ethical because after analyzing the literature and the data, I do not aim to “recreate” irregular migrant women’s stories. This point is critical to ethical considerations because my dissertation does not aim to create stories from literature and data, but rather it aims to present phenomena, both measured and not measured, that add to the vulnerability of irregular migrant women to sexual assault. In sum,

ethical considerations have been considered both in collection and presentation of material for this dissertation.

## **Chapter 3: Literature Review**

For this research, I hone in specifically on the sexual violence against irregular migrant women in the borderlands of the United States and Mexico. This topic is dense and difficult to contain, and thus it will be informed by three main ideas: violence against women, impunity, and militarization. In the following pages, these three main headings will be addressed and broken down into subtopics to better explain how each aspect informs the topic at hand.

### **3.1 Violence Against Women (VAW)**

When discussing sexual violence against irregular migrants, it is imperative to first understand the concept of VAW. VAW is a universal phenomenon that is limitless and present in a variety of contexts that go beyond and interrupt any common dichotomies including the private and public spheres, wealthy and underprivileged, the global North versus the global South, and wartimes and peacetimes (Philipose, 1996). Because of the reach of VAW, it is important to study the cultural, economic, and political aspects present in each society (Swaine, 2015) in order to better understand the presence and reproduction of this gendered violence. Due to the global phenomenon that is VAW, it has been recognized as a human rights issue and has received attention from Amnesty International (Bunch, 1990 cited in Comas-Díaz and Jansen, 1995).

VAW has been referred to as a violence “from birth to death” that has lifelong consequences (Comas-Díaz and Jansen, 1995). Because this violence has a lifelong trajectory, its omnipresence makes it difficult to discern what exactly contributes to VAW in societies; VAW is so extensive that it bleeds into social systems that do not seem outwardly violent. Comas-Díaz and Jansen posit that in addition to apparent violence, women also suffer from policies and traditional practices that contribute to a climate of violence including practices such as: blocking their education, hindering their access to health care, and hampering the ability to earn fair wages (1995). By obstructing access and enjoyment of these systems, women are then at a higher risk of gender-based violence including abuses such as sexual violence (Lykes et al., 1993 cited in Comas-Díaz and Jansen, 1995). The effects of VAW, both subtly and outright, have larger effects on families and communities (Comas-Díaz, 1995). In sum, there is a link between traditional practices and policies that treat women as lesser and women’s susceptibility to gender-based violence, which affects societies.



In addition, VAW is a sexual and gendered phenomenon because of the way it specifically affects women and girls. VAW includes sexualized violence such as rape and/or mutilation of female body parts (Morales and Bejarano, 2009); VAW is gender-specific and sexually motivated because of these particulars. The practice of sexual violence illustrates gender oppression because it is connected to systems of power and dominance, which are based on gender constructions of masculinity and femininity (Morales and Bejarano, 2009; Falcon, 2001). As a continuation, violence against women has its roots in the inequalities that are created through the gendering of individuals that posit women as inferior to men.

### **3.1.1 VAW in Mexico/the borderlands**

The meager pay of women in Mexico and the feminization of poverty were underlined as key aspects of VAW in Mexico (Morales and Bejarano, 2009). The practice of paying women less relates to the varied and subtle aspects of VAW as aforementioned. Though paying women less money is not a direct violence, it does *directly* affect their ability to succeed and prosper in Mexican society. The extension of the discussion of fair pay and the feminization of poverty, and its connection to migration and violence are beyond the limits of this research, but they have been connected to the neo-liberalization of Mexican economics (Morales and Bejarano, 2009; O’Leary, 2009).

Amnesty International states that abuse of migrants is commonplace, including abductions and rapes in the thousands (2010). Correspondingly, the journey for migrants to the U.S./Mexico border is no different and sexual violence is ordinary (ibid). It is argued that the borderlands are subjugated by the way of political and economic pressures, which set the stage for sexual assault of women in the form of “rape, sexualization and claims to women’s bodies” (Morales and Bejarano, 2009, p. 435). Succinctly, these ideas illustrate how migrants are compromised as migrants and as women in an area that is hotly contested. The practice of sexual assault of migrants is so common that several authors outline that smugglers/*coyotes*, those who bring the migrants to the border, suggest (or require) that women making the journey northward begin taking contraception prior to the journey (Amnesty International, 2010; Falcón, 2001; Joffe-Block, 2014). Here, the practice of VAW is clear because women are *expecting* to be sexually assaulted. In total, the collection of literature underlined that VAW is a main component when considering irregular migrant women’s experiences.

## 3.2 Impunity

The practice of impunity plays a large role in the perpetuation and practice of sexual assault of irregular migrant women in the borderlands. A main factor that falls under the status of impunity is the lack of reporting on the part of the women who are sexually assaulted. The culture surrounding sexual assault is marked by a lack of reporting and, consequently, a widespread practice of impunity (Joffe-Block, 2014). Yet, this idea is an oversimplification of the problem and ignores the various reasons for the underreporting of assaults. Though this plays into impunity, it is important to underline that this factor should not be a “reason” to blame women for their own victimization; I outline this aspect because it was included in the literature and is regarded as part of the culture of impunity.

Human Rights Watch claims that there are various factors that play into *not* reporting assault such as “ignorance about complaint procedures, fear of reprisals, frustration with procedures, and the apparent futility of filing complaints” (1995, p. 20). Furthermore, irregular female migrants who wish to make a complaint are confronting powerful institutions/states like the United States or Mexico. Falcón contends that even if women were to be able to file a complaint, the power differential between state governments and an individual undocumented woman is vast (2007). In short, the lack of reporting and power differential between actors add to a climate of impunity where sexual assaults are widely taking place but are not accounted for nor punished. I argue that underreporting is also related to gender dynamics/constructions, fear, embarrassment, and a sense of self-blame.

The U.S. political climate has affected the practice of impunity for these victims of sexual assault. The passage of various laws regarding immigrants has shaped an atmosphere where migrants who are violated are reluctant to come forward and report because of the stigmatization associated with being a migrant, and being undocumented (Simmons et al., 2015). The political climate has also shaped the rhetoric surrounding undocumented migration where these individuals are referred to as illegal aliens and are constantly mentioned alongside the topic of terrorism (ibid). This stigmatization affects the general public and the immigrant alike because it creates an atmosphere where both groups deem that the violence committed against migrants is justified (Menjívar and Abrego, 2012 cited in Simmons et al., 2015). The political climate influences the practice of impunity because it affects the attitudes and perceptions that surround undocumented immigrants and *their own perceptions* of themselves (ibid). The belittling of the undocumented immigrant in both

rhetoric and law adds to the climate of impunity that surrounds the sexual assault of irregular migrant women.

The lack of a legal status as a migrant in itself is an important factor when discussing impunity. Pickering and Cochrane point out that for most of the world's women of the Global South there is no chance for legal migration to the Global North (2012). As such, donning the classification of 'illegal' puts women in a vulnerable position (Falcón, 2001). The stigmatization of migrants by the United States political climate is coupled with a stigmatization in Mexico where irregular migrants are rarely mentioned, let alone protected by national policies, which leads to a type of invisibility that irregular migrants face (Amnesty International, 2010). This invisibility is multiplied because the presence of an 'illegal' status blocks them from effective recourse in the justice system (ibid).

Additionally, there is a lack of trust between migrants and authorities (Amnesty International, 2010). Irregular migrants are often met with intolerance and discrimination and are "treated beneath dignity by the government and the society at large" the smugglers/*coyotes* and *bajadores* (those who steal migrants from smugglers/*coyotes*) mimic the government's treatment to "further commodify" the migrants which includes a variety of abuses (ibid; Simmons et al., 2015, p. 564). This distrust reiterates the invisibility and susceptibility to harm of irregular migrants, and underlines the connection between criminal activity and impunity because victims of violence have no reliable source of recourse. Amnesty International points out that women and girls are specifically affected by the practice of impunity that surrounds their legal status and are at an increased risk of sexual violence from both criminal and state actors (2010). As the states that are directly affected by the irregular migration choose to dehumanize these migrants, crime and impunity will continue to be the norm and will be reflected through criminal actions towards migrants (Amnesty International, 2010; Slack et al., 2016; O'Leary, 2008; Simmons et al., 2015). Irregular migrant women who face sexual assault form part of this narrative.

Impunity is also reinforced in the borderlands through networks of corruption that lead to states of exception. Simmons et al. explain that states of exception are spaces that are defined by both the practice of hyper-legality and lawlessness at the same time (2015). The borderlands are illustrative of this because there is corruption at all levels of government which includes government relationships with the gangs that control the territory through which irregular migrants pass in order to get to the border (Amnesty International, 2010). This corrupt relationship between state and non-state actors underlines that the line between criminal action and state action, or inaction, is thin. Amnesty International defends that the

relationship between transnational gangs and authorities is “directly related to the rise in cases of violence against women and children” (2010, p. 11). Simmons et al. align with this idea and point out that in states of exception both governmental *and* nongovernmental actors have a lot of “discretionary power over vulnerable populations” (2015, p. 565).

The presence of corruption opens up the conversation of impunity when the Mexican and United States governments are considered. Simmons et al. highlight that both of these state governments are unwilling to recognize the states of exception that categorize the experience in the borderlands, which adds to the vulnerability of marginalized people who are victim to various human rights injustices (2015). Interestingly, President Trump’s executive order regarding the U.S./Mexico Border released on January 25, 2017 recognizes the continuity and duality of the culture of insecurity and highlights that: “transnational criminal organizations operate sophisticated drug- and human-trafficking networks and smuggling operations on both sides of the southern border” (The White House, 2017, n.p.) but fails to recognize the dire situations that this causes for the lives of migrants. Amnesty International points out that the presence of extra-legality that defines migrants’ experiences still falls under the state’s obligation to remedy (2010). In total, corrupt relationships between ‘legal’ and ‘extra-legal’ actors become increasingly blurred when discussing ‘who is to blame’ within the context of the borderlands. This blurring and consequent fail to act on the part of the states adds to a climate of abuse and impunity. This is noteworthy for the research in question because it outlines the intricacies that contribute to a climate of impunity in which these women find themselves.

### **3.3 Militarization**

The effects of militarization of the U.S./Mexico border formed a large part of the literature that surrounded the topic of irregular migrant women and sexual assault in the borderlands. Militarization is a massive and dense topic with various moving parts that will be discussed in the pages that follow. Dunn explains that militarization includes “the use of military rhetoric and ideology, as well as military tactics, strategy, technology, equipment and forces” and that this process (of militarization) is evident at the U.S./Mexico border (1996 cited in Slack et al., 2016). Pickering and Cochrane echo that militarized borders are present and are most easily identified as conflict zones (2012). Falcón repeats this fact and underlines that the rhetoric surrounding the border is akin to that of a war zone, focusing on a “shut down” of the border, and likening migrants to “illegal aliens” (2006, p.121; The White House,

2017, n.p.). Donald Trump's recent executive order reiterates that a kind of war with migrants exists as he called for "the immediate construction of a physical wall on the southern border" (The White House, 2017, n.p.).

Additionally, the hiring of former military agents as Border Patrol agents adds to the military climate because military agents are trained to "engage enemy combats", which is problematic because irregular migrants are *not* enemy combats (Falcón, 2006, p. 126; Falcón, 2007, p. 217). The coupling of military ideology and the recruitment of former military functionaries to perform Border Patrol duties adds to a military climate where the border is treated as a war zone (Falcón, 2007). In addition to this fact, former military agents are not routinely and consistently trained in regards to human and civil rights, which breeds insecurity and an inability to treat migrants with dignity (ibid). Falcón summarizes militarization at the border by explaining that it rests on two main factors: the insertion and incorporation of military units in the borderlands, and the alteration of the Border Patrol to look more like the military by way of gear, arrangement, and methods (2006). In total, though the U.S./Mexico border is perhaps not considered a traditional warzone, the rhetoric, strategies, and tactics demonstrate that there is a definite conflict and militarized goal in regards to the border and its regulation.

### **3.3.1 Power**

Militarization demonstrates itself through the use of power. The presence and functions of border control seek to show multifaceted presentations of power at the border through selection of technologies, detention of individuals, policies that include deterrence, and expulsion of individuals, which include various state and non-state actors (Pickering and Cochrane, 2012). The border becomes a site of emblematic power that symbolizes the limits of the nation, and the expression of power at these edges of the state have been hotly contested (ibid). The expressions of power affect the people that come into contact with them; Inda points out that power dynamics at the U.S./Mexico border because in a modern state, power has changed from the ability to kill individuals without question to the ability to intensely monitor and control individuals that come into contact or live within the confines of power dynamics (2007). This modern use of power directly corresponds with the dynamics of the U.S./Mexico border because militarized power controls, regulates, and monitors the borderlands. The militarized structures of power that control the border territory have a gendered component which will be explained further in this section, but at this juncture it is

pertinent to recognize that power dynamics including the control of individuals exacerbates the opportunity for abuses to occur.

### **3.3.2 Policies**

The policies that have been put in place at the U.S./Mexico border have been examined and critiqued as a factor and catalyst of militarization that has put irregular migrants at risk of abuse. In his comments about power, Inda discusses how modern governments decide whose lives are important, whose are not, and whose lives are worthy of living (2007, p. 138). This notion is emphasized by Pickering and Cochrane who believe that as the border is strengthened the death rate for irregular migrants increases (2012; Fuentes et al., 2007 cited in Simmons et al., 2015). The ‘strengthening’ of the border is influenced by policies that have become increasingly more intense, expensive, and militarized over the years. The majority of the recent research around the U.S./Mexico border fortification has focused on Operation “Hold the Line” and Operation “Gatekeeper” that were created under U.S. President Bill Clinton (Slack et al., 2016). These Operations appear in the literature concerning irregular migrant abuse because they fortified traditionally safer urban crossing zones from Mexico to the United States, thus ‘funneling’ migrants further into dangerous borderland terrain (Colibrí Center for Human Rights, 2015). These policies directly affected the experience of irregular migrants because it made the journey much more dangerous and deadly; it pushed migrants to less populated and less safe areas that have harsher climates (Slack et al., 2016).

These policies are surrounded by critical commentary. Slack et al. argue that the policies of ‘prevention through deterrence’ were designed specifically as a form of state violence that puts emphasis on pain and suffering of irregular migrants, and that this violence perpetrated by the state became a central strategy in the militarization of border enforcement in the United States (2016). Further, they affirm that the violence in these border policies is formal violence because its aim is to specifically inflict pain and suffering upon irregular migrants to deter them from attempting to cross the border (ibid). Though migrant death is a main focus of the results of these policies, Sheriff Tony Estrada, a police official with years of experience trying to help migrant rape victims, attests that the prevalence of sexual assault of migrants has increased, too, with the heightened security measures, as it has sent these migrants into more isolated areas of the desert (Joffe-Block, 2014). Inda comments that the violence that has derived from the militarization policies does not mean that Border Control wants to see immigrant death but rather, in the name of protection, the federal government accepts some loss of life (2007). The commentary around violence is consistent, though, in

the way that the literature that discusses the policies and their effects underline that violence increased with their presence because migrants were pushed into more remote and treacherous areas. Sheriff Estrada's recognition of sexual violence reiterates that women and girls' bodily safety was affected by the change in policy.

### **3.3.3 Security, insecurity?**

The policies implemented at the U.S./Mexico border raised many questions about the notion of security. Slack et al. confirm that politics present the idea of 'secure' and 'militarized' as nearly one and the same, but that the feeling of security is an entirely subjective concept that protects the powerful while forcefully harming others (2016). The idea of security is presented in government and media sources in such a way that border militarization is portrayed as a natural extension of national security (ibid). Falcón holds that the linkage between security and militarization at the border opens the door for wrongdoing to occur without consequence (2001). Concisely, the guise of national security as militarization at the border allows for security for some, but, paradoxically, extreme insecurity for others. This insecurity is reflected and catalyzed in the remote areas where the journey to the border takes place.

Simmons et al. assert that as security efforts on the U.S./Mexico border increase, smuggling of both humans and drugs becomes more professionalized (2015). Joffe-Block reiterates this idea and adds that crime rings monopolize the routes between Mexico and the United States, adding to a climate of insecurity in the borderlands (2014). As U.S. policies drove immigrants to more remote locations in Mexican territory, the presence of human smugglers/*coyotes* that act as guides to cross the border were increasingly needed to reach the United States. These criminal groups responded to this increased need of help due to the change in U.S. policy, and it became an extremely lucrative business with each migrant paying thousands of U.S. dollars for smuggler/*coyote* guidance (Simmons et al., 2015). The incentive of money created another level of crime in addition to this, where *bajadores* wait to steal migrants from smugglers/*coyotes* in order to rob them and subject them to various violent acts, including violence against women and sexual assault (ibid). Moreover, the militarization of the border led to a revving up of technology and firepower by the criminal groups in the borderlands, and migrants find themselves in the middle of this struggle (ibid). The journey to the border is plagued with vulnerability that affects women in numerous ways, including gender based violence.

This insecurity plays itself out in an additional for irregular migrants at the border, and specifically targets women's bodies when considering history with the United States. Morales and Bejarano outline that women's bodies are traditionally viewed as not just singular bodies, but as being symbols of community, of territory, and of race (2009). Brownmiller contends that the bodies of migrant women signify an " 'alien' or threatening presence subject to colonial domination" by the United States due to the history of colonialism between the United States and Mexico (1993 cited in Falcón, 2001, p. 120). Together, these authors reason that the U.S./Mexico border's militarization represents an extra threat to bodies of migrant women due to their wider significance and 'threatening' presence. This idea is evidenced by the fact that the definition of national security in the United States was modified to include population growth in the 1990s, and supported by the fact that Mexican women are often targeted in debates about immigration specifically because of their bodily abilities (Falcón, 2007; Segura and Zavella, 2007). In total, the pushes for security have led to an extreme insecurity that has a gender-bias within its construction, which has put female migrants at risk both during the journey at the hands of criminal actors, and at the border by state actors.

### **3.3.4 Militarized Border Rape**

The literature surrounding this topic points to militarization of the border as a key factor in the sexual assault of women. Friedman points out that rape is used as a military strategy to shame and undermine opponents (1992 cited in Comas-Díaz and Jansen, 1995), and Roe outlines that rape is used as torture and a way to exhibit differences in power (1992 cited in Comas-Díaz and Jansen, 1995). Falcón posits that "in every militarized conflict, women are systematically raped or sexually assaulted" (2001, p.31). These statements form a background that allows a further exploration of rape and sexual violence at the border. Falcón clarifies that rape is habitually and methodically used as a weapon at the U.S./Mexico border and that it is motivated by various features of the area, including the military culture on the Border Patrol (2006; 2007). Militarized border rape is considered to be a facet of a border system that promotes control, domination, and has a history of colonialism (Falcón, 2001). The practice of militarization of the border, and border rape are inseparable because the militarization requires the use of rape (Falcón, 2006). Falcón and Human Rights Watch outline that militarized border rape is different from solely militarized rape because it includes the control of vulnerable migrant women by leveraging things such as documentation/'papers', and deportation (2001; 1995). As such, these women's human



rights have been endangered and abused because the U.S./Mexico border climate tolerates militarized border rape.

Enloe argues that under militarization there are four different classifications of rape that are used as strategic measures in times of conflict; the rampant sexual assault at the U.S./Mexico border is characterized by two kinds of these rapes: national security rape and systematic rape (2000 cited in Falcón, 2006, p. 36). Enloe highlights that national security rape is defined by controlling “labor, migration, and women” (Enloe, 2000 cited in Falcón, 2006, p. 36). Specifically, Enloe points out that this classification applies to migrant women at the border because the absence of legal documents puts women in an ‘illegal’ place where they are seen as having committed a crime (ibid). This logic puts these women in a subordinate position where they are seen as criminals and their bodily well-being is not only unimportant to the state, but a threat to national security (ibid). This classification of militarized border rape underlines that these women’s bodies are dangerous and must be controlled. Concerning systematic rape, Enloe posits that Border Patrol agents rape irregular migrant women under this premise because there is a pattern in the ‘script’ that they present to women before assaulting them which has to do with their legal status, documentation, and threats to deport them (ibid). Systematic rapes, Enloe argues, “are administered rapes” because they involve prior planning to evade being caught (ibid). These classifications of rape contextualize a particular phenomenon of sexual assault that irregular migrant women may face at the border.

# Chapter 4: Theoretical Approach

## 4.1 Feminism and Patriarchy

Feminism has a differing history and significance from country to country, but shares one notion: it involves women advocating for their sex and expressing “their complaints, their needs, and their hopes” (Walters, 2005, p. 2). This voicing out is a main characteristic of feminism as it seeks to bring women’s experiences to the center; feminism aims to include women’s voices in a larger dialogue (O’Byrne, 2011). The expression of women’s needs and challenges has been considered by feminists as crucial in order for changes to be brought about in an unequal society between sexes. Feminism posits that society has been structured around androcentric structures, laws, and policies, which has left women outside of the ‘conversation’ (O’Byrne, 2011; Peterson and Parisi, 1998). Feminism has responded to this exclusion in a way that creates space for a multitude of women’s voices to be heard, considered, and for power structures to be challenged. Feminism and feminist theory are practiced and researched by a wide variety of people because they address a shared lived experience; aspects of feminism can be applied to a myriad of situations. For the sake of this research, I will discuss two feminist concepts: patriarchy and intersectionality.

Patriarchy is, perhaps, the main concept of feminism and feminist theory. Patriarchy is a system of “male domination and female subordination” which puts women in an inferior role than men in all systems, where women are unable to be treated equally to men (Hunnicut, 2009, p. 553; O’Byrne, 2011; Walby, 1989). More critically, patriarchy is a creation that privileges males “both structurally and ideologically” and should be seen as a critical tool when analyzing gender relations (Hunnicut, 2009, p. 557; Walby, 1989). Concretely, ideological refers to beliefs, customs, and values that are attached to roles of women in society and structural refers to women’s ability to access and claim positions in institutions in society (Dobash and Dobash, 1979 cited in Yodanis, 2004). Patriarchy relies on gender as its principal feature of organization and spotlights systems and arrangements in society that fortify domination of men over women (Hunnicut, 2009). Patriarchy and its effects are more easily understood when considering institutions and systems in order to see the direct affects, rather than keeping patriarchy as a free-floating idea. Walby highlights six central patriarchy structures which she believes that when combined form a patriarchal

system, they are: patriarchy and production, patriarchy in paid work, patriarchy and the state, male violence, patriarchy and sexuality, and patriarchy in cultural institutions (1989).

The roots of patriarchal structures predate practices such as colonialism and slavery, and it is seen as an ancient structure that has survived and sustained through history (O’Byrne, 2011; Hunnicutt, 2009). Because of its extensive history, patriarchy is present in “political, economic, and social dimensions” so these institutions are “likely to embody, reproduce, and legitimate male domination over women” (Yodanis, 2004, p. 657). Because of its long trajectory and survival, it has different variations across time, space, place, and material contexts (Walby, 1989; Hunnicutt, 2009). Walby argues that even though patriarchy is associated with capitalism, it existed both before and after its rise, thus patriarchy is not a derivative of capitalism (1989). Additionally, Bauman refutes the claim that patriarchy has been regarded as ‘stagnant’ by focusing on the fact that it is continuously taking new forms (Bauman, 2000 cited in Hunnicutt, 2009).

In order to understand, one must look at the interworking of patriarchy’s existence. O’Byrne describes the replication of patriarchy as an “unconscious desire to sustain the unequal power dialectic” (2011, p. 101). Though it may be an unconscious doing at some level, it is still emphasized that patriarchy *is* reproduced in all social institutions (O’Byrne, 2011). In considering the privileging of males and the subordination of females, it is clear that gender separation and stratification is a main component of patriarchy’s upkeep (MacKinnon, 1989). Moreover, due to the fact that this imbalance is reproduced, men’s power is now considered correct and ‘natural’ not just in social institutions, but also throughout society as a whole (Yodanis, 2004). This stratification by gender creates divisions among the sexes by positing male dominance over female subordination, and is a main component of patriarchy’s upkeep (MacKinnon, 1989).

The subordination of women under patriarchal systems oozes into all parts of society, which damage women’s chances of being able to claim rights in the same way that men are able to do so (Peterson and Parisi, 1998). Human rights are not an exception to the rule. In the formation of rights, Peterson and Parisi comment that their ‘universal’ qualities actually only meant men (1998). MacKinnon adds that the state, and that law in general “sees and treats women the way men see and treat women” (1989, p. 162). This idea summarizes main points of feminism: as institutions (like law) have been created by males, women are largely unconsidered and relegated to the status of ‘other’, which in the end privileges male experience while subordinating the needs of women. This subordination is seen in the United Nations’ approach to women’s rights because they are framed as means to an end, such as

peace or democracy, but women's rights "are not viewed as aspirations in their own right" (Trué, 2010). This secondary status makes it so women's needs are constantly put on hold "until the priority battles are won" (Peterson and Parisi, 1998). In saying this, it is clear how patriarchy continues to dominate in institutions because it *created* them.

As women are less available to claim rights as their own, they are more susceptible to violence and discrimination (Peterson and Parisi, 1998; O'Byrne, 2011). Walby points out that this dominance and gender inequality affects women's everyday behavior and decisions about personal movement due to fear of male violence (1989). Many feminists agree that examining male-dominated social structure is the fundamental strategy in understanding violence against women (Hunnicut, 2009). Not surprisingly, gender based violence can be seen through various cultures and numerous practices which discriminate and abuse women simply because they are female. This is evidenced through various forms of violence, but is physically carried out through "rape, sexual abuse, forced surgery, female genital mutilation" (O'Byrne, 2011, p. 101). These abuses are systemic and socially reinforced; they do not reflect a single isolated incident or individual characteristics or actors, but rather a larger system, comprised of structures of male dominance, that devalue women (Hunnicut, 2009; Yodanis, 2004). Violence against women has a pattern and cannot be understood as individual and isolated incidents (Walby, 1989), but rather a direct reflection of male-dominated systems of power that degrade women.

In addition, these violent abuses reflect the stratification of gender because the stratification of women and men inherently includes the distribution of power (MacKinnon, 1989). The idea of power applies to men and women and their relationship to one another. Because power lies within the patriarchal structure, power is in the hands of men and kept away from women (Hunnicut, 2009). The control of power has aided in the creation of the public and private spheres, which are of men and then of women, respectively. MacKinnon argues that the public and private sphere divide underlines patriarchal control as the private sphere does not *belong* to women, rather it is *for* women (1989). MacKinnon notes that the protection of the private sphere has been kept outside the reach of legal guarantees and protections (1989). In sum, the effects of patriarchy pervade through social, legal, political systems, and private life, which subordinate women and leave them with very little recourse.

## 4.2 Intersectionality

Intersectionality is a way to consider patriarchy's reach and inherent oppressions but in a manner that involves various systems of oppression and experiences. Intersectionality is a tool used by feminists to enable people to learn more about the situations they are in, or to better understand the situation of others (Carbado et al., 2013; Collins and Bilge, 2016). Intersectionality, as an academic term, has been coined by Kimberlé Crenshaw, a Black feminist from the United States, and formed by women of color in the United States<sup>1</sup>, and is one of the ways women of color “boldly speak back against their theoretical marginality” (Crenshaw, 2010, p. 152). Women of color, including African American, Latina, Asian American, and Chicana feminists advanced claims of marginalization and a need for intersectional thinking because they had experiential knowledge regarding inequalities in the United States (Hill Collins and Chepp, 2013). Specifically, intersectionality has its roots in Black feminism and critical race theory in the United States and it is “a method and a disposition, a heuristic and analytic tool” in research (Carbado et al., 2013, p. 303). The Combahee River Collective, an African American community organization, first underlined the need for intersectionality (later coined as such) in a revolutionary document, titled “A Black Feminist Statement” (Hill Collins, 2015). This document argued that an analysis on solely race or solely gender would never sufficiently cover Black women's experiences in the United States; both oppression systems needed to be considered together to understand these women's experiences. Intersectionality as was introduced “to address the marginalization of Black women...in feminist and antiracist theory and politics” but has been used by a wide range of groups and academics with different topics (Carbado et al., 2013, p. 303).

As intersectionality is used to understand the experience of others and various systems of oppression, it focuses on a variety of ideologies, titles, and cultural practices that are regarded as interrelated, and cannot be understood on their own (Hill Collins and Chepp, 2013). Primarily, intersectionality has dealt with the statuses of gender, race, class, and sexuality (Weber, 1998 cited in Hill Collins, 2015), but has extended to include: age, ethnicity, ability, nation, citizenship/citizenship status, religiosity, and language (Hill Collins and Chepp, 2013; Hill Collins, 2015). These statuses allow intersectionality to be applied as a way to understand “human life and behavior in the experiences and struggles of marginalized people” (Dill, 2002 cited in Hill Collins and Chepp, 2013, p. 2). Carbado et al. argue that

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<sup>1</sup> Intersectionality has different roots and background in the European context. These examples are specifically from the United States.

application of theory via different statuses is paramount for viewers to create a connection around the shared experiences of oppression, of marginalization, and of privilege (2013). In applying intersectionality, researchers are able to better understand group actions and experiences because they are able to better comprehend the experience of the other.

Though intersectionality is diverse and popular in many fields, it has decidedly feminist roots. Weber argues that it was in Women Studies where the study of gender, race, class, and sexuality first surfaced (1998 cited in Hill Collins, 2015). As it has feminist roots, the theory lends itself to movement and has been characterized by its ability to move and change to fit various knowledge projects (Carbado et al., 2013). Hill Collins and Chepp highlight that this movement and adaptation is necessary because intersectionality is not a finished theory, rather, it is a way to understand that systems of power are deeply intermingled and socially constructed: they are taught, made legitimate, and replicated (2013). As such, intersectionality is always a work in progress because it is impossible to fully grasp the complexities of systems of power (Carbado et al., 2013). Because of intersectionality's ability to encompass different experience and communities, intersectional analyses have affected political activism and public policy (Hill Collins, 2015; Hill Collins and Chepp, 2013). Phoenix and Pattynama outline that intersectionality stimulates policy development and political action because it helps policy makers and politicians understand how individual stories have political consequences (2006). This idea bolsters the feminist principal that the personal *is* the political, and that by incorporating 'private' matters into the public sphere, marginalized people's lives will be able to be recognized and better understood. In sum, intersectionality works with the various factors that lead to marginalization in order to understand how social inequalities thrive and work (Hill Collins and Bilge, 2016), which has the ability to influence political affairs and policy formation because it considers the effects of various systems of oppression on marginalized individuals.

Intersectionality, as mentioned, is an approach adopted by Crenshaw in order to try and understand social and racial inequalities. Yet, Crenshaw's aimed for more than a cursory understanding and also included bringing out the hidden subtleties within power dynamics (Carbado et al., 2013). In essence, intersectionality was created to better understand the forces at work that reinforce discrimination and to recognize that marginalization exists *within* marginalization. In this way, intersectionality could be considered a strategy in both the understanding of systems of power and the empowerment of the individuals or populations in question. Thus, intersectionality aims not to solely understand, but to reveal the

marginalization *within* systems of power, which can, in turn, empower individuals to reveal and seek to challenge these power structures.

Intersectionality projects generally have two main focuses, they either “attempt to trace and account for a supposed fragmentation of identities within political movements”, or they focus on intersectionality as a tool “for complicating our understanding of the systems and processes that define the social” (Grabham et al., 2009, p. 1). This research focuses on the latter idea, which underlines that intersectionality shows the *interaction of* systems of oppression; they mutually create one another. In other words, these different discriminations overlap, coproduce and “compound each other and are inseparable” (Hill Collins, 2013; Sylvain, 2011, p. 89). This is a crucial part of intersectionality because it outlines how the ‘intersection’ of systems of power is *not by mistake*, rather that the systems of inequality rely on one another to function and *maintain* inequalities. Morondo highlights that intersectionality that focuses on the interactions of systems is beneficial because it avoids the trap of pitting systems of oppression against each other (2016). Instead, this perspective underlines that these systems of oppression reciprocally influence one another and, thus, the ‘fight’ between systems is actually a flawed argument that only serves to reinforce systems of oppression instead of more thoroughly understand their power dynamics and interaction.

In the 1960’s and 1970’s, Black women sought to answer why their needs “simply fell through the cracks” when they considered the growth of feminism, social movements, civil rights, and labor rights of that time (Hill Collins and Bilge, 2016, p.3). This led to the consideration of each of the three previously mentioned headings: gender, race, and class, and the conclusion that, as they were simultaneously “black *and* female”, their specific issues “remained subordinated within each movement (ibid). Crenshaw employs intersectionality to understand the position of these black women regarding court decisions and explains that both radical feminism and critical anti-racism movements both failed these women because they contained their own layers of marginalization, which ultimately made them, radical feminism and anti-racism movements, seem like direct opposites (2010). As radical gender politics posited white women as their principal subject, these Black women did not fit the mold and thus, in court, they could not be seen as women who deserved extra consideration (ibid). Similarly, critical race movements were created as Black focused, but overwhelmingly male centered, which again left these women out of the realm of protection (ibid). Crenshaw believes that the court was not able to rule intersectional-ly, and thus these women were left behind because neither race nor gender movements could encapsulate these women’s experience completely (ibid). This is a critical point because it outlines how constructs and

power systems surrounding gender and race intersect. Crenshaw points out that these cases point out that this marginalization and opposition created by the two systems has real-life effects both in theoretical framing and in politics (ibid).

Additionally, intersectionality asserts that systems of power are reproduced where “white, middle-class, heterosexual, male, able-bodied experiences” are the norm (Hill Collins and Chepp, 2013, p. 9). Mackinnon extends this point and says that sameness and difference are just “different sides of the same coin” where men are the measure of “whether and to what extent women can gain access to equality” (1989 cited in Crenshaw, 2010, pp. 165-166). In regards to the court cases, Crenshaw articulates that because the black female plaintiffs were effectively two steps removed from white males because they could be imagined neither as black men, nor could they be imagined as white women (Crenshaw, 2010). These ideas intermingle with those of patriarchy because white males are the starting position for power and justice (ibid).

Similarly, Marilyn Frye writes about systems of oppressions that affect women, which can lend support to understanding intersectionality (1983). Frye is acutely aware of the different systems of oppression and begs the reader to consider these systems of oppression as wires of a birdcage (MacKinnon, 1983). If one is viewing a singular wire of the cage up close, it is easy to think that ‘escaping’ from whichever topic considering oppression is easy; (Frye, 1983) it is just one blockage, and can be escaped easily. But if one creates distance between the singular wire and him/her/itself, one realizes that the singular wire is really part of a structure that interlocks and intertwines with other wires that represent other systems of oppression (ibid). With this distance, one realizes that it is no longer ‘easy’ to simply ‘escape’ systems of oppression because the wires (again, structures of oppression) are dependent on one another and fuel one another’s success (ibid). This explanation by Frye parallels intersectionality because they both address the varied and interconnected nature of oppressions and inequalities. Intersectionality is a useful feminist theory because of its flexibility in application, and it begs the user to consider the nuances within systems of social inequality. In sum, intersectionality is a theory that aims for the researcher to dig deeper into constructs of power in order to better understand and affect change regarding the individuals being considered. Intersectionality’s feminist roots consider various social constructs and systems of oppression such as gender, race, and class, but because of intersectionality’s wide reach and flexibility has grown to incorporate various intersections to incorporate and consider more marginalized people.



#### **4.2.1 Intersectionality's relevance to the research**

The sexual assault of irregular migrant women in and around the United States/Mexico border and borderlands includes a population that is repeatedly marginalized and blamed, two countries that divide the global North and the global South, the intimate and sensitive topic of sexual assault and the presence of heavy militarization. As each piece of this research problem comes with power distinctions and marginalized & illegalized human beings, the theory applied needed to be able to consider various moving pieces and was able to transcend borders: of identity, of country divisions, and of prescribed 'illegal' statuses. Thus, I decided that intersectionality theory was the best fit to address and leaf through the various systems at play because of its ability to understand "social locations on the margins, borders, and boundaries of identity categories" (Hill Collins and Chepp, 2013, p. 6). This point underlines how intersectionality aims to understand issues that surround borders, both literally and figuratively. Bastia outlines that migrants, in particular, are able to disrupt borders and transcend boundaries in various ways, which makes them ideal subjects for intersectional analysis (2014). Because of this duality, it is wise to employ intersectionality because a border represents different ideologies and expressions of power, which are able to be considered in intersectional analysis.

## Chapter 5: Findings

In the pages that follow, I will outline how intersectionality is seen, applied, and understood in the context of the data. I will evaluate the data by applying intersectionality, and will focus on three main axes of power: militarization, legal status, and gender. The section first begins with a wide look at the trends of militarization at the U.S./Mexico border, and the trends of irregular migration. It continues with statistics and data concerning ‘funnel deaths’ (to be explained) and other scenarios of violence that affect migrants such as disappearances and kidnapping. Additionally, it will look at figures regarding migrant experience of abuse at the U.S. border vis-à-vis the United States Border Patrol. The three axes were selected to specifically highlight the relationship between militarization initiatives, irregular status and its impact on migrants, and gender to analyze women’s experience in their journeys and arrivals to the United States. In using these axes, the data is processed in a way that allows for the preceding literature to be more thoroughly understood and examined.

### 5.1 Trends in Militarization and Irregular Migration

#### 5.1.1 Militarization

The U.S./Mexico border began the process of intense militarization in the 1990’s and continues to this day. The United States Customs & Border Patrol (CBP) was formerly housed under the Immigration and Naturalization Service (INS), a federal law enforcement branch, before the major restructuring of national security initiatives after 9/11, which placed the U.S. CBP under the Department of Homeland Security. Despite the reorganizing, the Border Patrol has remained in focus and has seen considerable increases to its budget, staffing, and technology. Between 1993 and 1999, INS’ budget grew from \$1.5 billion to \$4.2 billion dollars (Border Network for Human Rights, 2003). Between 1994 and 1998, \$3.3 billion dollars were directly allocated to the Border Patrol, which was<sup>2</sup> considered the enforcement arm of the INS (ibid). Additionally, between these same four years, there was a 140% increase in Border Patrol agents mainly in the Southwest Border: from 980 to 2,226 from 1994-1998, respectively (ibid).

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<sup>2</sup> I use the past tense here because it specifically is referencing the INS, which no longer exists. Yet, the Border Patrol still maintains the function of being the ‘enforcement arm’ of the US Customs & Border Patrol

In the 2003 Fiscal Year (FY) budget of homeland security, the first budget post the 9/11 attacks, President George W. Bush put four prime initiatives in place for national security, one titled “Securing America’s Borders” (2002). In this budget, the President proposed \$11 billion for border security, which calculates as a \$2.2 billion increase from the 2002 budget, specifically considering border security (ibid). More recently, the U.S. Customs & Border Patrol budget has continued to rise steadily, by hundreds of millions of dollars a year. The following graphs (Figure A and B) indicate the budgets proposed and/or enacted to the CBP for the years 2011, 2012, 2013, 2015, 2016, and 2017 (Department of Homeland Security, 2012 and 2016). Between all years there is a steady increase of the CBP’s budget, and the jump between FYs 2016 and 2017 is noteworthy, at a proposed 12.2% increase (Department of Homeland Security, 2016). The constant increase is of note because other departments are not experiencing the same growth, with some departments facing serious cuts or being erased completely.

**Figure 1: Total Budget Authority by Organization FY 2013**

<b>TOTAL BUDGET AUTHORITY BY ORGANIZATION</b> Gross Discretionary, Mandatory, Fees, and Trust Funds					
	FY 2011 Enacted <sup>1</sup>	FY 2012 Enacted <sup>2</sup>	FY 2013 President's Budget	FY 2013 +/- FY 2012	FY 2013 +/- FY 2012
	\$000	\$000	\$000	\$000	%
<b>Departmental Operations<sup>3</sup></b>	\$ 839,292	\$ 802,885	\$ 812,978	\$ 10,093	1%
<b>Analysis and Operations (A&amp;O)</b>	334,360	338,068	321,982	(16,086)	-5%
<b>Office of the Inspector General (OIG)</b>	129,614	141,000	143,664	2,664	2%
<b>U.S. Customs &amp; Border Protection (CBP)</b>	11,245,410	11,737,569	11,979,454	241,885	2%
<b>U.S. Immigration &amp; Customs Enforcement (ICE)</b>	5,805,420	5,862,453	5,644,061	(218,392)	-4%
<b>Transportation Security Administration (TSA)</b>	7,687,552	7,841,019	7,644,585	(196,434)	-3%
<b>U.S. Coast Guard (USCG)</b>	10,193,685	10,348,886	9,966,651	(382,235)	-4%
<b>U.S. Secret Service (USSS)</b>	1,755,299	1,911,617	1,850,863	(60,754)	-3%
<b>National Protection and Programs Directorate (NPPD)</b>	2,331,197	2,531,339	2,518,778	(12,561)	0%
<b>Office of Health Affairs (OHA)</b>	139,455	167,449	166,458	(991)	-1%
<b>Federal Emergency Management Agency (FEMA)</b>	7,073,862	11,549,247	10,659,504	(889,743)	-8%
<b>FEMA: Grant Programs</b>	3,372,741	2,374,681	2,900,212	525,531	0%
<b>U.S. Citizenship &amp; Immigration Services (USCIS)</b>	2,983,422	3,078,465	3,005,383	(73,082)	-2%
<b>Federal Law Enforcement Training Center (FLETC)</b>	270,832	271,413	258,324	(13,089)	-5%
<b>Science &amp; Technology Directorate (S&amp;T)</b>	827,578	668,000	831,472	163,472	24%
<b>Domestic Nuclear Detection Office (DNDO)</b>	341,744	290,000	327,977	37,977	13%
<b>TOTAL BUDGET AUTHORITY:</b>	\$ 55,331,462	\$ 59,914,091	\$ 59,032,346	\$ (881,745)	-1.47%
<b>Mandatory, Fee, and Trust Funds</b>	(9,682,503)	\$ (10,118,541)	\$ (10,333,516)	\$ (214,975)	2.12%
<b>Discretionary Offsetting Fees</b>	(3,442,780)	(3,547,405)	(3,756,720)	(209,315)	6%
<b>NET DISC. BUDGET AUTHORITY:</b>	\$ 42,206,179	\$ 46,248,145	\$ 44,942,110	\$ (1,306,035)	-
<b>Less Rescission of Prior-Year Carryover - Regular Appropriations:<sup>4</sup></b>	(524,185)	(200,736)	-	-	0%
<b>ADJUSTED NET DISC. BUDGET AUTHORITY:</b>	\$ 41,681,994	\$ 46,047,409	\$ 44,942,110	\$ (1,105,299)	-2%
<b>Supplemental:<sup>5</sup></b>	-	-	-	-	-

Source: Department of Homeland Security, 2012, p. 25

**Figure 2: Total Budget Authority by Organization FY 2017**

**Total Budget Authority by Organization  
Gross Discretionary, Mandatory, Fees, and Trust Funds**

	FY 2015 Revised Enacted	FY 2016 Enacted	FY 2017 Pres. Budget	FY 2017 +/- FY 2016	FY 2017 +/- FY 2016
	\$000	\$000	\$000	\$000	%
<b>Departmental Management and Operations (DMO)</b>	\$ 773,428	\$ 1,069,328	\$ 1,011,511	\$ (57,817)	-5.4%
<b>Analysis and Operations (A&amp;O)</b>	251,804	264,714	265,719	1,005	0.4%
<b>Office of the Inspector General (OIG)</b>	142,617	161,488	181,144	19,656	12.2%
<b>U.S. Customs &amp; Border Protection (CBP)</b>	12,804,651	13,254,127	13,940,997	686,870	5.2%
<b>U.S. Immigration &amp; Customs Enforcement (ICE)</b>	6,190,953	6,154,041	6,230,206	76,165	1.2%
<b>Transportation Security Administration (TSA)</b>	7,377,367	7,440,096	7,589,079	148,983	2.0%
<b>U.S. Coast Guard (USCG)</b>	10,144,470	10,984,634	10,321,548	(663,086)	-6.0%
<b>U.S. Secret Service (USSS)</b>	2,018,035	2,198,545	2,156,119	(42,426)	-1.9%
<b>National Protection and Programs Directorate (NPPD)</b>	2,877,192	3,079,054	3,044,846	(34,208)	-1.1%
<b>Office of Health Affairs (OHA)</b>	129,358	125,369	-	(125,369)	-100.0%
<b>Federal Emergency Management Agency (FEMA)</b>	13,053,665	13,984,971	14,169,074	184,104	1.3%
<b>FEMA: Grant Programs</b>	2,530,000	2,590,000	2,370,729	(219,271)	-8.5%
<b>U.S. Citizenship &amp; Immigration Services (USCIS)</b>	3,541,722	3,610,217	4,018,270	408,053	11.3%
<b>Federal Law Enforcement Training Center (FLETC)</b>	258,338	245,038	242,518	(2,520)	-1.0%
<b>Science &amp; Technology Directorate (S&amp;T)</b>	1,105,058	786,938	758,743	(28,195)	-3.6%
<b>CBRNE</b>	-	-	501,445	501,445	0.0%
<b>Domestic Nuclear Detection Office (DNDO)</b>	307,842	347,120	-	(347,120)	-100.0%
<b>TOTAL BUDGET AUTHORITY:</b>	\$ 63,506,499	\$ 66,295,680	\$ 66,801,948	\$ 506,269	0.8%
<b>Less: Mandatory, Fee, and Trust Funds:</b>	(12,874,263)	(13,083,458)	(14,555,664)	(1,472,206)	11.3%
<b>GROSS DISC. BUDGET AUTHORITY:</b>	50,632,236	53,212,222	52,246,284	(965,937)	-1.8%
<b>Less: Discretionary Offsetting Fees:</b>	(3,899,863)	(4,040,389)	(4,965,808)	(925,419)	22.9%
<b>NET DISC. BUDGET AUTHORITY:</b>	\$ 46,732,373	\$ 49,171,833	\$ 47,280,477	\$ (1,891,356)	-3.8%
<b>Less: FEMA Disaster Relief - Major Disasters Cap Adjustment:</b>	\$ (6,437,793)	\$ (6,712,953)	\$ (6,709,000)	\$ 3,953	-0.1%
<b>Less: Rescission of Prior-Year Carryover - Regular Appropriations:</b>	(519,372)	(1,506,153)		1,506,153	
<b>ADJUSTED NET DISC. BUDGET AUTHORITY:</b>	\$ 39,775,208	\$ 40,952,727	\$ 40,571,477	\$ (381,250)	-0.9%

Source: Department of Homeland Security, 2016, p. 10

In 2011, various technological advances were introduced at the border, including Unmanned Aircraft Systems which span the entire southwest border and “canine teams... non-intrusive inspection systems, Mobile Surveillance Systems, Remote Video Surveillance Systems, thermal imaging systems, radiation portal monitors” (Department of Homeland Security, 2012, pp. 33, 83). Despite these numerous advances, the FY 2013 budget asks for an additional \$91.8 million dollars for border security increases (Department of Homeland Security, 2012). In parallel with the technological growth, the U.S. CBP’s staff grew considerably from 41,000 to 58,575 between 2004 and 2010, respectively, with more than 21,000 Border Patrol agents as of 2011 (Migration Policy Institute, 2011; Department of Homeland Security, 2012). In the proposed FY 2017 budget, the personnel increase plans to rise by directing \$7.0 billion, and *hiring* “up to 21,070 Border Patrol agents and 23,821 CBP officers” (Department of Homeland Security, 2016).

**5.1.2 Irregular Migration**

Though exact figures are impossible to obtain due to the nature of irregular migration, there are various estimates that help to give an idea to the trends and fluxes of migrants. The International Organization for Migration (IOM) has noted the need for migrant support in Mexico, highlighting that “hundreds of thousands of migrants enter Mexico each year, most of them on their way to the United States”, with more than 90% of them coming from Honduras, Nicaragua, El Salvador, and Guatemala (IOM, 2012, n.p.; Amnesty International, 2010). The IOM pledged their support of migrant shelters in Mexico, pointing out that migrant shelters receive around 100 migrants daily, with some shelters seeing “more than 600 migrants in a single day” (IOM, 2012). Regarding alien apprehensions<sup>3</sup> at the U.S/Mexico border, the Department of Homeland Security reports the statistics, divided by citizenship, for the years 2013, 2014, and 2015 (2016). Figure 3 outlines the apprehensions of the four top countries of origin.

**Figure 3: Department of Homeland Security Alien Apprehensions by the US Border Patrol**

Department of Homeland Security Alien Apprehensions by the US Border Patrol			
	2013	2014	2015
Mexicans	424, 978	350, 177	267, 885
Guatemalans	73,208	97,151	66,982
Hondurans	64,157	106,928	42,433
Salvadorans	51,226	79,321	51,200

Source: Department of Homeland Security, 2015, n.p.

Despite the large number of apprehensions and militarization of the border, the number of undocumented individuals within the United States rose through the 1990’s and early 2000’s, and reached its peak in 2007 with an estimated 12.2 million people in the United

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<sup>3</sup> This term is used for irregular/unauthorized/undocumented migrants by the Department of Homeland Security

States. Since 2014, it has been estimated that there are about 11 million unauthorized immigrants in the United States (Passel and Cohn, 2016; Migration Policy Institute, 2014). Mexicans and Central Americans make up 71% of the 11 million undocumented immigrants, numbering at approximately 7.9 million individuals (Migration Policy Institute, 2014). In regards to gender, in 2008 it was estimated that women comprised 39% of the unauthorized migrant population in the United States (Passel and Cohn, 2009).

### **5.1.3 Intersectionality's application to militarization and legal status**

In considering the above sections (5.1.1, 5.1.2), intersectionality can be employed through the axes of militarization and legal status. As militarization and security efforts at the border are put more into focus by the United States government, the lack of a legal status as a migrant becomes more problematic. With increased militarization seen through budget, technology implementation and number of 'boots on the ground', the irregular, or 'illegal' migrant becomes a target and an enemy of the US Border Patrol. Thus, the label of irregular puts migrants at a definite risk vis-à-vis militarized goals of the United States; irregular migrants are seen as a threat to national security. The intersectionality experience is double: the intersection of migrants transgressing a physical border, and the intersection of irregular migrants meeting a highly-regulated militarized zone. Both of these intersections represent power dynamics that are only played out and contingent upon the migrant's location. The numbers above show that despite the monetary, physical, and technological advancements, irregular migrants are still very much on the move and will be affected by the intersectionality of their lack of legal status and their entrance to militarized territory, where they are considered enemies. Intersectionality's use is relevant with the above data because it shows that despite the strengthening of borders migrants are not deterred, which means that irregular migrants are coming up against the axis of militarization which presents danger to those migrants due to power differentials, and the notion of 'being illegal'. Additionally, the systems of legal status and militarization are mutually imbricated because without the notion of illegalized human beings, legal status would not be as relevant. In sum, the intersection of legal status and militarization are pertinent to the above data because they outline that despite changes in tactics, hundreds of thousands of irregular migrants will come up against militarized borders each year.

## 5.2 Considering multiple facets violence *en route* to the U.S./Mexico Border

Migrant women are subjected to various expressions of gender-based violence including: forced sexual servitude, prostitution, sexual harassment, rape in transit and upon arrival to destination country, and “trafficking of persons for the purpose of sexual labor or exploitation... and kidnapping” (UN, 2009; IACHR, 2011, p. 84). As mentioned previously, Amnesty International (2010) estimates that six out of ten women and girl migrants experience sexual violence during the journey to the border. In considering this, this section aims to look at the various situations *en route* to the U.S./Mexico border where migrant<sup>4</sup> women’s safety is compromised.

### 5.2.1 Funnel Effect vis-a-vis Deaths

As mentioned earlier in the literature review, the change in tactics enacted by the United States government pushed migrants to less populated areas of northern Mexico that have a heavy presence of criminal gangs, which has led to abuse of migrants (Simmons et al., 2015). As a result of the funneling of migrants, deaths have increased. A study by the Binational Migration Institute (BMI) focused on the jump in deaths in Pima County, Arizona in relation to the funnel effect. During the ‘pre-funnel effect’ years (1990-1999), the Pima County Medical Examiner’s Office handled approximately 14 unauthorized border crossers<sup>5</sup> (UBC) recovered bodies per year. In contrast, in the ‘funnel effect’ years (2000-2005), this number spiked to approximately 160 UBC recovered bodies a year (BMI, 2006). Nevins estimates that between 1995 and 2005 more than 3,600 UBC bodies have been recovered on the U.S. side of the U.S./Mexico border (2006 cited in BMI, 2006).

In a 2013 study, BMI continued the research noting that in fiscal year 2012, over 33% of border apprehensions took place in the Tucson, Arizona sector, in Pima County, whereas between 1993 and 1996, only 15% took place (BMI, 2013, p. 13). BMI is critical of their research and underscores that the increase in death rate of UBCs is not simply due to the increase in Border Patrol agents patrolling the area (ibid). Instead, the death rate for irregular

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<sup>4</sup> These migrant women in question may or may not be irregular in the examples below, depending on their location and nationality. For example, a Mexican woman migrating through Mexico is not considered irregular, but a woman from any other country without legal documentation to be in the country has an irregular status. The cases of violence affect both irregular and regular migrants in Mexico, and all migrants without legal status to enter the United States are considered irregular/undocumented migrants.

<sup>5</sup> The term unauthorized border crossers (UBCs) is considered to be an equivalent to irregular migrants.

migrants is increasing in Pima County “per year standardized to 100,000 Border Patrol apprehensions each year” (BMI, 2013, p. 13). For example: in 1995, there were approximately 3.5 deaths for every 100,000 Border Patrol apprehensions (ibid). In contrast, in 2005, there were approximately 45.5 deaths for every 100,000 Border Patrol apprehensions (ibid). Additionally, in the ‘pre-funnel effect’ years, men represented 84% of the recovered bodies, with females at 13.6%. Yet during the ‘funnel effect’ years, men represented 77.2% of the recovered bodies, with women’s percentage increasing to 22.6% of recovered bodies (ibid). This increase of women’s deaths is consistent with the U.S. Government Accountability Office’s (GAO) findings for all sectors of the southwest border: irregular women’s death rates increased from 12% to 26% between 1998 and 2003 (GAO, 2006). GAO outlines that the main cause of death is climate exposure but also points out an increase of “border-related violence among smugglers and migrants including assault and robbery” (2006, p. 20). BMI attributes the deaths to climate exposure but also underlines that deaths are compounded by various afflictions, including physical and sexual abuse (BMI, 2006).

### **5.2.2 Study on Kidnapping/Abduction of Migrants and Human Trafficking**

When considering spaces of vulnerability that put female migrants at risk *en route* to the border, the presence of kidnapping/abduction of migrants and human trafficking must be considered. Though there are differences between abductions and cases of human trafficking, they have overlaps in their perpetuation of VAW. The Centro Nacional de Derechos Humanos<sup>6</sup> of Mexico (CNDH, its Spanish acronym) has pointed out that there is a high frequency of abductions of migrants and that the occurrence is increasing, underlining that migrant women are at high risk of “sexual abuse and frequent rape” during abductions (CNDH, 2009, p. 3). The CNDH conducted a six-month study of migrants who had previously been kidnapped on their journey to the United States. There were 238 individuals that took part, forming 198 distinct cases of kidnapping<sup>7</sup>. The testimonies of the 238 individuals estimate 9,758 victims of kidnapping in total. More simply, this study averages that there are 33 kidnapping events, with over 1,600 migrants kidnapped per month. Regarding the perpetrators of these acts, 9,194 individuals stated that they were kidnapped by

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<sup>6</sup> Translated: National Center of Human Rights

<sup>7</sup> The CNDH study outlines that many migrants are kidnapped in groups, so some kidnappings overlapped, hence a lower number of cases than individuals



organized gangs, and 91 individuals were kidnapped either directly by Mexican authorities or a mix of authorities and criminals (CNDH, 2009).

Apropos gender-based violence, 37 migrants specifically expressed to the CNDH that they had witnessed rapes of women at the hands of kidnappers. In addition, the female victim population consisted of four pregnant women, two women who were killed by kidnappers, and one woman who was forced to remain a sexual servant to the kidnapper's gang (ibid). The Human Rights Council of the United Nations (UN) emphasized that migrant women are especially vulnerable in Mexico and are the majority of victims of human trafficking, estimating that between 16,000-22,000 victims of human trafficking are women and girls (UN, 2009). The UN report also stressed that violent crime against women is frequent in northern Mexico border towns (ibid).

### **5.2.3 Intersectionality's application to violent phenomenon**

Intersectionality is useful to understand the violent systems at play in regards to the above data, and will be examined with three axes: militarization, legal status, and gender. Funnel effect deaths, abductions, and human trafficking all have violent components, and this data outlines their prevalence and effect on migrants. First, the study of the increase of funnel deaths of irregular migrants, conducted both by non-state and state organizations, outline that militarization efforts have had a violent impact in the region, with the number of deaths in Pima County spiking. Militarization's violent outcome specifically relies on another axis for its 'success': legal status and, more specifically, the irregular migrant. Due to the irregular migrant's lack of legal status, these individuals are regarded as illegal persons, which elicits a response from a militarized border that sees these migrants as criminals. The axis of legal status is imbricated with the axis of militarization because security initiatives create a direr situation for migrants, as evidenced by the surge in fatalities. Succinctly: militarization and irregular status imbricate one another because the lack of status is put into focus and reinforced by militarization, which has violent and deadly outcomes. The third axis, gender, is mentioned in the data and points out that the death of female migrants has increased in both Pima County and the southwest border as a whole, and that deaths are attributed to a mix of climate and violent acts, including sexual violence (GAO, 2006; BMI, 2013). Gender comes into focus when considering that the militarization of the borderlands is statistically affecting migrant women's lives and health, and reinforces the notion that female migrants have become more vulnerable and susceptible to various forms of violence that lead to their

increased death rate in the borderlands. In total, the gender component is inseparable from the status of being an irregular migrant, and the implications of gender are informed by patriarchal biases inherent in both militarization and a wider patriarchal culture where gender-based violence is perpetual and includes sexual assault.

In considering the prevalence of kidnapping/abduction of migrants and human trafficking, the two axes of gender and legal status are instantly relevant. The lack of a legal migration status affects irregular migrants in various ways, but the occurrence of kidnapping/abduction of migrants and human trafficking are intensified when considering these migrants' legal status in Mexico because they have no legal resources and are prime targets for criminal groups and state officials to act with impunity (Gnam, 2013). In considering the intersection of gender and legal status, the presence of women migrants carries with it susceptibility to gender-based violence, i.e. a vulnerability to sexual assault, which is compounded by these women's desperation to get to the United States, which includes not reporting being victims of kidnapping/abduction and human trafficking for fear of being deported. Together these systems expose these irregular migrant women to sexual violence because both systems, legal status and gender, marginalize women and render them unable to seek justice because of their irregular status. The marginalization inherent in both being a woman, and thus a target of gender-based violence, and an irregular migrant work with one another and help to situate the experience of kidnapping/abduction and human trafficking and the sexual assault that exists within these power structures.

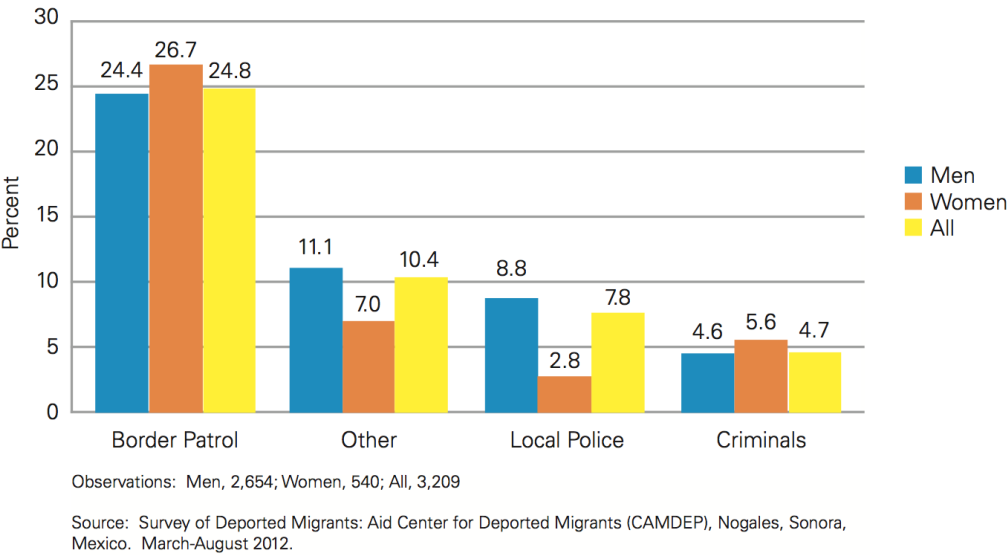
## **5.3 Interaction and Treatment by the United States Border Patrol**

### **5.3.1 A Study of Violence toward Irregular Migrants**

The Kino Border initiative, a binational organization in Nogales, Arizona and Nogales, Mexico carried out a six-month study regarding various forms of violence committed against migrants. Each participant had reached the U.S./Mexico border and all were "repatriated from the United States to cities in Mexico's northern border" (Kino Border Initiative, 2013, p. 1). For this research, I will focus on the violence committed by the U.S. Border Patrol. The participants in question included 2,654 men and 540 women (Kino Border Initiative, 2013). The study measured abuses committed both during the transit north to the U.S./Mexico border and at the border itself; the abuses reported were committed by: Border Patrol, other, local police, and criminals (ibid).

**Figure 4: Migrants Report Abuse by U.S. Border Patrol at Higher Rate Than by Criminals or Mexican Police**

**Figure 1. Migrants Report Abuse by U.S. Border Patrol at Higher Rate Than by Criminals or Mexican Police**  
Percent of Men, Women and All Migrants



Source: Kino Border Initiative, 2013, p. 7

As shown, complaints of abuse by the Border Patrol are common in this study, with about 1 in 4 migrants attesting to abuse by this entity with women migrants highlighting slightly more abuse than males (ibid). The numbers reflect that migrants report about one-fifth the amount of abuses at the hands of criminals when compared to abuse by Border Patrol (ibid). Of the 26.7% of women who reported being abused by the Border Patrol: 4.3% reported physical abuse, 17.6% reported verbal abuse, 2.0% report being victims of theft, 1.5% report ‘some other abuse’, and 2.4% report ‘type [of abuse] unknown’ (ibid).

### **5.3.2 Intersectionality's application to the study**

This study underlines the intersection of militarization and legal status, as all migrants in question held an irregular status when crossing the U.S./Mexico border, and all were directly in contact with Border Patrol agents. As described previously, the axes of militarization and legal status, in this case, lack of a legal status, intersect and affect irregular migrants. As the Border Patrol considers irregular migrants a security threat, violence against irregular migrants is considered to be justified because these individuals are framed as threats and criminals (Enloe, 2000 cited in Falcón, 2006). As such, the Border Patrol focuses on the control and regulation of migrant bodies, which aids in the justification of abuses committed by Border Patrol agents. More simply said: the Border Patrol's militarized goals create a space for abuses to continue because migrants are seen as dangerous and need to be controlled. The notion of abuse as bodily control vis-à-vis militarization and legal status also has a gendered component, as outlined by Enloe (2000, cited in Falcón, 2006). Though this study fails to disaggregate the specific types of abuses, the study highlights that responses of abuses of "type unknown" could occultly be highlighting that "women are choosing not to answer this question when they have been victims of sexual harassment, sexual assault, or rape" (Kino Border Initiative, 2013, p. 25). In considering this and the literature review, the gendered component of violence, though unknown regarding explicit data in this case, is probable; conditions for abuse are present and will affect women with gender-based violence.

## **5.4 Final Thoughts**

The data offered aims to give a clear picture of statistical happenings both *en route* to and at the U.S./Mexico border. The data has shown certain strengths, as it presents various pieces of the systems of violence that irregular migrant women face in their experience of migration. The data considers the effects of militarization and considered them in conjunction with irregular migration as a whole, and introduced violent occurrences such as kidnapping/abduction of migrants, human trafficking, and abuses committed by Border Patrol agents, which all lend themselves to gender analysis. In short, the situations above represent various scenarios, conditions, and phenomena that lend themselves to vulnerability to sexual assault against irregular migrant women.

In terms of limitations and weaknesses, sexual assault of women does not have clear boundaries, no beginning and no end. The objective of these findings is to highlight particular happenings that affect women migrants especially through gender-based violence. In considering this, there is no holistic data on the specific research in question: sexual assault of irregular migrant women. I recognize that for this reason, there is a lack of comprehensive, extensive data, but feel that this lack shows the duplicitous nature of intersectionality. On the one hand, as shown above, the application of intersectionality frames how irregular migrant women are considered apropos the axes of militarization, legal status, and gender. On the other hand, intersectionality and the inherent marginalization created within each of these three axes also explain *why* there is little data. In other words, the axes that explain the marginality of the subjects at hand also explain why there is a lack of exhaustive research; because female irregular migrants are other-ed within each axis, the access to systematic, data-specific information about these women's experience is restricted and limited.

## Chapter 6: Conclusion

This research set out to understand the perpetration of sexual assault against irregular migrants in the U.S./Mexico border and borderlands from an intersectional perspective. Its aim was to dissect and analyze the makings of this targeted violence by understanding how it is perpetrated: the situational factors, the climate surrounding its occurrence, and the actors involved. I was interested in carrying out this research and unpacking the various factors that permit sexual violence against irregular migrant women. I followed the notion presented by Swaine, which outlines: “describing violence and ‘senseless’ divorces it from the contextual factors which influence its manifestation” (2005, p. 767). With this in mind, I aimed to ground literature and data to produce meaningful research.

Overall, I feel that the research presented has addressed its aim and research questions. Simultaneously, I feel that this research topic has not previously been investigated on a large scale, which has made the execution of this study a challenge. Though there is plenty of academic researching considering violence in migration, irregular migration, and changes/increases in women’s migration, there have been very little deliberate studies that contain all of these identities at once: women’s experience has not been at the center of the data. Upon reflection on this fact, I feel that it is truly a loss to not consider these parts together, as there is enough data on the dynamics surrounding and facilitating the issue. Irregular migrant women in particular have been incredibly overlooked, and ultimately their experiences are scant in data collection and exposition. The research concerning migration should continue with a gender specific lens to understand different experiences between genders. In doing so, it will be clear that migration experiences are affected by gender norms and systems of power, which is necessary to affect change and to understand the complexities regarding migration, and abuse of human rights.

Additionally, this research has made it apparent that the process and use of intersectionality is never finished. The subjects of this research are affected by their legal status, a militarized culture regarding migration, and gender. The intersectional experience may fluctuate, but individuals are never actually absolved of the confines and experiences that intersectionality allows us to analyze. In saying this, though, it is still of the utmost importance to consider intersectionality when considering a particular happening, such as sexual assault of irregular migrants. Intersectionality aids in understanding the roots of prejudices and use of power, which allows for better access to take action and affect change; intersectionality’s use forces us to consider power dynamics and their effects.

More broadly, this type of research is needed in today's political juncture. With the current Donald Trump administration in the United States, there has been a lot of focus on the U.S./Mexico border. In the last six months, the discussion and politicization of the border has put the border and irregular migration into focus with a lot of damaging rhetoric. As Donald Trump has proposed the construction of a wall for the entire length of the U.S./Mexico border (The White House, 2017), the execution of that 'plan' will have effects on migration and, more appropriately, on migrants themselves. As outlined by the literature review and findings, the militarization of the border does not stop irregular migration: it moves its flows and essentially prioritizes violence. With the proposed wall, I believe that this cause and effect type pattern seen with irregular migration in the past will continue, and will affect migrant lives and safety. With negative rhetoric and this presidential administration in place, the situation for irregular migrants will worsen. I believe that this administration's focus on the U.S./Mexico border will seek to justify the wall, which is synonymous with justifying violence against migrants. In this way, this research is applicable to present day situations because the perpetuation of nationalistic and militarized rhetoric can and will have consequences on individuals. The divisive rhetoric at present adds to the erasure of irregular migrant women's voices and experiences, and ultimately will harm women vis-à-vis gender specific violence.

In sum, sexual assault of irregular migrant women at the U.S./Mexico border and borderlands includes a variety of actors, opinions, and power constructions. The research presented has underlined how cultural practices surrounding irregular migration have permitted violent practices to continue, and that these practices are not absolved of gender discrimination that is evidenced through gender-based violence and violence against women. The literature presented various phenomena that contribute to a culture where impunity and militarization work together and have gender-specific outcomes that affect women's well-being. In addition, the data presented reveals the multiple situations of violence that irregular migrant women may face, which, when considered together, outlines that vulnerability to sexual assault and sexual violence is a constant when considering the migration to and arrival at the United States/Mexico border. In conclusion, this research hopes to form part of a larger and ongoing conversation that brings women's experiences to the center, regardless of political regimes and legal statuses, with the aim of moving toward the full realization of women's rights.

## Chapter 7: Recommendations

The study yields these recommendations in the fields of research, policy, and practice.

### *Research:*

Those conducting research on irregular migration, violence and irregular migration, and women's migration patterns, must make it a point to disaggregate data more uniformly and completely. Data and statistics must be recorded and separated by gender. Similarly, when referring to violence, denoting 'physical' violence is not enough, sexual violence must always be a choice or a response that will be recorded separately. Previous research has presented "physical violence" as a data category, which has painted a broad-brush stroke and has obscured the nuance of sexual and gender-based violence. Sexual violence must always be explicitly accounted for in research. Despite its intimate nature, it must always be presented as an option.

Research organizations on both sides of the border must partner more directly with NGOs, migrant hostels, and church organizations that aid migrants in Mexico, the U.S., and along the border. Research organizations must form stronger bonds with these organizations to conduct stronger research in the future because otherwise statistical evidence will continue to fall short and be incomplete. The lack of information about irregular migrant women as victims of sexual assault is sadly under studied and under recorded.

### *Policy:*

To the Mexican government, reaffirm your commitment as a party to the Convention of Belém do Pará, the Convention on the Elimination of Discrimination Against Women (CEDAW), and the Convention of the Rights of All Migrant Workers and Members of their Families. I believe that these three conventions are substantial and change is not a question of creating new policy. Rather, it is a question of committing to the principles outlined in these conventions and recognizing that each of them provides specifications on gender-based protections. Revisiting and implementing the policy uniformly, throughout the country, including the northern border, would be a step in the right direction to curb violence.



To the United States government, reflect upon your policy concerning the implementation of a wall on the southwest border and rescind the policy at once. I recommend that you more thoroughly consider the implications of a wall and the arms race that would undoubtedly continue with criminal gangs in the northern border, which would ultimately put migrants and border populations at extreme risk of violence. Additionally, note that the vast majority of migrants are moving for economic reasons and to escape violence and make policy changes to ensure that migrants are not considered part and parcel of terrorism. Refer to previous policies that viewed irregular migration as related to labor supply; do not include migrants as an issue of national security.

*Practice:*

To both the United States and Mexican governments, acknowledge that government action and intervention are necessary but will never be able to meaningfully cover the issues related to irregular migration on their own. Invest and support NGOs and hostels that house, feed, and provide health & psychological services for migrants of all legal statuses.

Invest in gender-sensitive training for policy and military groups (Border Patrol included) that is carried out by an independent, non-governmental organization. Recognize that irregular migrants are in a hyper-vulnerable position. Condemn and punish abuse of power towards migrants by officers, policepersons, and any other position of power, and commit to implementing independent organizations to review complaints and complaint systems that are currently in place regarding systems of authority.

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