

Fatal Journeys

Tracking Lives Lost
during Migration



International Organization for Migration (IOM)

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Tracking Lives Lost during Migration

Edited by Tara Brian and Frank Laczko



International Organization for Migration (IOM)

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Foreword

For many of the 232 million people around the world who live outside their country of birth today, migration means the opportunity for a better life for themselves and their families. Yet, for many others, the search for such an opportunity comes at an extremely high cost, as they face unimaginable and often fatal dangers along their journeys. Some are ready to spend their lifetime savings or take on massive debts and risk their lives and the lives of their families for a new start. Death is a risk worth taking in desperate situations of violence, persecution, famine or even absence of prospects of a decent life.

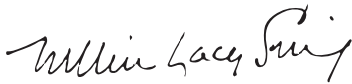
One year ago, the world watched in horror when some 360 migrants lost their lives in the attempt to swim to the shores of the Italian island of Lampedusa. Regrettably, the horror seems endless: up to 500 migrants met their death at sea off Malta just a few weeks before this report was published. Two survivors reported that smugglers deliberately rammed and sunk their ship when migrants refused to board a less seaworthy vessel, after having been forced to switch boats at sea many times on their journey from Egypt. Two weeks after the incident, there were only 11 identified survivors; witnesses reported that as many as 100 children were on board.

These tragedies in the Mediterranean are but two examples of the many migrant tragedies unfolding all over the world. Hundreds perish every year on the journey from Central America to the United States through Mexico, under the desert sun or robbed and beaten along the way; migrants drown on their way from Indonesia to Australia, or off the coast of Thailand and in the Bay of Bengal; migrants die of thirst crossing the Sahara desert into North Africa, or drown in the Gulf of Aden as they try to reach the Middle East. In many of these cases, migrants often disappear and die without a trace.

The paradox is that at a time when one in seven people around the world are migrants in one form or another, we are seeing a harsh response to migration in the developed world. Limited opportunities for safe and regular migration drives would-be migrants into the hands of smugglers, feeding an unscrupulous trade that threatens the lives of desperate people. We need to put an end to this cycle. Undocumented migrants are not criminals, but human beings in need of protection and assistance, entitled to legal assistance, and deserving respect.

I have repeatedly emphasized the need for smarter policies to end the horror of migrant deaths, and particularly “practical protection” measures to guarantee safe and regular ways for migrants to reach their destinations. Collecting and presenting information about who these migrants are, where they come from and why they move is the first indispensable step to understanding this global tragedy and designing evidence-based, effective policy responses and practical

protection measures to prevent further loss of life. In providing the first global count of migrant fatalities and recommendations for better data collection, this report aims to catalyze a prompt and unified response from all parties concerned with this tragedy – governments, international organizations, civil society, companies and the scholarly community. The time is now, and we are already late .

A handwritten signature in black ink, reading "William Lacy Swing". The signature is fluid and cursive, with a prominent flourish at the end of the word "Swing".

William Lacy Swing
Director General

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We would like to thank all contributing authors for their dedication to this project, and are grateful to many for their assistance in the production of this publication. We would particularly like to thank Marzia Rango for her invaluable support, as well as Denis Kierans and Emma Eggink. We would also like to thank IOM colleagues in Rome, particularly Flavio Di Giacomo and Simona Moscarelli, as well as Martine Cassar from IOM Malta. Much thanks to Leonard Doyle and Joel Millman and the Media and Communications Division in Geneva, as well as colleagues in IOM Headquarters, Mexico, Australia and Cairo for their assistance with the revision of the content. Special thanks are also extended to Stephanie Grant for her advice, and Christopher Horwood and Marg Hutton for their contributions. This publication would not have been possible without the hard work of the IOM Publications team, based in Manila and Geneva and headed by Valerie Hagger. Finally, we are grateful to IOM Director General, William Lacy Swing, for his commitment to this publication and to the issue of migrant deaths more broadly.

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Executive Summary

In October 2013, 366 migrants died when their boat caught fire and sank off the coast of Lampedusa. Less than a year later, the International Organization for Migration (IOM) reported that 500 migrants were feared dead after their ship was rammed by another boat near Malta. News of this sinking emerged as an additional ship carrying 200 people sank off the coast of Libya. Sadly, these are not isolated incidents. In 2014, up to 3,072 migrants are believed to have died in the Mediterranean, compared with an estimate of 700 in 2013. Globally, IOM estimates that at least 4,077 migrants died in 2014, and at least 40,000 since the year 2000. The true number of fatalities is likely to be higher, as many deaths occur in remote regions of the world and are never recorded. Some experts have suggested that for every dead body discovered, there are at least two others that are never recovered.

This report examines how data on migrant deaths is collected and shared in different parts of the world. The study shows that no organization at the global level is currently responsible for systematically monitoring the number of deaths that occur. Data tends to be scattered, with a range of organizations involved in tracking fatalities and often employing different definitions of border-related death. Most available information comes from media reports and non-governmental organizations (NGOs), but this data can be incomplete. For example, the media tend to cover larger-scale incidents, while cases involving smaller numbers of migrant deaths might not be considered newsworthy. There are few detailed statistics, because collecting data on migrant deaths has not been a priority for most governments around the world. Although vast sums of money are spent collecting migration and border control data, very few governments collect and publish data on migrant deaths.

The study carefully reviews existing sources of data and shows that there are huge gaps in our knowledge. Relatively little is known about the migrants who perish. In the case of tragedies at sea, the majority of bodies are often never found. As many migrants are undocumented, often relatively little is known about their identities, even for those whose bodies are recovered. In 2014, nearly 70 per cent of deaths recorded by IOM refer to migrants who are missing, usually at sea. In the majority of fatalities occurring in 2014, it was not possible to establish whether the deceased were male or female. Information on region of origin suggests that the majority of migrants who lost their lives in 2014 were from Africa and the Middle East. The report also shows that for some regions of the world, such as sub-Saharan Africa, reliable information is often extremely scarce, as NGOs, media and governments are not tracking migrant deaths.

Additionally, the study finds important differences in death trends across regions. Although methods of counting vary, over the last 20 years Europe appears to

have the highest figures for reported deaths. Since the year 2000, over 22,000 migrants have lost their lives trying to reach Europe. Between 1996 and 2013, at least 1,790 migrants died while attempting to cross the Sahara. Since 1998, more than 6,000 migrants have died trying to cross the United States–Mexico border, according to the United States Border Patrol. In Australia, the Border Crossing Observatory of Monash University suggests that nearly 1,500 migrants died on their journey to Australia between 2000 and 2014.

Over the last year, the increase in deaths has largely been driven by a surge in the number of fatalities in the Mediterranean region. Why this is occurring is not entirely clear, but likely reflects a dramatic increase in the number of migrants trying to reach Europe. Over 112,000 irregular migrants were detected by Italian authorities in the first eight months of 2014, almost three times as many as in all of 2013. Many are fleeing conflict, persecution and poverty, with Eritreans and Syrians constituting the largest share of arrivals in Italy this year. The deteriorating security situation in Libya, where many migrants reside prior to their departure for Europe, has also increased migration pressures. In response to the high flows across the Mediterranean, policy has prioritized search and rescue, with tens of thousands of lives saved this year. In contrast to the Mediterranean, some parts of the world have actually seen a decrease in the number of deaths over the last year. For instance, along the United States–Mexico border, it appears that deaths have declined between 2013 and 2014.

Determining the link between changes in border enforcement policies and the number of migrant deaths is not straightforward. A 2006 US Government Accountability Office report found that a range of factors may affect the number of deaths, including changes in the volume of border crossings, variations in the locations where migrants attempt to cross the border, and fluctuations in weather patterns.

How can we address the challenge of migrant border-related deaths? Many different policy options have been discussed over the years, from tougher sanctions against smugglers and traffickers, to the creation of more safe and orderly channels for migration, including increasing refugee resettlement quotas. Better data on migrant deaths is a crucial element to both inform and monitor the impacts of any policy response. When death occurs on such a massive scale, there is a responsibility to fully investigate the causes of such tragedies. There have been many calls in recent years for better data to help identify and account for the thousands of “missing migrants,” but relatively little action has been taken to address this problem.

This report concludes with a series of key recommendations on ways in which data can be improved in the future. This is not only a primary step in efforts to reduce the number of migrant deaths, but is essential to allow families to know the fate of their missing relatives.

Key recommendations:

- An independent monitoring body should be established with representatives of governments, civil society and international organizations to promote the collection, harmonization and analysis of data on migrant deaths globally. Currently, varying methodologies and definitions hinder comparability between regions and even within national contexts. IOM's Missing Migrants Project, which collects data on migrant deaths globally, could act to coordinate this new initiative.
- At the national level, governments should be encouraged to take greater responsibility for collecting data on migrant deaths, in partnership with civil society organizations to ensure transparency and accountability. While methods of data collection should be improved, governments may also utilize existing data, such as that contained in death records and coroners' reports. Survivors, who often have a great deal of information about smuggling operations, as well as relatives of the deceased should also be encouraged to speak out and share information without fear of sanctions in order to help prevent further tragedies.
- Innovative data initiatives should be promoted and shared more widely. For example, a partnership between medical examiners' offices and human rights groups in Arizona has resulted in the creation of the Arizona OpenGIS Initiative for Deceased Migrants, an online mapping tool that allows anyone to search the hundreds of known deaths of migrants in parts of the State since 2001. Such a tool allows for changes in migrant routes to be tracked over time, and can help humanitarian assistance along routes to be better targeted.

Finally, behind the statistics we should not forget that these are stories of human tragedy involving very vulnerable people. One example reminds of the risks that migrants face:

After around one week of walking in the desert, during which some people died of starvation, we reached Tajo Mountain, where we stopped in order to have a rest. I was looking around me, I found some people dying, some were sleeping, and others were crying and asking for water or food. I was walking among people laying down, looking at them and thinking they were staring at me, but no answer from their side. Then I realized that they were dead. At that point, I knew that I was on a journey of death.¹

¹ Testimony of a 15-year-old Ethiopian boy in 2012.

Chapter | Migrant Deaths: An International Overview

Tara Brian and Frank Laczko¹

1.1 Introduction

On 3 October 2013, over 360 people lost their lives travelling from Libya to Lampedusa, Italy, when their boat sank just a quarter-mile from its destination. With roughly 500 passengers jammed into a 20-metre-long boat, efforts to attract attention following engine trouble led to a fire that engulfed the ship in flames. Survivors tell horrifying stories of hours spent in the sea as their companions died around them. A second shipwreck near Lampedusa later in the month resulted in a further 34 deaths. While these events are tragic and alarming, they are not isolated incidents. IOM estimates that between January and September 2014, at least 4,077 migrants died attempting to reach destinations around the world. This figure is nearly 70 per cent higher than the 2,400 deaths recorded for the whole of 2013, largely driven by increases in the Mediterranean region.² Since year 2000, IOM estimates that at least 40,000 migrants have died.

While significant, these global figures still fail to capture the true number of fatalities. Many migrant deaths occur in remote regions of the world and are never recorded. In some cases boats and all their passengers disappear at sea and no deaths are reported. Some experts estimate that for every dead body found on the shores of the developed world there are at least two others that are never recovered (Weber and Pickering, 2011).

Despite the recognition among States, international organizations and civil society organizations that action must be taken to stop more unnecessary deaths, as yet there remains little information on the scale of the problem, and no organization

* The views expressed in this chapter are those of the authors and do not necessarily represent those of the International Organization for Migration (IOM).

¹ Tara Brian is a Research Officer with the International Organization for Migration (IOM) and Frank Laczko is the Head of the Migration Research Division of IOM based in Geneva, Switzerland.

² Figures correspond to deaths that occurred at the physical borders of States or during migration towards an international destination. They exclude deaths that occur once in a destination country that can be indirectly attributable to immigration policies, such those occurring in detention facilities, during deportation, or on forced return to a migrant's homeland. Figures include both confirmed dead and people missing and presumed dead, generally at sea. Often numbers of missing are estimates, sometimes rough ones, as total passenger counts are rarely known. These figures include only deaths that are reported; countless others occur in remote areas and are simply not known of. Thus, estimates represent a base minimum of the true global count. In some cases, estimates were compiled based on extrapolation from partial data. For 2014, United States–Mexico border deaths are estimated based on available data for Pima County, Arizona and Brooks County, Texas, which cover the majority of the Tucson and Laredo sectors, respectively.

is tasked with monitoring deaths globally. Data on the number of migrant deaths is scattered, and in some areas almost non-existent. The vast majority of governments do not publish numbers of deaths, and counting the lives lost is largely left to civil society and the media.

Drawing on a wide range of sources from different regions of the world, this report investigates how border-related deaths are documented, who is documenting them and what can be done to improve the evidence-base to encourage informed policy and practice. Not only can better record keeping draw greater attention to this issue, but obtaining reliable data on border-related deaths is an essential starting point for any discussion on how to prevent such tragedies from occurring in the future.

1.2 International policy context and geography of deaths

The issue of border-related deaths is currently at the centre of heated political and humanitarian debates. Many argue that there is a high “human cost” associated with the border control policies of many States. It is asserted that deaths have increased as migrants seek to move clandestinely and along more treacherous routes in response to tighter immigration controls.³ In turn, migrants are compelled to use the services of smugglers to help facilitate these more treacherous journeys and bypass strict entry requirements, a trend which creates a new set of risks and often leaves migrants vulnerable to abuse, extortion, and even death (UNODC, 2011).⁴ The irregularity of this migration means processes are largely hidden from the auspices of, and thus protection afforded by, the State, creating a space for the involvement of other criminal actors seeking to profit from an increasingly commercialized migratory process. Another perspective, however, contends that strict immigration policies actually reduce deaths by discouraging migrants from risking their lives on dangerous journeys in the first place. Making potential migrants aware of the risks of the journey and realities once reaching their destination is seen as a way to curb irregular flows that can result in death. However, the issue of migrant deaths extends deeper, raising questions concerning the responsibility of States to accommodate those fleeing poverty and persecution in their homelands.

Perspectives also differ with respect to what measures should be taken to reduce the risk of loss of life. Some believe that the situation should be seen from a humanitarian perspective, with the top concern to respect the right to life of

³ See, for instance: T. Spijkerboer, “The human costs of border control, *European Journal of Migration and Law* (2007); Rubio-Goldsmith et al., *The “Funnel Effect” and Recovered Bodies of Unauthorized Migrants Processed by the Pima County Office of the Medical Examiner, 1990–2005* (2006); M. Jimenez, *Humanitarian Crisis: Migrant Deaths at the U.S.-Mexico Border* (2009); among many others.

⁴ For instance, for a discussion on the United States–Mexico border, see P. Andreas, “The transformation of migrant smuggling across the U.S.-Mexico Border, in: *Global Human Smuggling: Comparative Perspectives, Second Edition* (D. Kyle and R. Koslowski, eds.) (2011).

all people. From this perspective, rescue should be the number one priority. It is also often argued that fewer migrants would risk death if more legal channels for migration existed. A competing view stresses that policies focusing on search and rescue encourage more migrants to make dangerous journeys and permit smugglers and traffickers to profit even more from irregular migration.

While views may differ on how best to limit the number of migrant deaths, there is broad agreement on the need for better data. Fundamental information surrounding deaths is a necessary starting point from which to trace the impacts of policies and practices and to guide more effective interventions. Currently the scattered and ad hoc nature of much of the data on migrant deaths is detrimental to constructive debate.

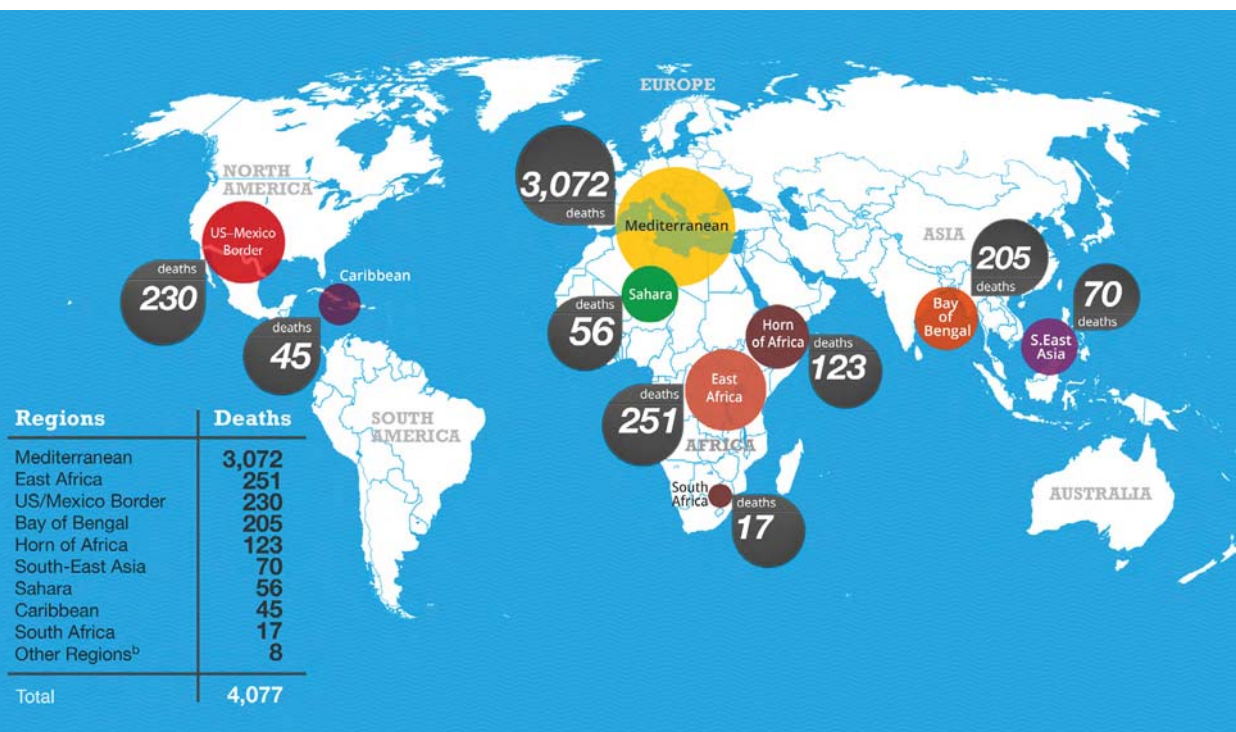
Particularly in recent years, media attention to the issue of migrant deaths has largely focused on Southern Europe, North America and Australia. In addition to these more “visible” boundaries between the Global North and the Global South, migrants are dying in numerous locations around the world, very often without their stories ever making headlines. Some of these areas include routes out of the Horn of Africa – either to the Gulf (via Yemen to Saudi Arabia); northwards through Sudan to the northern coast of Africa, or southwards towards South Africa, both treacherous routes that can involve crossing deserts, mountains and lakes, often passing through remote areas chosen with the aim of avoiding detection. Malicious actions of smugglers, traffickers and other criminals also contribute to deaths that remain hidden for the most part, except for in the horrifying accounts of survivors.

Routes from Western and Central Africa to the Canary Islands and to North Africa are also fraught with dangers, and based on the accounts of migrants who have made these journeys, death is not uncommon. However, the shifting sands of the desert quickly hide remains that are often not seen again. Since 2012, nearly 100,000 people are estimated to have risked their lives to cross the Bay of Bengal and the Andaman Sea to reach Thailand, en route to Malaysia (UNHCR, 2014b). The (Office of the) United Nations High Commissioner for Refugees (UNHCR) estimates that over 1,500 have lost their lives during this journey between 2012 and the first half of 2014 (UNHCR, 2014a; UNHCR, 2014b). The mountains between the Islamic Republic of Iran and Turkey present a daunting challenge for Afghans crossing overland to Greece, from where most hope to continue farther into Europe, although this is often not possible. With land borders increasingly sealed along both the Greece–Turkey and Bulgaria–Turkey borders, a growing number of migrants and asylum-seekers are attempting the more dangerous sea crossings to the islands of Greece (see Amnesty International, 2014).

In addition to the routes mentioned above, numerous other rivers, mountain ranges, seas and deserts cost migrants and asylum-seekers their lives. Too frequently, journeys involve violence, abuse, torture, extortion and malpractice at the hands of criminals and corrupt officials, which can also result in death.

1.3 How many have died? Statistics on migrant border-related fatalities

Figure 1.1: Migrant border-related deaths around the world, January–September 2014^a



Source: IOM calculations based on various sources including media reports, information gathered by IOM Field Offices, data from medical examiner offices and UNHCR.

Notes: (a) Figures correspond to deaths that occurred at the physical borders of States or during migration towards an international destination. They exclude deaths that occur once in a destination country that can be indirectly attributable to immigration policies, such those occurring in detention facilities, during deportation, or on forced return to a migrant’s homeland. Figures include both confirmed dead and people missing and presumed dead, generally at sea. Often numbers of missing are estimates, sometimes rough ones, as total passenger counts are rarely known. These figures include only deaths that are reported; countless others occur in remote areas and are not known of. Thus, estimates represent a base minimum of the true global count. In some cases, estimates were compiled based on extrapolation from partial data. United States–Mexico border deaths are estimated based on available data for Pima County, Arizona and Brooks County, Texas, which cover the majority of the Tucson and Laredo sectors, respectively.

(b) This refers to deaths that occurred in Europe other than the Mediterranean (7) and India (1). It should be noted that likely several hundred deaths of migrant are occurring in Central America each year. However, current data sources are patchy at best and do not provide sufficient information to distinguish whether deaths are related to the process of migration or due to unrelated causes while residing in a country (see note a). According to diplomatic sources, from January to August 2014, 64 bodies of deceased Salvadorans were repatriated by the El Salvador Consulate in Mexico. However, it is not possible to determine if deaths occurred during transit.

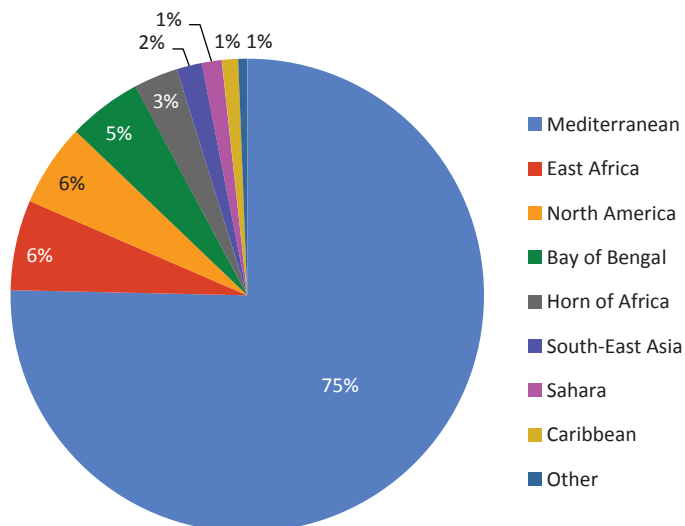
1.3.1 Challenges concerning comparability

Over the past two decades, various organizations have been working to track migrant fatalities in regions known for high irregular migration flows and dangerous border crossings, including the southern border of the European Union (EU), South-East Asia/Australia and the United States–Mexico border region. Various organizations also report on deaths in other areas, such as crossings of the Red Sea and the Gulf of Aden. Many groups collecting data use media as a principal source and quality of information varies by region, with some sources offering detailed information on each recorded death, and others only able to provide rough estimates with little demographic background on the deceased. In some cases, what is known is anecdotal and not compiled or analysed systematically. Furthermore, definitions of what is counted can vary. Some statistics are based on bodies found near the vicinity of the border, while others include both bodies found and reports, generally of survivors, of numbers missing and presumed dead, often the case when counting deaths at sea. Complicating comparisons between sources still further, there is no internationally standardized definition of what constitutes a “border-related death.” Some organizations count only deaths occurring at external borders of States, while others include deaths that occur once in the destination or transit country that can be directly or indirectly attributed to the border control regime, such as deaths of persons in detention. For the purposes of this report, figures compiled by the International Organization for Migration (IOM) correspond to to deaths that occurred at the physical borders of States or during migration towards an international destination. Given various methodologies, as well as differing levels of completeness and reliability of data, it is difficult to compare data across countries and regions.

It should also be noted that estimates of migrant deaths include only those cases that are reported, generally by media, government authorities or international organizations. Given that large numbers of deaths occur in remote areas and many are not known of, figures underestimate the extent of migrant fatalities. Furthermore, because of the varying quality and comprehensiveness of data by region, attempts to estimate deaths globally may underrepresent numbers in certain regions, thus exaggerating the share of deaths that occur in others. With these limitations in mind, it is possible to suggest several key findings and trends.

Where are deaths occurring?

Figure 1.2: Regions in which migrant deaths occurred, 2014



Source: IOM's own calculations based on data from various sources. See footnote 2.

Notes: (a) Generally, regions correspond with UN classifications of regions.

(b) East Africa excludes the Horn of Africa.

(c) Deaths occurring while trying to reach Spanish enclaves are included in totals for the Mediterranean.

(d) North America refers to deaths along the United States–Mexico border.

Mediterranean

Based on the data compiled by IOM, the large majority of deaths in 2014 occurred in the Mediterranean, accounting for an estimated 75 per cent (3,072) of all deaths this year, making it the deadliest sea in the world for migrants (see Figure 1.1 and Figure 1.2).⁵ When looking at numbers compiled over time, at least 22,400 people are estimated to have lost their lives trying to reach Europe since 2000 (IOM calculation based on The Migrants Files data).⁶ This means on average nearly 1,500 migrants died each year during this period. Based on available data, 2014 represents the deadliest year in this time period, with more than twice as many deaths occurring in the first nine months of the year than took place during the Arab Spring of 2011 when an estimated 1,500 lost their lives crossing the Mediterranean (UNHCR, 2012). The figure is almost five times

⁵ The high share of deaths in the Mediterranean is likely in part due to the availability of better data for this region.

⁶ Estimate calculated using data compiled by The Migrants Files and enhanced with IOM 2014 data where needed. This figure includes deaths near European external land and sea borders. While The Migrants Files includes deaths that occur within Europe due to conditions in detention, efforts of irregular migrants to evade detection, and at times even death following return to origin countries, this count excludes such cases, focusing only on deaths occurring at external borders. Furthermore, The Migrants Files includes data on deaths in the Sahara and other areas of Africa when migrants are presumed to be en route to Europe. The above estimate excludes these cases.

higher than the 630 migrants who are estimated to have died or gone missing in the Mediterranean in 2007, the peak number prior to 2011 (*ibid.*). Deaths in recent months have reached devastating levels, with the most deadly shipwreck claiming an estimated 500 lives in early September (IOM, 2014).

In comparison, about 100 lives a year, on average, have been lost in the seas bordering Australia since 2000, although the numbers dropped significantly in 2014 (see Chapter 6). In the United States, between fiscal year 1998 and fiscal year 2013, a total of 6,029 deceased migrants were found on the US side of the border with Mexico, which is approximately 377 persons per year over a 16-year period (see Chapter 2).

The reasons for these differences have not been fully investigated, but the jump in numbers of fatalities in the Mediterranean this year likely reflects a dramatic increase in the numbers of migrants trying to reach Europe. In 2014 numbers have spiked, with over 112,000 arrivals by sea of irregular migrants reported by the Italian authorities in just the first eight months of the year (information obtained from the Italian Ministry of Interior), almost three times as many as in the entire year of 2013. Many are fleeing conflict, persecution and poverty, with Eritreans and Syrians constituting the largest share of arrivals in Italy this year. The deteriorating security situation in Libya, where many migrants reside prior to their departure for Europe, has also increased migration pressures.

Africa

Estimates of numbers of sub-Saharan migrants who die while trying to reach northern Africa – either with the ultimate goal of continuing on to Europe or of remaining to work in Libya and other countries in the region – are very hazy. According to the blog *Fortress Europe*, since 1996 at least 1,790 migrants have perished crossing the Sahara, although it is acknowledged that this underestimates the true number (see Table 1.1). Data compiled by IOM suggest only 1.4 per cent of deaths in the first nine months of 2014 occurred in the Sahara (see Figure 1.2); however, this estimate is hampered by lack of available data and certainly does not include all the lives lost through migration in the region. Testimonies of migrants who have journeyed through the Sahara indicate the prevalence of death along this route.

Knowledge is more complete regarding flows of migrants from the Horn of Africa who cross the Gulf of Aden and Red Sea to the shores of Yemen. About 195 migrants have been known to die or go missing while making the crossing from 2010 to 2013 (UNHCR, 2013), and already in 2014 over 120 migrants have lost their lives in several large incidents (IOM estimate), comprising an estimated 3 per cent of deaths globally (see Figure 1.2). Numbers for 2014 are up considerably from 2013 and 2012, although they remain far lower than the peak in 2007 when deaths topped 1,000 (UNHCR, 2007). While deaths occurring

at sea are relatively well monitored, migrants who die while crossing overland to reach the sea, or en route to northern or southern Africa are often not reported. In 2014, a small number of deaths were recorded in the Sudanese-Libyan desert during the journey northwards, but certainly more deaths take place that are not known of.

South-East Asia and Australia

According to the Australian Border Deaths Database, nearly 1,500 border-related deaths occurred between January 2000 and September 2014 (see Table 1.1). The number of deaths has dropped significantly this year, down from 214 in 2013 to less than a handful of cases (see Australian Border Deaths Database). In the Bay of Bengal, irregular maritime movements started gaining momentum in 2006, but increased dramatically in the aftermath of sectarian unrest in June 2012. UNHCR estimated that of the approximately 55,000 people who attempted to cross the Bay of Bengal and the Andaman Sea in 2013, over 600 lost their lives (UNHCR, 2014a), and more than 200 are estimated to have died in the first half of 2014 (UNHCR, 2014b). Of all deaths occurring in South-East Asia in 2014 captured by IOM, those in the Bay of Bengal amount to roughly three quarters.

Central and North America

Along the border between the United States and Mexico, the harsh conditions of the arduous desert trek lead to hundreds of deaths each year and IOM estimates that between January and September of 2014 deaths along the border accounted for roughly 6 per cent of migrant deaths around the world (see Figure 1.2). The United States Border Patrol estimated that 445 died in the 2013 fiscal year,⁷ slightly lower than numbers from the year before. Since 1998, when the Border Patrol started publishing data on deaths, they have recorded 6,029 lives lost (US Customs and Border Protection, 2013), with an average of approximately 400 migrants dying every year since 2000 (see Table 1.1). Civil society organizations and researchers, however, suggest these numbers may underestimate the actual death toll at the border.

While numbers from fiscal year 2014 had not been compiled at the time of publication, existing data for 2014 suggest a decline in deaths from the previous fiscal year; however, complete numbers take time to compile as remains may not be found for months or years (see Campoy, 2014). It remains to be seen if this is a trend that will continue. Declines may be in part due to increased patrolling and improved surveillance technology and assistance mechanisms (ibid.). However, determining the link between changes in border enforcement policies and the number of migrant deaths is not straightforward. A US Government Accountability Office report (GAO, 2006) found that a range of factors may affect

⁷ 1 October 2012 through 30 September 2013.

the number of deaths, including changes in the volume of border crossings, variations in the locations where migrants attempt to cross the border, and fluctuations in weather patterns.

Still more migrants lose their lives transiting through Mexico, often due to the activities of criminal groups. Although various sources suggest migrants are dying in large numbers along this stretch of the migration route, the scale of deaths is challenging to enumerate. Mexican authorities have recovered remains in mass graves, including those of 72 migrants following a massacre on a remote ranch in 2010 (Tuckman, 2010). Roughly 11,000 migrants were reportedly kidnapped over a six month period in 2010, according to the National Human Rights Commission (Comisión Nacional de Derechos Humanos, cited in Amnesty International, 2012). In addition to criminal activities, reports of Central Americans perishing in rail accidents are common. For example, on 25 August 2013, 11 Central American migrants were killed and many more were injured when the cargo train they were riding derailed in Tabasco (Government of the State of Tabasco, 2013). At least 250 Honduran migrants were aboard the train. As further indication of the scale of deaths, last year the Foreign Affairs Ministry of El Salvador repatriated from Mexico the remains of 99 migrants; through the first eight months of 2014, 64 bodies were returned home (information obtained from the Foreign Affairs Ministry of El Salvador). However, from this data it is not possible to distinguish whether deaths are related to the process of migration or due to unrelated causes while residing in Mexico. Less in number, but still of significant concern are deaths occurring in the Caribbean – estimated at 45 so far this year and nearly 200 over the past three years (see Table 1.1).

Deaths throughout South America have not been prominent and very little information is known. Research into this region and others not covered in this report is warranted to determine the risks faced by irregular migrants and asylum-seekers, including that of death.

Table 1.1: Regional estimates of migrant border-related deaths compiled by various sources, available years between 1996 and 2014

Region	Number of deaths	Years	Source
Sahara	1,790	1996–2013	Fortress Europe
United States–Mexico border	6,029	1998–2013	United States Border Patrol
European external borders	22,394	2000–2014	IOM based on The Migrants Files
Australian waters	1,495	2000–2014	Australian Border Deaths Database
Horn of Africa	3,104	2006–2014	UNHCR; IOM for 2014
Bay of Bengal	1,500–2,000	2012–2014	UNHCR; Arakan Project
Caribbean	188	2012–2014	UNHCR; IOM for 2014

Notes: (a) The definition of *border-related death* varies between sources; some count only deaths occurring at external borders, while others include deaths that occur once in the destination or transit country that can be directly or indirectly attributed to the border control regime.

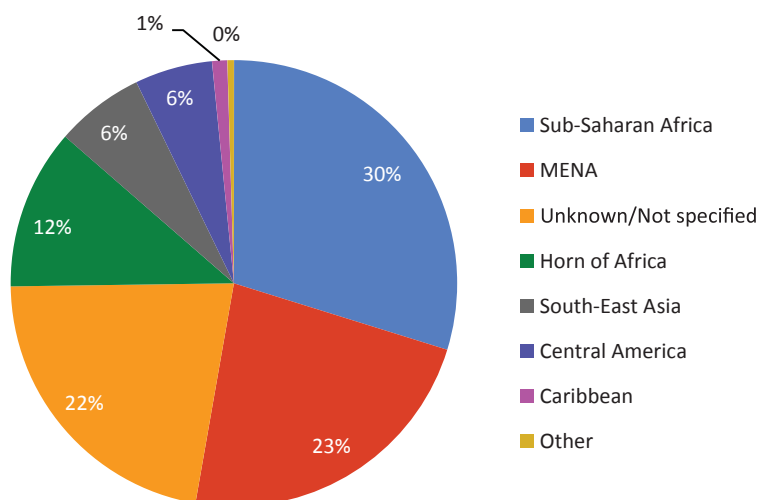
(b) 2014 figures are until August 2014.

(c) Figure for the United States–Mexico border is until 30 September 2013.

1.3.2 Who is most at risk?

Origin of migrants

We know relatively little about the socioeconomic profile of deceased migrants, and in many cases even basic demographic information is missing. Regarding data obtained by IOM for 2014, region of origin is unknown for roughly one in five of those who have died around the world, highlighting the need for improved data. Comprehensive data regarding identity and nationality of each of the deceased is a long way off in most regions. Only in some areas along the United States–Mexico border is data of sufficient quality to determine this information, where condition of remains allows. Even data on region of origin is based on incomplete information. The region of origin of deceased migrants, indicated in Figure 1.3 below, is at times inferred based on available information. For instance, when all survivors of a shipwreck originate in a certain region it may be assumed that those who perished were also from this area. While this provides a sense of where migrants are coming from, minor differences may exist. According to IOM calculations, in 2014 the majority of migrants who died in transit – 65 per cent – came from Africa and the Middle East (see Figure 1.3). The majority of migrants originating in Africa and the Middle East die while crossing the Mediterranean. Those from the Middle East and North Africa (MENA) (936 or 23% of deaths globally) are largely Syrians, as well as Egyptians and Palestinians, crossing the Mediterranean to Europe. Similarly, the majority of sub-Saharan Africans captured in IOM’s data die at sea while travelling to Europe.

Figure 1.3: Deaths by migrants' region of origin, 2014

Source: IOM own calculations based on data from various sources. See footnote 2.

Notes: (a) Generally, regions correspond with UN divisions of regions.

(b) Sub-Saharan Africa excludes the Horn of Africa. The majority of deaths occurred while trying to reach Europe, although 251 died crossing Lake Albert between Uganda and the Democratic Republic of the Congo, and some incidents occurred in Southern Africa.

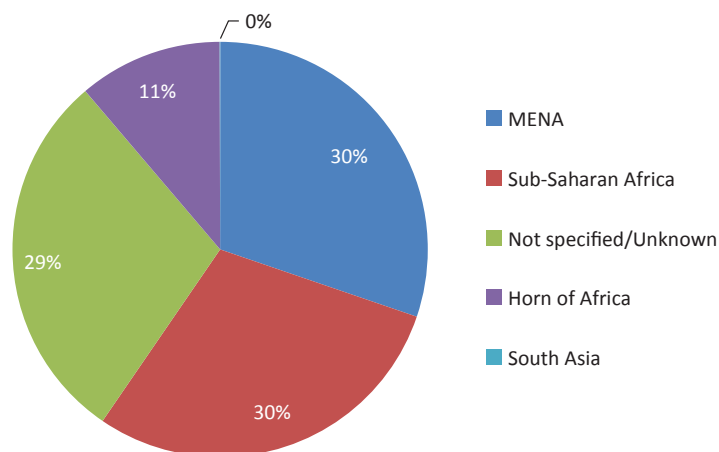
(c) South-East Asia includes Bangladesh and southern borders of China.

(d) Deaths listed in Central America refer to both cases in which the nationalities of the dead are confirmed and to those in which nationality is assumed.

(e) Most of the not specified/unknown are thought to be sub-Saharan Africans and Syrians.

(f) In several instances, the region of origin was extrapolated based on available information.

In 2014, those dying in the Mediterranean have tended to be from west and central sub-Saharan Africa; the Middle East and North Africa, with most originating in the Syrian Arab Republic, Occupied Palestinian Territory and Egypt; and the Horn of Africa (see Figure 1.4). The vast majority, estimated at about 75 per cent, die along the Central Mediterranean route from northern Africa (usually Libya) towards Italy and Malta (IOM estimate). Many are fleeing countries embroiled in conflict and known for widespread human rights abuses; in 2013, 63 per cent of all detections of irregular arrivals to Europe by sea were from the Syrian Arab Republic, Eritrea, Afghanistan and Somalia, with 46 per cent from the Syrian Arab Republic and Eritrea alone (Frontex, 2014a). Again in 2014 Eritreans and Syrians have been the most prominent nationalities, accounting for over 46 per cent of all sea arrivals in Italy in the first eight months of the year (information obtained from the Italian Ministry of Interior). Numbers of Palestinians attempting to cross the Mediterranean have also increased in recent months.

Figure 1.4: Deaths in the Mediterranean by migrants' region of origin, 2014

Source: IOM calculations based on data compiled from various sources. See footnote 2.

Notes: (a) Generally, regions correspond with UN classifications of regions.

(b) Deaths occurring while trying to reach Spanish enclaves are included in totals for the Mediterranean.

In addition to the Mediterranean, a small number sub-Saharan Africans have been known to die in southern Africa, while others have died in the deserts of the Sahara, and one large incident on Lake Albert claimed the lives of 251 refugees from the Democratic Republic of the Congo. Because data are very poor in some regions such as in the Sahara and parts of Western and Central Africa, it is certainly possible that greater numbers of sub-Saharan Africans are dying and a larger share is doing so within Africa (as opposed to the Mediterranean) than we are aware of.

In the first nine months of 2014, about 12 per cent (473) of migrants whose deaths have been recorded around the world are from the Horn of Africa (see Figure 1.3). The majority of these deaths have occurred in the Mediterranean, although boat journeys to Yemen have also resulted in significant numbers of deaths, with just over one quarter (26%) of all deaths of Horn migrants occurring while crossing the Red Sea and Gulf of Aden. This number represents a significant jump from 2013, when only 5 deaths were recorded, but remains well below peak numbers in 2007, when annual deaths topped 1,000 (see Chapter 5 and UNHCR, 2013). A smaller number of migrants from the Horn of Africa are recorded dying in the desert travelling through Sudan to northern Africa, although as mentioned previously, data in this region are very poor and many deaths are not accounted for.

Other groups most at risk include migrants and asylum-seekers from South-East Asia, whose deaths account for about 6 per cent of border-related fatalities globally, according to IOM calculations for 2014 (see Figure 1.3). The vast majority of these deaths occur within the region, with those in the Bay of Bengal accounting for roughly three quarters (205) of deaths in South-East Asia in the

first six months of 2014 (UNHCR, 2014b). Other incidents this year have occurred near Indonesia and Malaysia, with victims mainly Indonesian.

Central Americans are the main group dying along the United States–Mexico border, with the largest share coming from Mexico. For cases in which nationality could be determined, the vast majority of those who have died have been Mexican, accounting for 86 per cent of cases examined by the Pima County Office of the Medical Examiner (PCOME) in Arizona (BMI, 2013). Changes in place of origin can be seen over the past 15 years, with a growing share of non-Mexican Central Americans, and changes in the region of origin of Mexican migrants (*ibid.*).

Less frequent but still of concern are deaths occurring in the Caribbean. Of deaths known to IOM in 2014, all have been Haitians and Dominicans who drowned while sailing towards Puerto Rico and Florida. Reports suggest elevated numbers of Cubans have also been migrating through irregular channels to Mexico this year (Reuters, 2014).

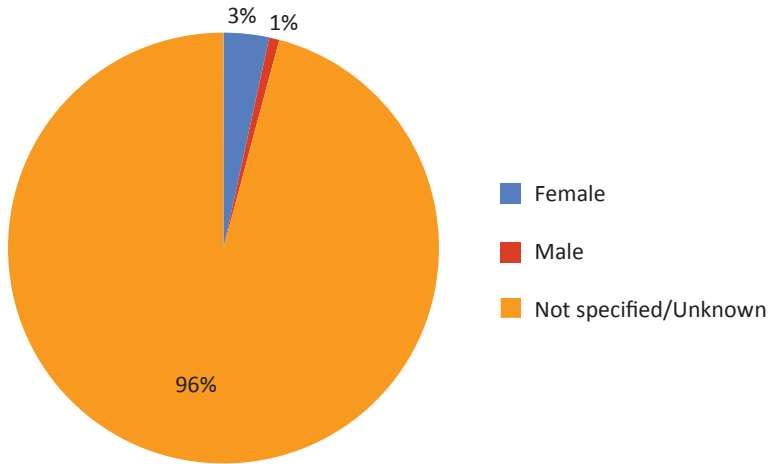
Sex of migrants and other basic data

In a large number of cases, basic information about the identities of missing migrants and cause of death is simply unknown, even in regions with relatively good data. For example, in the United States records kept by the PCOME contain basic profiles of the deceased, location of death, time after death when remains are found, condition of body/remains when found, and cause of death. Nonetheless, in over one third of cases between 1990 and 2012, the identities of the deceased remain undetermined, and cause of death could not be established in 36 per cent of cases in this time period (BMI, 2013). Of deaths in 2013, cause of death could not be determined for 63 per cent of cases, primarily due to the limitations of examination of decomposed remains (PCOME, 2014). In PCOME's data, precise information on age is possible only for migrants who are identified. In cases involving rescue at sea, rough estimates of the average ages of the deceased may be possible based on the ages of survivors and survivors' accounts, although what information does exist is not systematically recorded or published.

Highlighting the paucity of detailed information on the deceased, in the data compiled by IOM information on sex of the deceased is not available for the majority of migrants who lost their lives in 2014. Of the estimated 4,077 deaths, data on sex is available for only 170 people. The limited information available, however, suggests that by far the majority of the deceased are male (139 out of 170 cases) (see Figure 1.5). Deaths of males are also more likely when looking at data along the United States–Mexico border, although to a lesser extent. Of the 97 dead thus far in 2014 investigated by PCOME, 33 were identified as male and 4 as female (12%) (IOM calculation based on data from PCOME). Data over time support this finding – with females comprising an estimated 18 per cent

of cases examined by PCOME since 1990 (BMI, 2013).⁸ Significant changes in gender ratios have occurred over time, with females reaching an average of 23 per cent of those examined by PCOME during the early 2000s and decreasing later in the decade (ibid.). Along the United States–Mexico border limitations on information concerning the deceased is generally due to the advanced state of decomposition of many of the bodies found. In contrast, when deaths occur at sea the high degree of missing information is primarily because bodies are not found and lists of missing passengers do not exist.

Figure 1.5: Available information on sex of deceased and missing migrants globally, 2014



Source: IOM own calculations based on data from various sources. See footnote 2.

Research by Pickering and Cochrane (2013) examining the sex of migrants who died in Europe, Australia and the United States–Mexico border found that basic information, such as sex of the deceased, was unknown in 70 per cent of cases recorded in Europe and Australia. Data were particularly lacking in Europe, with information on sex of the deceased missing in 82 per cent of cases. In contrast, information on sex was missing for only 3 per cent of cases along the United States–Mexico border. This difference in availability of information is likely because data on the United States–Mexico border is obtained from medical examiners’ offices – meaning bodies were recoverable. With this missing information in mind, the researchers found 14 per cent of deaths in Europe could be identified as male as compared to 3 per cent female; 18 per cent were male versus 14 per cent identified as female in Australia; and 76 per cent male versus 21 per cent female along the United States–Mexico border (Pickering and Cochrane 2013:37). Building on this data, the researchers found that the cause of death for women was more likely to be drowning than it was for men when crossing to Europe or Australia. An examination of the sinking of the SIEV X in 2001 near West Java, which killed over 350 people, revealed that women

⁸ Considering cases in which sex was determinable.

were more likely to die than men. Seventy-seven per cent of the men on board drowned, whereas 93 per cent of the women and 95 per cent of the children on the boat drowned (Pickering and Cochrane, 2013:41).

This brief comparison of deaths across regions and the profile of migrants at risk, suggests that there are significant differences in the absolute numbers of migrants dying in different parts of the world. It is not clear to what extent such differences can be explained by the higher scale of irregular migration in some regions – thus, not necessarily higher rates of death – better reporting of deaths, or policies that have been effective in lowering fatality rates. Available information can also provide some understanding on the sex and origin of migrants most at risk. As explained in the next section, there are still large gaps in information that limit our understanding of both the number and profile of migrants dying while in transit.

I.4 Challenges of collecting data on migrant deaths

I.4.1 Invisibility

There are inherent challenges involved in tracking the deaths of irregular migrants and even the best counts will have gaps. For one, the very nature of irregular travel – that the objective is to avoid detection – makes tracing deaths, and identifying bodies, extremely challenging. Even when the most “newsworthy” sinkings occur, often the number of passengers on board is unknown, making accurate estimates of deaths near impossible. Many who die do not carry identity documents. When migrants travel in groups, survivors who reach their destinations undetected may be afraid of reporting deaths of fellow travellers due to fear of apprehension by authorities. For similar reasons, families may not report missing relatives. In the case of migrants fleeing gang violence in Central America and Mexico, survivors may refrain from reporting deaths and disappearances for fear of retribution to family members remaining in origin countries (see Chapter 2).

I.4.2 Remote topography and challenging environments

In addition to the clandestine nature of irregular migration, the topography through which migrants travel, again the choice of routes being motivated by the desire to remain undetected, presents challenges for documenting deaths. For one, migrant trails often pass through remote areas, far from the eyes of the State and the media. The tough ecologies of land passages can mean that remains may be quickly destroyed by arid climates and wild animals, or may be lost in crevices or swept down rivers. Those remains that are found may be at such an advanced state of decomposition that even basic demographic information on the deceased is not possible (BMI, 2013; PCOME, 2014). In the sea, without an accurate count of passengers, finding the bodies of all those

who drown often does not occur, as hope of recovering survivors dwindles and the number of missing people is unknown. Often this is compounded by the fact that bodies may wash up on the shores of countries not involved in rescue efforts - thus, these deaths may be excluded from counts. Even in cases when missing boat passengers and overland migrants are reported, generally by surviving relatives, bodies are often never recovered. According to the Colibrí Center for Human Rights, which works to trace missing migrants, an estimated 2,000 people are reported as missing along the United States–Mexico border. Countless others remain missing and are never reported. They are simply not heard of again, their remains lost in the sand, buried in unmarked graves or washed on remote shores.

1.4.3 Missing information

In 2014, nearly 70 per cent of deaths recorded by IOM refer to migrants who are missing, mainly at sea. While it is generally presumed that those missing are dead, this is often impossible to verify, again complicating attempts to count deaths. Much of the information on deaths is from the testimonies of surviving migrants who give estimates of numbers they believe to have died. When travel has been by boat, often migrants are not aware of the actual number of passengers, particularly when numbers are high – thus, their estimates of the missing frequently vary and are hard to verify. When boats are smaller, survivors may be able to give more precise information on numbers missing. Authorities may also create estimates of numbers missing based on the supposed capacity of boats. Again, however, the true number of passengers is often not known. Survivors of sea voyages may have heard of others on another boat who were supposed to be making the crossing but never arrived, however remains of the boat or bodies are not recovered. Additionally, the high number of bodies that are never found means that basic demographic information on the deceased is often not available, as described previously in section 1.3.2.

1.4.4 Involvement of criminal actors

An additional complicating factor arises from the fact that irregular migration is frequently intertwined with the actions of smugglers, traffickers, other criminals and corrupt State officials. While some of these actors may help migrants avoid certain dangers associated with travel, their involvement also leads to an additional set of risks and vulnerabilities for migrants. Countless numbers of deaths have occurred either through direct murder or indirect consequences of poor care, abuse, torture, or abandonment, among others (see Chapter 5). In these cases where smugglers or other criminals are involved, if deaths are not actively covered up, they are rarely reported. Murders that suggest state corruption and complicity are kept silenced; others that occur in remote areas are only captured in the memories of survivors.

1.4.5 Definitional inconsistencies

Finally, at issue in documenting border-related deaths is determining which migrant deaths can be deemed “border-related.” As noted above in section 1.3, some sources collecting data stick to recording deaths that occur at the external boundaries of States. Others follow a definition more similar to what Leanne Weber and Sharon Pickering have referred to as the “functional border,” which extends beyond the physical parameters of a nation State and includes all sites at which border functions are performed (Weber and Pickering, 2011).

Weber and Pickering (2011) note the increasing “de-territorialization of borders,” suggesting that national boundaries are increasingly detached from sovereign territory. Migration zones and buffers may be created that extend beyond the territorial boundaries of the State – such as the excision of offshore territories by Australia – and remote methods of border control exist through visa policy and refugee determination processes (*ibid.*). Border control can be enforced by various actors, both state and non-state. For those illegally residing in a country, the border may remain present through exclusion from many of the State’s social and legal protections. Extending even further, conditions of illegality may contribute to situations of social and economic marginalization that lead to additional vulnerabilities (*ibid.*).⁹

Thus, we can see how the border may extend far from the traditional conception of physical boundaries. When counting deaths attributable to borders, at what point does one draw the line? Should deaths in detention, through efforts to evade deportation, or due to exploitative working conditions, among others, be included, or should counts stick to deaths that occur at the physical perimeters of States? The physical border and the exercises of sovereignty and governance within a State can be broadly defined as the external and internal borders, respectively, together building the “functional border.” As will be shown throughout this report, the various entities collecting data have chosen different points between the external and internal borders at which to limit their counts.

As noted in section 1.3, IOM’s figures correspond to deaths that occurred at the external borders of States or during migration towards an international destination. They exclude deaths along the “internal border,” such as those that occur in detention facilities, during deportation, or on forced return to a migrant’s homeland, as well as deaths more loosely connected with migrants’ irregular status, such as those resulting from labour exploitation. This approach is chosen because deaths occurring at physical borders and while en route represent a more clearly definable category. When including fatalities more indirectly associated with border control and migration, it becomes difficult to determine where to limit counts and issues of comparability between sources

⁹ For an in-depth discussion of the “functional border,” see L. Weber and S. Pickering, Chapter 1, *Globalization and Borders: Death at the Global Frontier* (2011).

persist. Data and knowledge of the risks and vulnerabilities faced by irregular migrants and asylum-seekers, including death, should not be neglected, but rather tracked as a distinct category.

1.5 Who collects the data?

No organization at the global level is currently tasked with collecting information on migrant deaths occurring in border regions. National governments tend not to publish data on border-related deaths, and very few release data regularly and systematically (an exception is the United States Border Patrol). In some cases, States may have information concerning deaths that is not made public as it is collected for law enforcement purposes and considered highly sensitive (Weber and Pickering, 2011:42). Existing information is generally compiled by NGOs, universities, humanitarian and, at times, international organizations. In the United States, migrant deaths are normally investigated by medical examiners offices (at the county- or more rarely the state-level). Media outlets and journalists have also been actively involved in tracking deaths.

Some prominent NGOs tracking deaths include UNITED for Intercultural Action and Asociación Pro Derechos Humanos de Andalucía (APDHA) (Spain) in Europe; in the United States several organizations have partnered with medical examiners to track deaths and identify remains, including Humane Borders, the Colibrí Center for Human Rights, and the Coalición de Derechos Humanos, which also works with consular offices of Mexico and other origin countries. Projects run through universities include the Border Crossing Observatory out of Monash University in Melbourne, which maintains a database of deaths; and the Binational Migration Institute, based at the University of Arizona. International organizations publishing estimates of deaths often obtain knowledge from their field offices in locations known for high numbers of deaths, or through partnerships with local humanitarian organizations. Media outlets and journalists involved in tracking deaths include the *Arizona Daily Star*, The Migrants Files project and Fortress Europe. See Annex for a list of sources publishing data on migrant border-related deaths.

1.5.1 The media as a source of data

“These days, it takes a blockbuster tragedy for migrant boats to reach the front pages – the quiet, regular additions to the Mediterranean’s death toll encountered on an almost-weekly basis by rescuers, human rights activists and migrant communities themselves are simply far too humdrum to make the mainstream news.”

Much of the published data on migrant deaths is based on information extracted from media reports. This is the case for several groups publishing data on the Mediterranean and Europe – for instance, UNITED,¹⁰ which has been maintaining a “list of deaths” since 1993 and also recently created a map of deaths;¹¹ The Migrants Files, a project that began in 2013 but includes reports on deaths from 2000; and Fortress Europe, a blog kept by the journalist Gabriele Del Grande and lists deaths from 1988. The Australian Border Deaths Database also gathers its data from media reports and contact with local NGOs.

There are a number of shortcomings with using the media as a primary source of data on border-related deaths (see also Chapter 3). Perhaps most importantly, coverage is not complete. The media tend to cover larger scale incidents involving many deaths, while cases in which only several people die might not make the news or might only receive small mention in local papers and be missed by researchers. In localities where death is frequently occurring but each incident involves small numbers, such as along the United States–Mexico border, for instance, deaths are unlikely to be covered in the media as in a sense they cease to be newsworthy due to their regularity. There is no media presence in many of the areas in which migrants die and these deaths will likely never come to the attention of reporters, unless perhaps deaths are in large numbers and are discovered.¹²

Even when there is media coverage of an incident, coverage may not continue until a final count of deaths is known. In many incidents involving deaths at sea, initial estimates of fatalities are vague as numbers of total passengers and the fate of those who remain missing is not known. Details of the incident may take weeks to resolve and media attention has often waned by this time. Often information provided in the media is not complete or does not mention details of the profiles of the deceased that would be helpful for a comprehensive record. For instance, particularly in reports of death at sea involving many victims, nationalities might not be listed or they may be mentioned in vague terms only. Age and sex of each of the deceased are also not listed in media reports of large incidents. Other information, like exact location and information gathered through coronial investigation, is not given.

There have also been cases where media reports of lost vessels have proven to be incorrect. For instance, the records of 350 presumed deaths had to be removed from the Australian Border Deaths Database when it was found that the vessel that had been reported missing in the media had later been accounted for.

¹⁰ UNITED’s data is based on information collected from own research, and information received from 550 organizations in the network, as well as local experts, journalists and researchers in the field of migration.

¹¹ Includes all deaths UNITED deems are attributable to European border control – including those that occur due to, for instance, suicide following forced return to origin countries. Also includes deaths that occur while migrants are presumed to be travelling to Europe, even if these occur in Africa and other locations far from Europe’s borders.

¹² For instance, in 2013 over 90 bodies were found in the desert between Niger and Algeria. See www.bbc.com/news/world-africa-24753100.

1.6 Keeping count: Why we need better data

“It is imperative to begin a process to identify and account for the thousands of ‘missing’ undocumented migrants, who disappear – on the journey or after arrival – and whose identities are unknown” (Council of Europe, Commissioner for Human Rights, 2007).

The need for improved death counts and identification of those who die during migration is not a new demand; indeed it has been articulated by the European Council (Stockholm Programme, para. 6 and 6.1.6), the Council of Europe (Parliamentary Assembly Recommendation 1467 (2000); Commissioner for Human Rights, 2007 issue paper), IOM, UNHCR, Amnesty International, European Union Agency for Fundamental Rights (FRA), and numerous other IOs, NGOs, community groups, activists and scholars.

1.6.1 Greater accountability and action

For one, more accurate data serve to highlight the magnitude of deaths and, through this, to spur greater action to prevent them. Data have the power to capture attention, and while counts of border-related deaths will always be estimates, they serve to make concrete something which has been left vague and ill-defined. As Weber and Pickering note in Chapter 6, while numbers are subject to competing claims, “[...]they at least provide a foundation for debate and accountability.” Politically, the availability official data is important. Lack of political commitment at national and international levels to record and account for the deaths of migrants both reflects and contributes to a general lack of concern more broadly for the safety and well-being of irregular migrants and asylum-seekers arriving by irregular means and contributes to public apathy, ignorance, and the dehumanization of these groups. Greater attention to human rights abuses, including the right to life, of migrants and asylum-seekers can encourage States to assume responsibility.

1.6.2 More accurate determination of causes and effective response

Additionally, data are crucial to better understand the profiles of those who are most at risk and to tailor policies to better assist these migrants and prevent loss of life. To what extent are practices and regulations surrounding surveillance and rescue at sea sufficient and effective? The Mediterranean, for example, is among one of the busiest seas in the world and yet there are still cases in which boats in distress are not assisted in time for lives to be saved, or are not assisted at all.¹³ Despite positive steps, such as Italy’s Mare Nostrum Project implemented

¹³ One of the most shocking incidents occurred in 2011 in what has become known as the “left-to-die boat”. Seventy-two migrants leaving from Tripoli ran out of fuel and were left to drift for 14 days despite distress calls being sounded and their vessel’s position being made known to European authorities and NATO ships. With no water or food on-board, only nine of the migrants were still alive by the time the boat drifted back to Libyan shores. See C. Heller, L. Pezzani and SITU Studio, *Forensic Oceanography: Report on the “Left-To-Die Boat”* (2011).

in December 2013, and increased surveillance of the Mediterranean, more remains to be done to reduce avoidable deaths at sea, as well as on land. Another possibility is to use information on causes of death to better prepare potential migrants prior to departure.

While precise data on deaths that occur at the hands of smugglers is a tall order and one that will never be complete, improved information on how and why migrants are dying may shed light on the extent to which the practices of smugglers and traffickers lead to death and if there are groups that are particularly vulnerable. For instance, anecdotal evidence from the Gulf of Aden suggests that rates of death have decreased during the crossing perhaps because of shifting dynamics in the smuggling business such that migrants are now more valued when delivered to their destination alive (see Chapter 5). More precise data concerning how migrants are dying could help distinguish these influences from those of changing policies and practices regarding apprehension and rescue, which may also have contributed to lower death rates.

However, it is not enough to only reduce fatalities without addressing the deeper causes that perpetuate this phenomenon – ultimately, improved data should contribute to efforts to better understand the underlying forces that are leading so many to risk their lives to reach another country. Researchers are interested in what data on deaths can tell us about the causes, both direct and indirect, of these fatalities and the potential links with broader migration control policies and practices. The information provided by survivors and the families of those who die can also help to persuade others not to embark on such risky journeys. We must know the contexts in which migrants are dying to ensure State actors make all possible efforts to protect the fundamental rights of migrants and refugees, starting with the most basic right to life.

1.6.3 Respect for the dead and greater closure for families

Blanchard et al. (2008) argue that, although estimates of deaths will always lack precision, attempting to create a count is a kind of moral requirement, “a tribute to be paid to the victims,” and in a sense gives “these nameless deaths an existence” (translated from French). Concomitant with the need to better record numbers of dead is the requisite to give identities to those who have died, also for the sake of surviving family members. Stephanie Grant (2011) argues that the right to family life grants families the right to know the fate of their relatives.¹⁴ Untold numbers of migrants remain missing. With their locations never traced and their bodies never found, families are left in a state of unknowing. Groups of relatives in Tunisia have come together to trace their missing family members, many refusing to believe the worst: that their loved

¹⁴ See: Council of Europe Convention, Article 8 – Right to respect for private and family life; and the Universal Declaration of Human Rights, Article 16(3), which states that: “The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.”

ones are dead and their bodies lost in the sea (Moorehead, 2014). In February 2013, 151 Tunisian families signed a petition to the EU asking for actions to be taken to trace their missing relatives and some travelled to Italy to encourage exchange of information between the Italian and Tunisian governments (ibid.).

1.7 Way forward: Better monitoring, data collection and analysis

Better monitoring and collection of data on migrant deaths is not merely a technical challenge. To date, there has been a lack of political will across States to collect and share such data in a systematic fashion. National authorities have not given priority to collecting this data, given that the migrant death count is often perceived by civil society groups as an indication of the consequences of tougher border controls. Furthermore, the receiving States have not been under pressure to produce better information because irregular migrants usually attract little public sympathy, and an emotional distancing from the suffering of the victims leaves deaths less noticed.

In a visit to Lampedusa, following the shipwreck on 3 October 2013, Pope Francis condemned what he called a “globalization of indifference” declaring the Global North cared little for the suffering of others. Irregular migrants may be seen as threats to social cohesion and national economies and as criminals and even potential terrorists.¹⁵ Dehumanization, write Weber and Pickering (2011:59), “produces exclusion, not only from a particular moral community, but also from all bonds of human empathy and protection.” The lives of those dying are in a way deemed less important (ibid.:62). Public demand for greater accountability is limited, and the political incentive for documenting border-related deaths is weak.

Furthermore, political will to record deaths may be low as greater investigation into the lives of those who die carries implications for States to assume responsibility and, where necessary, be held accountable. As Caroline Moorehead notes: “To test for the identities of bodies washed up at sea would be to acknowledge a humanitarian dimension to the tragic lives of those forced to flee their own countries – even if the cause of flight is acute poverty” (Moorehead, 2014:70).

1.7.1 Who should be counting?

Numbers are inherently political, particularly when there is a degree of uncertainty in them, as is the case with border-related deaths. This uncertainty is not only because information is often missing or non-verifiable, but because

¹⁵ For an example of how the media may play a role forming and perpetuating these attitudes, see: Esses, Medianu and Lawson, 2013.

“border-related death” is not a recognized statistical category, nor an easily definable one. Some civil society organizations question whether governments who pursue restrictive migration policies should be tasked with collecting such data.

The appropriateness of counting as a State-led process has been questioned given States’ close proximity to both issues of responsibility and accountability for deaths. This is particularly an issue in countries with weak governments and those dealing with high levels of corruption, in which deaths more frequently involve collusion with authorities.

An option would be to encourage both official, State-led counts as well as ones led by civil society and researchers – similar to what is being done along the southern border of the United States. In this way both sources could be held in check and cross referenced. For this to be feasible, common methodologies and definitions would need to be developed.

Another possibility could be to develop partnerships between international organizations and local humanitarian organizations working directly with migrants. For instance, in Yemen daily coast monitoring patrols are organized by NGOs in partnership with UNHCR. By working with smaller groups on the ground, international organizations could potentially compile rich information collected by these groups that might otherwise go unpublished, and disseminate it from a centralized platform. International organizations are well placed to gather global counts of deaths due to the presence of field offices in the majority of countries around the world, allowing for close observation of the local situation in diverse border-areas, some of which may otherwise go largely unnoticed.

Another source of data could be death records and coroners’ reports, information that could perhaps be compiled by a network of universities. This method comes with a new set of challenges – not least of which is how to account for deaths of those whose bodies are never found. However, the use of death records and information generated during investigation and registration could provide details for at least a number of those who die and may be particularly appropriate in certain contexts and regions. This option is explored in Chapter 3.

More coordination is needed between actors and organizations collecting data on deaths. Currently, varying methodologies and definitions hinder comparability between regions and even within national contexts. An initial step in this direction could be to draft a data collection guide to be circulated among actors and organizations working in this area. The process of constructing this guide should be a collaborative one, involving academic researchers and civil society organizations, as well as relevant representatives from governments.

A global monitoring framework involving a range of actors should be established to bring together data on deaths globally. IOM plans to continue working to improve data on migrant border-related fatalities in several ways. Ongoing data collection concerning deaths around the world began in January 2014 and will be continued, feeding into an online database and portal dedicated to presenting more up-to-date figures on fatalities globally. IOM aims to enhance coordination with field offices to improve reliability and completeness of its dataset. Additionally, data on deaths can be improved through partnerships with NGOs and academics. Annual reports will make available most recent data on deaths and global estimates.

This report makes a series of key recommendations on ways in which data can be improved in the future, in order to help reduce the number of migrant deaths and to allow more families to know the fate of their missing relatives.

Key recommendations:

1. An independent monitoring body should be established with representatives of governments, civil society and international organizations to promote the collection, harmonization and analysis of data on migrant deaths globally. Currently, varying methodologies and definitions hinder comparability between regions and even within national contexts. IOM's Missing Migrants Project, which collects data on migrant deaths globally, could act to coordinate this new initiative.
2. At the national level, governments should be encouraged to take greater responsibility for collecting data on migrant deaths, in partnership with civil society organizations to ensure transparency and accountability. While methods of data collection should be improved, governments may also utilize existing data, such as that contained in death records and coroners' reports. Survivors, who often have a great deal of information about smuggling operations, as well as relatives of the deceased should also be encouraged to speak out and share information without fear of sanctions in order to help prevent further tragedies.
3. Innovative data initiatives should be promoted and shared more widely. For example, a partnership between medical examiners' offices and human rights groups in Arizona has resulted in the creation of the Arizona OpenGIS Initiative for Deceased Migrants, an online mapping tool that allows anyone to search the hundreds of known deaths of migrants in parts of the State since 2001. Such a tool allows for changes in migrant routes to be tracked over time, and can help humanitarian assistance along routes to be better targeted.

1.8 Outline and chapter overviews

Fatal Journeys: Tracking Lives Lost during Migration investigates how border-related deaths are documented, who is documenting them and what can be done to improve the evidence base to encourage informed accountability, policy and practice. The book is organized by region – or more specifically, by areas and migration routes known to have high numbers of migrant deaths. These include the route through Central America to the United States, with a focus on the United States–Mexico border region; the southern European Union bordering the Mediterranean; routes from sub-Saharan Africa to Northern Africa; routes taken by migrants emigrating from the Horn of Africa towards the Gulf or Southern Africa; and the waters surrounding Australia. Each chapter presents the most recent data on migrant deaths, discusses practices of counting and associated challenges, and suggests steps for improving documentation. The report does not attempt to cover every region of the world, and some regions, such as South America, for which it was more difficult to find data have been excluded. This does not imply, however, that migrant deaths are not occurring in such regions.

In Chapter 2 Robin Reineke and Daniel Martinez discuss deaths along the United States–Mexico border and en route to the United States through Mexico. Using data from the United States Border Patrol, the Pima County Office of the Medical Examiner, studies conducted by several prominent scholars, and their own data from the Colibrí Center for Human Rights the authors piece together a picture of deaths along the border. The availability of relatively detailed data collected over the past two decades allows for some information on the demographics of the deceased, as well as information on the routes used over time, and rates of death along the border. Although it is recognized that deaths of migrants within Mexico occur in high numbers, often related to criminal activities of smugglers and drug cartels, estimates of numbers are vague and information is not systematically compiled.

Chapter 3 focuses on border-related deaths in the Mediterranean. Authors Tamara Last and Thomas Spijkerboer provide recent data on deaths at sea and outline who is collecting this information and to what purposes counts are useful. In the absence of official data, groups tracking deaths often rely on media as a source of information, a method which comes with a set of shortcomings and challenges. The authors discuss options of alternative sources of data, such as that generated through the processes of registering, investigating and burying the dead in States bordering the Mediterranean.

The dangers faced by migrants travelling from sub-Saharan Africa through to Northern Africa are the subject of Chapter 4, written by Christopher Horwood

with the support of Arezo Malakooti. Along these routes, there is no coordinated mechanism for recording migrant fatalities. However, the testimonies of survivors allude to the frequency of death. Along routes from Western and Central Africa, migrants tend to die from the dangers inherent in crossing challenging terrain, such as from dehydration and exhaustion. In other cases, death occurs when migrants get lost in the desert, are left stranded by facilitators or are crammed into overcrowded vehicles. Along routes from the Horn, similar dangers exist, although reports suggest the greater involvement of criminal activities in causing deaths, including outright murder and kidnapping.

Chapter 5 discusses deaths of migrants leaving the Horn of Africa and travelling to Yemen or southwards in the direction of South Africa. Christopher Horwood describes the complexity of migration flows in the region and highlights that migration experiences tend to be characterized by hardship, neglect, victimization and at times death. Deaths occurring in the Gulf of Aden and Red Sea are relatively well-documented, at least over the past decade. Challenges associated with documenting deaths of irregular migrants at sea are further complicated by the involvement of smugglers and other criminals, at times waiting on the shores of Yemen to take migrants onwards. On land routes southwards or to the coasts of Djibouti and Puntland, injury, illness and death are common. Again, the placement of irregular migration within a strong smuggling network and the involvement of other criminals and corrupt State officials further problematizes the process of counting the dead.

The final chapter looks at deaths of migrants and asylum-seekers travelling to Australia, raising questions of accountability, responsibility and the importance of improved data in working towards compassionate and effective response. Drawing on data from the Australian Border Deaths Database, authors Leanne Weber and Sharon Pickering present available information on numbers of deaths, causes, and profiles of those who die, including gender-specific vulnerabilities. In the process, they address social and methodological challenges that arise when counting and accounting for deaths. The authors explore the value in counting the dead, noting that while underlying causes and responsibility for deaths are not easily explained or identified, numbers provide a starting point for dialogue and debate, ultimately prompting greater accountability, justice and more effective response.

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Chapter 2 Migrant Deaths in the Americas (United States and Mexico)

Robin Reineke¹ and Daniel E. Martínez²

2.1 Introduction

Over the past two decades, a crisis of unknown proportions has unfolded along migrant routes from the United Mexican States³ and Central America to the United States of America.⁴ From their homes to their destinations, migrants in North America are exposed to disproportionate levels of risk of human rights violations, disappearance and death. The true number of deaths of migrants in transit is unknown, but the existing numbers, thought to be incomplete, are in the thousands. The absence of complete data on the dead and missing along migrant routes represents a secondary crisis beyond the initial loss of life of hundreds of migrants each year (Jimenez, 2009; Martínez, Slack and Vandervoet, 2013; Martínez, et al., 2014). Not only does this absence of information present “a serious barrier to determining the steps that need to be taken to mitigate the prevalence of migrant deaths along the border” (Amnesty International, 2012:17), but it also presents serious challenges to the identification of the dead. Thousands of families wait without answers regarding the whereabouts of missing loved ones.

This chapter presents an overview of the available data on migrant fatalities in the United States and in Mexico, and an analysis of the reasons for incomplete counts. Migrant deaths are defined as those occurring while migrants are actively in transit. Although migrants are exposed to additional risks once they arrive at their destinations, this context is very different from that of migrant trails.⁵ The two regions in North America where migrant fatalities occur at the highest rates are vertically along migrant trails in Mexico, and horizontally along the United States–Mexico border. Although the conditions leading to the injury, disappearance and death of migrants in Mexico are distinct from those

* The views expressed in this chapter are those of the authors and do not necessarily represent those of the International Organization for Migration (IOM).

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³ Hereinafter referred to as Mexico.

⁴ Hereinafter referred to as the United States.

⁵ See Chapter 1 for a discussion of the external versus internal borders.

in the United States, for many migrants the two regions are simply different parts of the same journey. Whether Mexican or Central American, migrants share common experiences of marginalization and vulnerability throughout their journey – prior to migration, on the migrant trail, in their destinations and upon deportation.⁶ Sociostructural factors in Mexico and Central America are compelling entire populations to leave their homes in pursuit of physical safety and economic security. Certainly, a “culture of migration” has emerged in many migrant-sending countries, which contributes directly to migration flows; however, we contend that abject poverty, political instability, neoliberal policies and violence play significant roles in spurring outmigration in both regions. While Mexican migrants generally cross one border, Central American migrants often cross several. During their journey through Mexico, Guatemalans, Salvadorans, Hondurans and others travelling through irregular channels face severe dangers as they journey north, many crowding atop lurching freight trains and navigating organized crime. Once at the United States–Mexico border, they face an increasingly constricted barrier where the only clandestine passageways are through remote, inhospitable desert or mountain geographies.

The lack of data on migrant fatalities reflects official disregard for the safety and security of irregular migrants in both countries. With hundreds of deaths each year just in the single US state of Arizona, the death of migrants is a major public health concern. Yet there continues to be no reliable complete count of the number of fatalities in either the United States or Mexico. Although geographic and contextual factors can make the counting of the dead somewhat difficult, the challenges in North America in this regard are much less severe than those in the Mediterranean, for instance, where the recovery of human remains is often impossible as deaths occur in the open sea. The invisibility of migrant deaths relates to the invisibility of migrants in life. The story of migrant deaths in North America is a story of exclusion and exposure – migrants, seen as “illegal” or “other,” are excluded from social systems of safety and protection, while they are simultaneously exposed to the risks of organized crime, exploitation and harsh environments. It is these exclusions that make the counting and understanding of migrant deaths challenging.

⁶ See Martínez, Slack and Vandervoet, 2013, for a discussion of migrant marginalization and vulnerability.

2.2 Historical and geographical overview

Migration from Mexico to the United States is generations old, and despite drastic changes in the last 20 years, historical factors continue to be relevant. The agricultural sector in Mexico has struggled for centuries. The twentieth century in particular saw damaging shifts, as Mexican agricultural reform following the revolution enhanced bureaucratization and privatization, ultimately pushing many farmers off their land (Katz, 1974; Sanderson, 1981). Most recently, the economic reforms of the 1980s and 1990s brought Mexico into global structural adjustment programs. The most damaging for small farmers of such economic restructuring was the North American Free Trade Agreement (NAFTA), which eliminated tariffs on several agricultural products and allowed US corporations to import cheap, mass-produced goods into the Mexican market (Nevins, 2007). The NAFTA challenged the livelihoods of smallholder farmers by putting them in direct competition with large, heavily subsidized and highly flexible multinational corporations (Johnson, 1994; Bacon, 2004; Nevins and Aizeki, 2008); an estimated 1.3 million Mexican farmers lost their jobs very quickly, and another million workers who depended upon the farmers became unemployed over time (Polaski, 2004; Wise, 2010). In turn, the US economy's reliance on migrant labour – particularly in the sectors of hospitality, agriculture and construction – has become structurally embedded (Cornelius, 1998). Histories of migration, especially between Mexico and the United States, are also deeply embedded socially (Portes and Sensenbrenner, 1993).

A very similar history can be traced for Central American countries, with the added complication of violent internal political conflict and US military involvement in the twentieth century (Gonzalez, 2000). Central American governments emerged in the twenty-first century with weak democracies and civil unrest. Then, with former Mexican President Felipe Calderon's "drug war," drug trafficking organizations (DTOs) moved their operations south into the Central American countries of El Salvador, Guatemala and Honduras. The influx of organized criminal factions in combination with already weak governments and rampant poverty has resulted in an increase in violence in these countries. Honduras now has the highest murder rate in the world, with 90.4 homicides per 100,000 people recorded in 2013 (UNODC, 2013). Central Americans also face severe poverty. The World Bank estimated that in 2012, 34.5 per cent of the Salvadoran population was living below the country's poverty line (World Bank, 2014). This estimate is 66.5 per cent in Honduras for the same year, and 53.7 per cent in Guatemala in 2011 (ibid.).

Figure 2.1: Migratory flows from and through Mexico to the United States south-western border



Source: Adapted from Barron Cruz, M.G., *La Bestia: La tenue línea entre la migración y la trata de personas*, 2013.

2.2.1 Demographics

Unauthorized migrants crossing the United States–Mexico border over the past two decades have primarily been from Mexico, but are now increasingly coming from Central American countries, especially El Salvador, Guatemala and Honduras. From 2000 until 2011, Mexican nationals accounted for 86 to 98 per cent of all Border Patrol apprehensions along the southern border. In 2012, however, 27 per cent of the Border Patrol’s apprehensions were of non-Mexicans, and in 2013 that percentage rose to 36 (US Border Patrol, 2014). Most of this increase in the irregular crossing of non-Mexicans (the overwhelming majority of whom are Central Americans) has occurred in South Texas (US Border Patrol, 2014). Non-Mexicans made up nearly 63 per cent of total apprehensions in the Rio Grande Valley Sector in 2013 (*ibid.*). The disproportionate increase in the apprehension of non-Mexicans in Texas in particular is in part due to the geographic proximity of South Texas to Central America relative to the rest of the south-western United States.

The increase in outmigration from certain Central American countries relates to escalating violence and abject poverty in these countries, as noted previously. According to the Mexican Secretariat of the Interior’s Migration Policy Unit,

86,298 foreign individuals were detained in Mexico in 2013, primarily from Guatemala, Honduras, El Salvador, and Nicaragua (Isacson, Meyer and Morales, 2014). Although the majority of migrants in Mexico are from Central America, a growing number come from Cuba, South America, Asia, the Middle East and Africa (ibid.).

2.2.2 Routes and risks: United States–Mexico border

The factors compelling Mexicans and Central Americans to leave home are complex and multilayered, and are both economically and socially embedded. Migratory routes from Mexico to the United States have been well travelled for decades. However, several changes in the 1990s made these routes more deadly. The US economy experienced a recession, and there was widespread public concern that immigrants from Mexico were taking American jobs and contributing to a weak economy. Immigration became a heated issue in the 1993 presidential election, and Clinton promised the American public that his presidency would bring the southern border “under control” (Andreas, 2009). Once in office, Clinton oversaw a series of sweeping changes to border enforcement. The strategy of “prevention through deterrence” along the border was undertaken in the 1990s and remains in place today (Andreas, 1998, 2009). As described by immigration scholar Wayne Cornelius, “the theory underlying the strategy was that raising the cost, the physical risk, and the probability of apprehension on each entry attempt would eventually discourage the migrant and cause him (or her) to return to the location of origin” (2001:667). The 1994 Border Patrol Strategic Plan outlined a program whereby the border would be secured through “segmented enforcement.” Border Patrol agents and surveillance technology would be deployed heavily along the more easily crossed points of the border, while the more remote and isolated portions of the border would be left unpatrolled. This strategy relied on the remote and dangerous geography of the south-west borderlands to act as a “natural barrier.”

The result has led to increased dangers and risks for those trying to cross the borderlands irregularly as migrants, and the smugglers who guide them, are pushed into more remote deserts, a phenomenon often described by scholars as the “funnel effect” (Rubio-Goldsmith et al., 2006; Jimenez, 2009; Martínez, Slack and Vandervoet, 2013). Thousands have died in the remote geographies of the desert borderlands since the mid-1990s, and the strategies adopted in the Clinton era have only expanded. Amnesty International has stated these deaths are “a direct result of measures taken by the US Government to make safer passages impassable for migrants” (2013:7). Many others have observed the link between Clinton-era border enforcement policies and the increase in migrant fatalities (Eschbach et al., 1999; Eschbach, Hagan and Rodriguez, 2003; Cornelius, 2001, 2005; Nevins, 2005; Rubio-Goldsmith et al., 2006; Jimenez, 2009; Martínez, Slack and Vandervoet, 2013; Kovic, 2013).

Deaths along the United States–Mexico border first increased in Southern California in the 1990s, but then quickly shifted to Arizona, which has recorded the highest number of migrant deaths over the past 15 years. Following the Clinton administration’s border security measures, known as Operation Gatekeeper in the San Diego area and Operation Hold the Line in the El Paso region, the Arizona deserts became the main entry point for unauthorized border crossings beginning in the early 2000s. Border Patrol’s Tucson (Arizona) Sector, comprised primarily of remote, mountainous and desert geography, quickly overtook all other sectors both in the number of apprehensions and in the number of deaths.

Migrants face a number of deadly risks when crossing the United States–Mexico border. They suffocate in cargo compartments of commercial trucks; they drown in irrigation canals or rivers; they die in motor vehicle accidents or are struck by vehicles as they attempt to cross busy highways on foot; they fall to their deaths from mountain cliffs, and they freeze to death in the mountains of Arizona and California. Some are likely killed by human or drug smugglers (Sapkota et al., 2006; Martínez, Slack and Vandervoet, 2013). A small but concerning number have died at the hands of the United States Border Patrol in isolated incidents (Spagat, 2013; Southern Border Communities Coalition, 2013). The vast majority of migrants who have died on the US side of the border with Mexico perish from heat stroke and dehydration in the deserts of the south-west (Eschbach et al., 1999; Eschbach, Hagan and Rodriguez, 2003; Rubio-Goldsmith et al., 2006; Martínez, Slack and Vandervoet, 2013; Martínez et al., 2014).

2.2.3 Routes and risks: Within Mexico

Central Americans migrate to both Mexico and the United States. Therefore, Mexico is a sending country, a receiving country and a transit country for migrants. Migrants who travel through Mexico en route to the United States face grave threats during the journey. Although the differences in the risks migrants face in Mexico versus in the United States are complex, they can be summarized as follows: migrants face “structural violence” when crossing to the United States, and they face direct violence in Mexico.⁷ Structural violence, a term coined by Norwegian sociologist Johan Galtung (1969, 1990, 1996), refers to social, legal or otherwise structured processes that lead to disproportionate levels of risk for some, often while “protecting” others. Structural violence can be difficult to “see” because it does not necessarily involve a victim and perpetrator, as is the case with direct violence. While the majority of migrant deaths in the United States are due to exposure to the elements, the majority of migrant fatalities in Mexico are caused by direct violence. Of course, migrants in Mexico experience structural violence as well, but from what is known about the fatalities that occur

⁷ The authors gratefully acknowledge Marc Silver for this observation. A documentary film director, Silver has worked on issues relevant to migration and human rights in Honduras, Mexico and the United States since 2009. His series of short films, *Los Invisibles* (2010), produced in collaboration with Amnesty International, as well as his feature-length film, *Who Is Dayani Cristal?* (2013), provide excellent insight into this topic.

along the migrant trail in Mexico, it appears that they are predominantly from homicide, likely by DTOs. The Mexican State security and migration authorities have been criticized for focusing primarily on preventing irregular migration, rather than ensuring the safety of migrants in Mexico (Isacson and Meyer, 2012; Pereyra, 2013). The result is what has been termed a “vertical border” through Mexico (Isacson and Meyer, 2012; Kovic, 2013) where Central American migrants experience illegality, vulnerability and marginalization along the migrant trail.

Most Central American migrants enter Mexico through the country’s southern border with Guatemala, represented by either a narrow river or sparsely inhabited jungle vegetation (Isacson, Meyer and Morales, 2014). After crossing the actual border, migrants predominantly travel north through Mexico, riding atop freight trains that run all the way from the country’s southern border with Belize and Guatemala to its northern border with the United States. It is during this part of their journey that migrants in Mexico face the greatest risk of experiencing direct violence. These routes are increasingly dominated by DTOs and youth gangs that are known to extort, enslave, torture and kidnap migrants (Vogt, 2012; Pereyra, 2013; Isacson, Meyer and Morales, 2014). The “human cargo” of Central American migrants is valuable, with the current price of smuggling through Mexico to the US border ranging from USD 6,000 to USD 7,000 per migrant (Vogt, 2012). Yet many migrants cannot afford this expense, and travel through Mexico without guides (Isacson, Meyer and Morales, 2014). It is these migrants who are at the highest risk for abuse. “As smugglers pay fees to criminal groups (and at times Mexican authorities) who control the migrant routes, they are more likely to enjoy safe passage, with a significantly lower probability of abuse and violence” (Isacson, Meyer and Morales, 2014:15).

The Mara Salvatrucha gang (MS-13) is known to control entire sections of migratory routes, demanding payment from migrants riding atop the trains (Isacson, Meyer and Davis, 2013). Those who do not pay are thrown onto the tracks where they are frequently killed or maimed (ibid.). Kidnapping and extortion are rampant, with the perpetrators largely, but not completely, limited to drug cartels and organized crime.

Irregular Mexican and Central American migrants are also exposed to dangers, including kidnapping and death, upon deportation from the United States. Deportation policies that put migrants at risk include dropping off Mexican immigrants miles from where they crossed the border, often at night, and into some of the most unstable areas of Northern Mexico (No More Deaths, 2011; Isacson and Meyer, 2012; Slack et al., 2013).

The Mexican Comisión Nacional de los Derechos Humanos (CNDH, National Human Rights Commission) has attempted on at least two separate occasions to estimate the number of migrants who have been victims of kidnapping

while traversing the length of Mexico. By making visits to various locations throughout the country and speaking to migrants themselves as well as other stakeholders, they have arrived at some initial estimates (see National Human Rights Commission of Mexico, 2009, 2011, for the methodology).

According to a 2009 report by the CNDH, an estimated 9,578 migrants were kidnapped in Mexico across 198 cases between September 2008 and February 2009 (CNDH, 2009). Findings from this report suggest that migrants are being kidnapped en masse, with 55 per cent of the victims being kidnapped in the southern part of Mexico – mostly in the states of Veracruz and Tabasco (*ibid.*). Around 12 per cent were kidnapped in the north and 1 per cent in the central region of the country (*ibid.*). The region where the kidnapping occurred was unknown for 32 per cent of the victims (*ibid.*). Among the 9,578 migrants kidnapped, the person's country of origin was only determined for 552 individuals: 372 Hondurans, 101 Salvadorans, 74 Guatemalans and 5 Nicaraguans (*ibid.*).

In a follow-up report, the CNDH found that between April 2010 and September 2010 at least 11,333 migrants were abducted across 214 cases, mainly by criminal organizations (CNDH, 2011). Based on 178 testimonies related to kidnappings of migrants gathered through site visits, 86 per cent of which were from victims themselves, the report cited that Mexican authorities were involved in an estimated 8.9 per cent of kidnappings (*ibid.*). With respect to the national origin of victims, the 2011 report found that just over 44 per cent of cases consisted of Hondurans, 16.2 per cent Salvadorans, 11.2 per cent Guatemalans, 10.6 per cent Mexicans, 5 per cent Cubans, 4.4 per cent Nicaraguans, 1.6 per cent Colombians and 0.5 per cent Ecuadorans (*ibid.*). The nationalities of victims were unknown in the remaining 6.5 per cent of cases (*ibid.*). In neither of the CNDH reports is it clear how many of the kidnapping victims were released, disappeared or found deceased.

Although the threats migrants experience in Mexico are primarily due to organized crime, other risks exist. Migrants are reported to drown each year in the Suchiate River which runs between Mexico and Guatemala (United States Conference of Catholic Bishops, 2003). Many are reported to accidentally fall from moving trains, or misstep as they attempt to jump on or off (Penhaul, 2010; Isacson, Meyer and Morales, 2014). There are also reports of migrants getting lost and dying of dehydration or heat stroke in the northern states of Mexico, as they traverse remote geographies approaching the United States–Mexico border (Campbell, 2012).

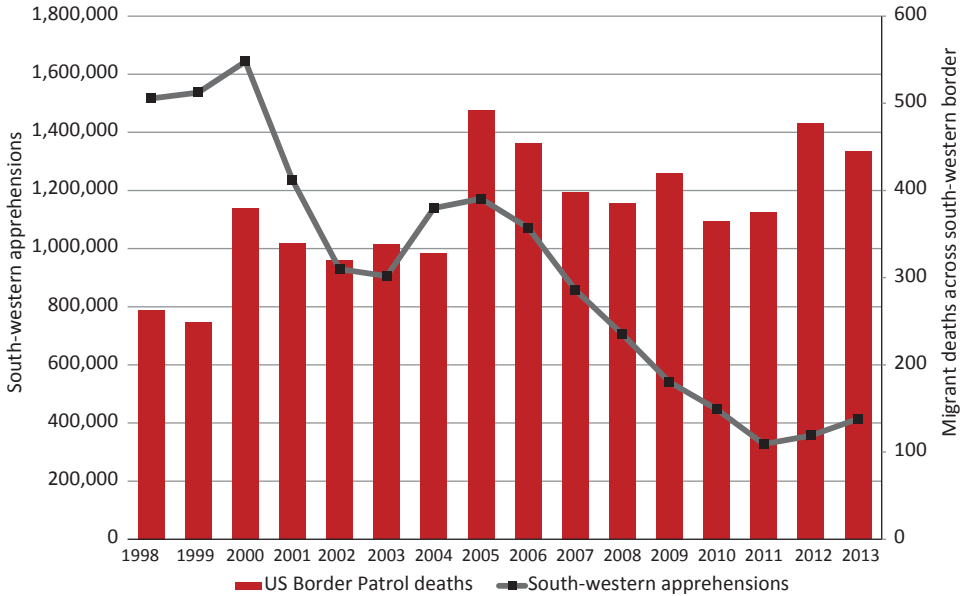
2.3 Estimated number of migrant fatalities

2.3.1 United States

While the true number of migrant fatalities in both Mexico and the United States is unknown, the estimates are alarming. The most complete numbers for migrant deaths along the US side of its border with Mexico come from the United States Border Patrol, which began compiling data on migrant deaths in 1998. Hundreds of deaths occurred prior to this time, however. For instance, Eschbach, Hagan and Rodriguez (2003) reported over 4,200 migrant deaths across the border between 1985 and 2000, with nearly 3,300 deaths occurring before 1998. A different study by Wayne Cornelius (2001) found that 1,700 deaths were reported to the Mexican Consulates along the south-western border from 1994 through mid-2001. A more recent study by the same author reported 2,978 fatalities border-wide between 1995 and 2004 (Cornelius, 2005). Even since Border Patrol began to track migrant deaths in 1998, there have been concerns that their numbers are incomplete (GAO, 2006; Rubio-Goldsmith et al., 2006). While the United States Border Patrol estimates provide an important insight into migrant deaths near the border with Mexico, the methodology behind the production of these numbers is unknown, and thus they must be interpreted with caution.

The United States Border Patrol estimates of migrant deaths are the most comprehensive count of migrant fatalities along the entire border and over time, and therefore can provide insight into changing trends. Figure 2.2 displays data from the United States Border Patrol on the number of migrant fatalities along the south-western border between 1998 and 2013. South-western apprehensions by the agency during this period are also illustrated, a figure which is often used by scholars as a proxy for unauthorized migration flows (Espenshade, 1995).

Figure 2.2: Migrant deaths recorded by the United States Border Patrol relative to apprehensions on the south-western border, fiscal year 1998–2013

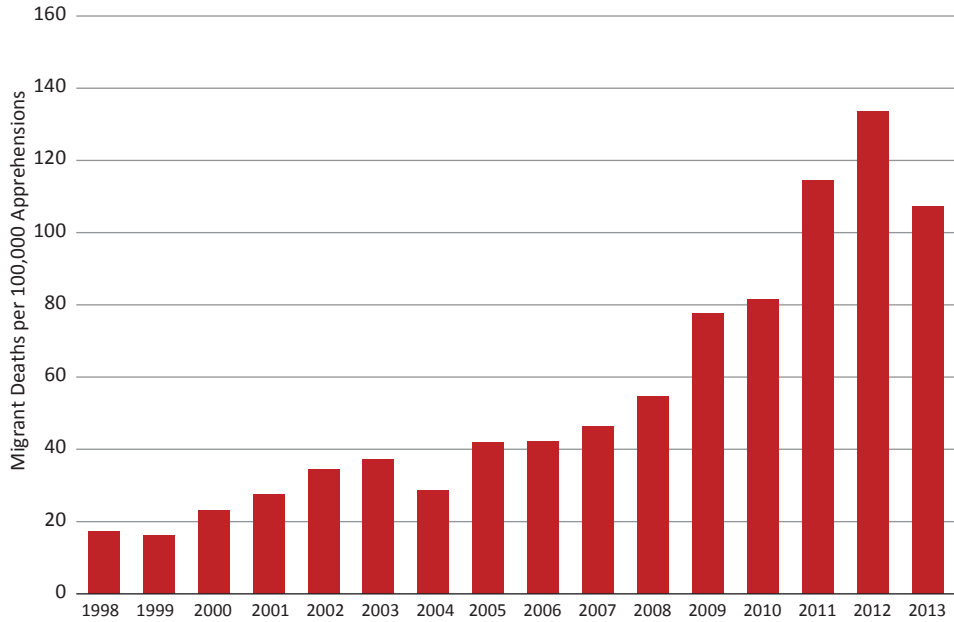


Source: United States Border Patrol, 2014.

According to the United States Border Patrol estimates, between fiscal year 1998 and 2013,⁸ a total of 6,029 deceased migrants were found on the US side of the border with Mexico, with the remains of at least 300 migrants being recovered each year along the border since 2000. As noted in Figure 2.2, migrant deaths have continued to occur year after year despite a substantial decrease in the United States Border Patrol apprehensions since the mid-2000s. Scholars and demographers have suggested that migration from Mexico, which for generations has been the single largest source of unauthorized migrants to the United States, has slowed substantially over the past several years (Passel, Cohn and Gonzalez-Barrera, 2012; Massey, 2012). Figure 2.3 further shows the relationship between decreased apprehensions and a consistently high number of migrant deaths over the past several years across the border. Over the past three fiscal years, there have been more than 100 migrant deaths per 100,000 apprehensions across the border, compared with just 40 a decade ago. Migrants may be at higher risk for death today than in prior years, and as research suggests (Martínez, Slack and Vandervoet, 2013; Martínez et al., 2014), this may be because they are left with little option than to trek through more dangerous remote areas along the border or for longer periods of time, in order to avoid detection by US authorities.

⁸ 1 October 1997–30 September 2013.

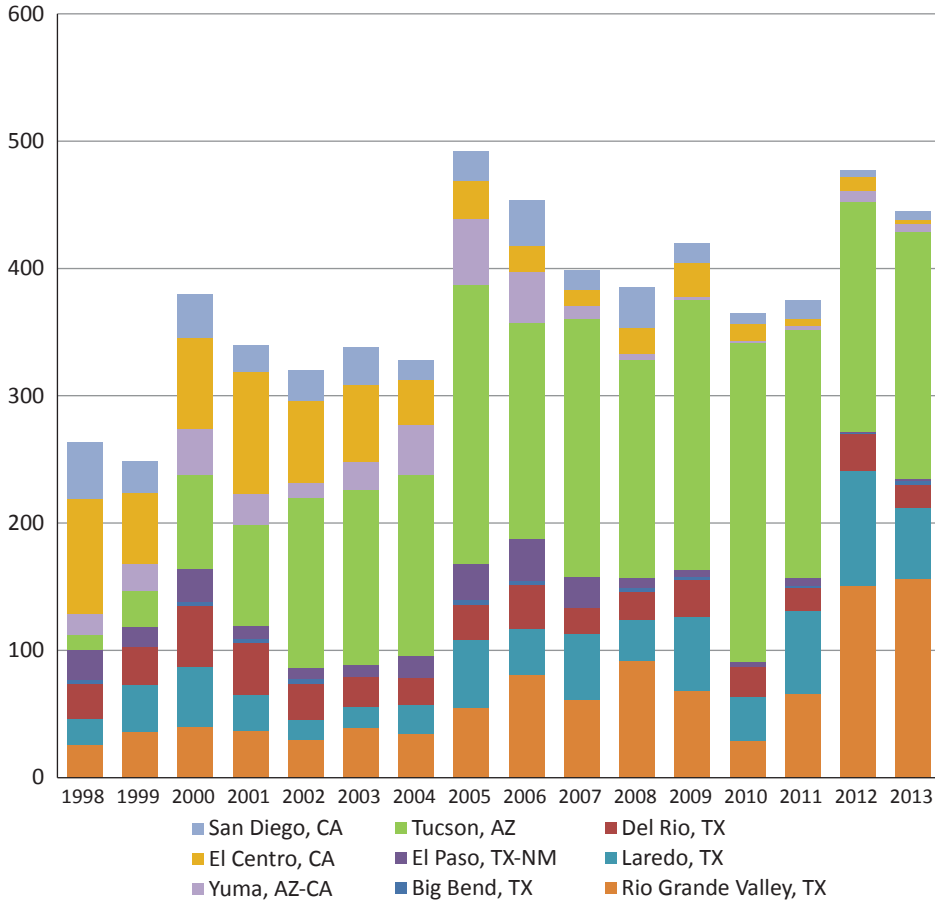
Figure 2.3: Migrant deaths recorded by the United States Border Patrol per 100,000 apprehensions on the south-western border, fiscal year 1998–2013



Source: United States Border Patrol, 2014.

As noted in Figure 2.4, migrant deaths across the United States–Mexico border have not been evenly distributed across time and geography. The portion of the border where the most migrants have died is in the Tucson Sector of Arizona. A significant number of deaths have also occurred in California and Texas, with the fewest recorded in New Mexico. Drawing on records from the Office of the Medical Examiner in the state of New Mexico, one study reported just 25 migrant deaths between 1993 and 1997 (Eschbach et al., 1999). A more recent study reported 11 migrant deaths in New Mexico between 2002 and 2003 (Sapkota et al., 2006). New Mexico has historically had low levels of unauthorized migration from Mexico and Central America, largely explained by the remote geography, limited roadways and lack of populated areas on either side of the border (with the exception of the Las Cruces–El Paso metropolitan area, which encompasses part of south-eastern New Mexico and the western most tip of Texas). Given this consideration, what follows is a detailed look at each of the three states where migrant deaths have occurred in the highest numbers: California, Arizona and Texas, with El Paso estimates included in the counts for Texas.

Figure 2.4: Migrant deaths recorded by the United States Border Patrol by sector, fiscal year 1998–2013



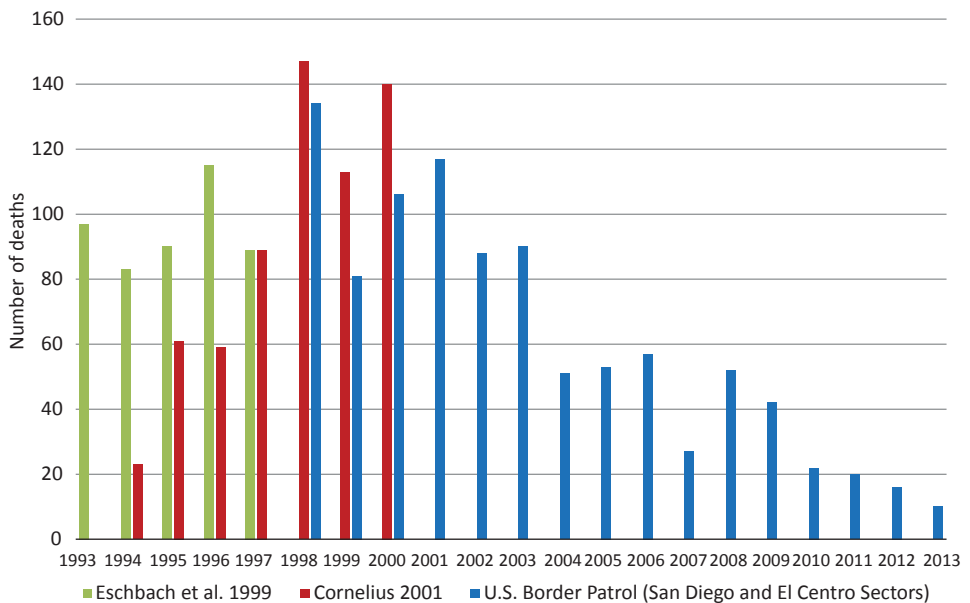
Source: United States Border Patrol, 2014.

California

California was among the first to experience the Clinton administration’s intensification of border enforcement and its strategy of prevention through deterrence, with the launch of Gatekeeper in the San Diego Sector in 1994 (Andreas, 1998, 2009). Beginning that year, the California portion of the United States–Mexico border was heavily fortified in stages, working gradually from west to east. Figure 2.5 provides data on migrant deaths over time in California from various sources, including research by Eschbach and colleagues (1999), Cornelius (2001) and the United States Border Patrol. Data for the Yuma area is omitted from the figure, as the Yuma Sector of the Border Patrol encompasses an area which includes small portions of eastern California and western Arizona. Estimates from Eschbach et al. (1999) come from medical examiner and coroner offices records and vital registries from across border states, while the Cornelius (2001) estimates come from the Mexican Ministry of Foreign Relations and

“include deaths occurring on the Mexican side of the mountains, deserts, canals and rivers that straddle the southwest border” (669). For this reason, Cornelius (2001, 2005) estimates of migrant deaths are consistently higher than reported by other sources. While Eschbach et al. (1999) and Cornelius (2001) are transparent in terms of how they arrived at their estimates, the same cannot be said for the United States Border Patrol estimates of migrant deaths across the border.⁹ Nevertheless, the three data sources clearly illustrate that deaths increased almost immediately following the increase in border fortification. In just one year, deaths of migrants in California more than doubled, rising from 23 in 1994 to 61 in 1995 (Cornelius, 2001). According to the research, the effect was not a result of an increase in attempted crossings. As noted by Cornelius, “some portion of the increase in fatalities from 1995 to 2000 can be attributed to a rising volume of unauthorized Mexico-to-United States migration during that period; however, the per-year increases in mortality are much larger than the increases in Border Patrol apprehensions” (2001:670).

Figure 2.5: California migrant death estimates by data source (excluding Yuma area), 1993–2013



Sources: Eschbach, K. et al., 1999, Death at the border, *International Migration Review*, 33(2):430–454; Cornelius, W.A., 2001, Deaths at the border: Efficacy and unintended consequences of US immigration control policy, *Population and Development Review*, 27(4):661–685; United States Border Patrol, 2014.

As was the case along most of the border, there were deaths each year in California before the security changes of the 1990s. Prior to Gatekeeper, it was

⁹ The authors of this report reached out to U.S. Customs and Border Protection seeking clarification on the methodology utilized to count migrant deaths along the border, but had not received a response by the publication of the report.

not uncommon for migrants to be struck by vehicles as they attempted to run across freeways near the border in the urban areas of San Diego. However, as documented by researchers from the University of Houston (Eschbach et al., 1999, 2003) and Cornelius (2001), the deaths in California changed in both number and cause following Gatekeeper. Between 1994 and 2000, California saw a 509 per cent increase in fatalities, with most occurring in remote geographies rather than along highways as before (Cornelius, 2001). Using the 1994 deaths as a baseline (all deaths that year occurred before Gatekeeper began), Cornelius notes that from 1995 through 2000 migrant deaths from traffic fatalities in urban areas remained stable, while fatalities as a result of environmental factors such as heat stroke or drowning rose significantly, accounting for 78 per cent of all deaths (ibid.).

Migrant deaths in California are primarily due to drowning and exposure. Hundreds have drowned in the All American Canal and in the highly polluted New River near Calexico in Imperial County (Eschbach et al., 1999; Cornelius, 2001). There are also reports of migrants drowning in the Pacific Ocean trying to reach the shores of California (Isacson and Meyer, 2012). Hundreds more have perished in the remote and mountainous regions of southeastern California, especially in the desert regions of southern Imperial Valley, where summer temperatures average 44 degrees Celsius (Eschbach et al., 1999; Cornelius, 2001; Jimenez, 2009). There is almost nothing in the extant literature on the demographics of migrant deaths in California, although it appears that the vast majority of the decedents have been Mexican (ibid.).

As noted in Figure 2.5, the deaths in California increased rapidly in the 1990s, and then decreased in the 2000s as remote portions of Arizona became the main point of entry of unauthorized migration. In 1998, migrant deaths in the two main sectors of California (San Diego and El Centro) accounted for more than half of all border deaths nationwide (US Border Patrol, 2014) as noted in Figure 2.4. By the year 2000, these sectors reported 106 deaths, less than a third of the total of the border-wide total of 380 (US Border Patrol, 2014). In 2013, the two sectors reported a combined total of 10 migrant deaths. Migrant traffic shifted to Arizona, as California became increasingly difficult to cross due to the enhanced security presence following Gatekeeper.

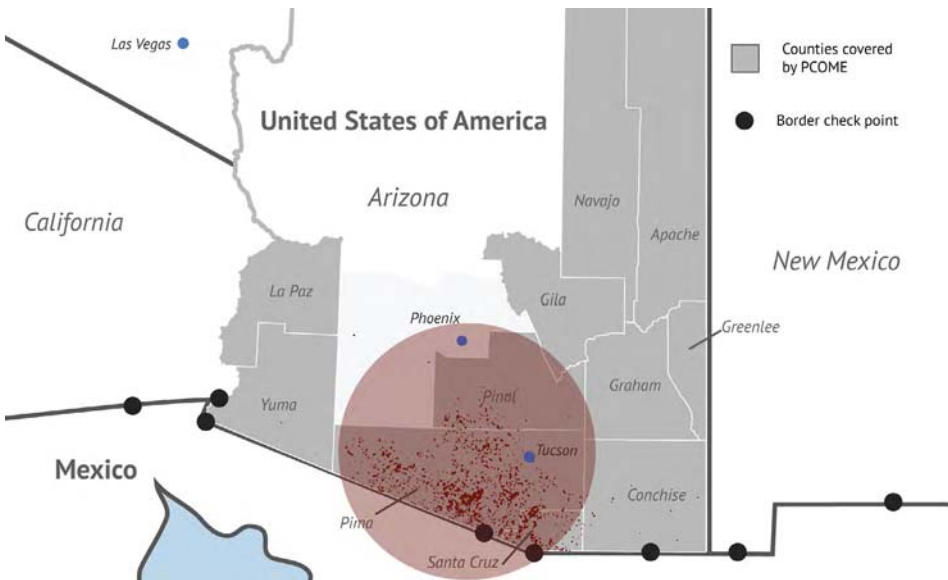
Arizona

The shift towards Arizona began in 2000, and by 2002, the Tucson sector of Arizona had about a third of all border deaths, despite only accounting for about 14 per cent of the geographical length of the border (Anderson, 2008). In 2000, roughly 38 per cent of all apprehensions occurred in the Tucson Sector, but by 2002 this share decreased to only 36 per cent (US Border Patrol, 2014). The Arizona version of Gatekeeper, called Operation Safeguard, was launched in 1994, but was not significantly resourced until 1999, when it became clear that

Gatekeeper was pushing the majority of migrants to attempt their crossing in Arizona (Andreas, 1998; Cornelius, 2001; Orrenius, 2004). Following Safeguard, and then again following the increase in border militarization after the terrorist attacks in New York on 11 September 2001, migrants were pushed into the most remote stretches of the Sonoran desert.

The southern Arizona route usually begins in a Mexican town near the border, such as Altar, where migrants prepare for the journey and meet their *coyotes* (human smuggling guides). The coyotes then lead groups of migrants across the border on foot, usually crossing the actual international boundary very soon into the journey. The most dangerous portion of the journey is generally after the border itself has been crossed, as migrants walk for several days, evading Border Patrol, through remote geographies until reaching a highway or urban area, such as Tucson, for transportation to the interior. During the journey, they are traversing the Sonoran desert, known for intense heat and aridity, with temperatures regularly over 37 degrees Celsius in the summer months. The highest concentration of deaths has occurred within the sparsely populated Tohono O’Odham Indian Reservation (Humane Borders, 2014; Isacson, Meyer and Davis, 2013).

Figure 2.6: Deaths recorded by the Pima County Office of the Medical Examiner in Tucson, Arizona

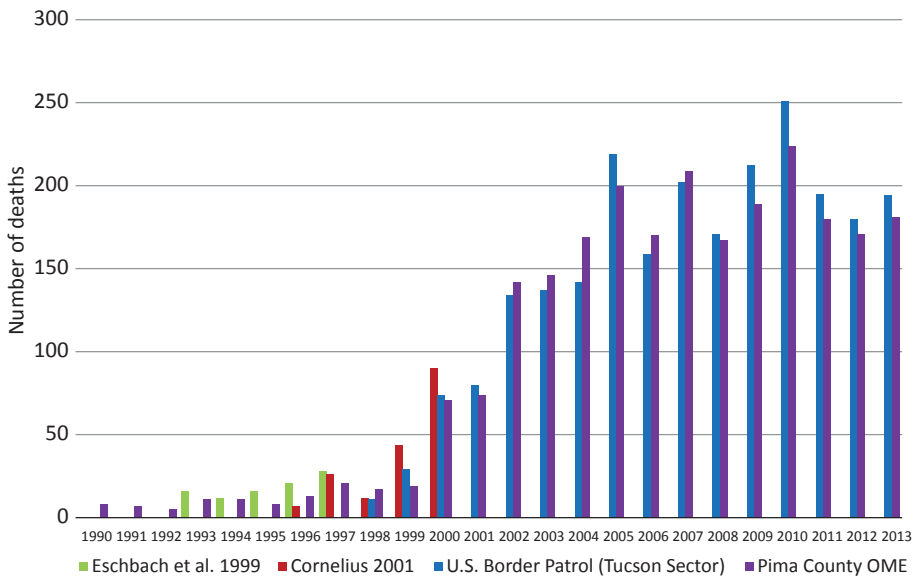


Source: Arizona OpenGIS for Deceased Migrants, January 2001–July 2014.

The Pima County Office of the Medical Examiner (PCOME) in Tucson, which first began to systematically classify individuals believed to be unauthorized

migrants as undocumented border crossers or “UBCs” in 2001,¹⁰ has consistently provided the most detailed and comprehensive data regarding migrant deaths of all sources, but the jurisdiction of the PCOME is limited to southern Arizona. The PCOME provides medico-legal investigation of death to the majority of the counties comprising the Tucson Sector, with the exception of Maricopa County to the north, and the other counties to the north of Maricopa. Numbers from the PCOME also do not include deaths that occur in Yuma County to the west of the Tucson Sector (see Figure 2.6). Very little is known of the numbers and characteristics of those who die in these counties not covered by the PCOME, but a comparison of the PCOME data with the United States Border Patrol data from the Tucson Sector reveals that the additional migrant deaths represented in these regions is minimal. Figure 2.7 illustrates extant estimates for migrant deaths in Arizona by various sources, including Eschbach et al. (1999), Cornelius (2001), the United States Border Patrol and the PCOME. As noted, migrant death estimates provided by the United States Border Patrol and the PCOME are highly correlated in the positive direction ($r = 0.98$; $p < 0.000$) (Martínez, Slack and Vandervoet, 2013).

Figure 2.7: Arizona migrant death estimates by data source (excluding Yuma area), 1990–2013



Sources: Eschbach, K. et al., 1999, Death at the border, *International Migration Review*, 33(2):430–454; Cornelius, W.A., 2001, Deaths at the border: Efficacy and unintended consequences of US immigration control policy, *Population and Development Review*, 27(4):661–685; Martínez, D. et al., 2014, Structural violence and migrant deaths in southern Arizona: Updated data from the Pima County Office of the Medical Examiner, 1990–2013, *Journal on Migration and Human Security* (forthcoming); United States Border Patrol, 2014.

60 ¹⁰ In 2005, a team of researchers from the University of Arizona’s Binational Migration Institute systematically reviewed the PCOME records from 1990 to 2000, and coded undocumented border-crosser deaths utilizing the same coding schemes used by the PCOME from 2001 and on (see Rubio-Goldsmith et al., 2006; Martínez, Slack and Vandervoet, 2013; Martínez et al., 2014 for the methodology used to classify UBCs from 1990 to 2000).

The PCOME experienced a more than tenfold increase in migrant deaths in a very short span of time (Rubio-Goldsmith et al., 2006; Martínez, Slack and Vandervoet, 2013). In the years prior to the “funnel effect” in Arizona, from 1990 to 1999, the PCOME investigated the deaths of an average of 12 migrants per year. Following the implementation of the border-wide Clinton administration strategy in the early 2000s, the average increased to over 160 per year between 2000 and 2013 (Martínez, Slack and Vandervoet, 2013). The Tucson Sector has been the busiest of all nine Border Patrol sectors for over a decade, with the highest number of apprehensions, drug seizures, Border Patrol agents and deaths (Isacson, Meyer and Davis, 2013).

A 2013 report published by the Binational Migration Institute (BMI) of the University of Arizona analysed data from the PCOME between 1990 and 2013. Data from that report will be updated and published in *Journal on Migration and Human Security* in 2014. Because the PCOME records provide the most detailed information available on the characteristics of deceased migrants in southern Arizona, the data presented in the next section of this report is drawn from these two versions of the BMI’s report (Martínez, Slack and Vandervoet, 2013; Martínez et al., 2014).

The cause of death in southern Arizona is primarily exposure to the elements, accounting for over 45 per cent of all migrant death cases in the PCOME records. This is followed by undetermined causes (38%), motor vehicle accidents (8%), other miscellaneous causes (5%) and homicide (4%).

There has been some fluctuation over time in terms of leading causes of death in southern Arizona. As reported by Martínez and colleagues (2014), the share of deaths due to exposure to the elements has decreased over time while the share of undetermined causes has increased. Nevertheless, it is believed that many of the cases where an undetermined cause of death is listed are actually exposure deaths given the remote geography where the remains were recovered, but this cannot be determined with certainty (Martínez, Slack and Vandervoet, 2013; Martínez et al., 2014). Deaths due to motor vehicle accidents have decreased in southern Arizona, from 20 per cent of all cases investigated from 1990 to 1999, to 11 per cent between 2000 and 2005 and 6 per cent between 2006 and 2013. Deaths due to homicide have remained unchanged over time in terms of their share of all causes of death (Martínez, Slack and Vandervoet, 2013; Martínez et al., 2014).

While the PCOME provides excellent and comprehensive data, it is important to note that many demographics are limited to those decedents who have been successfully identified. Out of a total of 2,413 (believed-to-be) migrant deaths investigated between 1990 and 2013, 820 cases or over one third remain unidentified (Martínez et al., 2014). The causes for such a high number of unidentified remains relate in part to ecological factors that cause remains

to decompose very rapidly. The number of unidentified remains also relates to challenges the PCOME and others face in developing a comprehensive, regional DNA identification system (Jimenez, 2009; Reineke, 2013; Isacson, Meyer and Davis, 2013).

Table 2.1 provides data on the countries of origin of migrants identified at the PCOME from 1990 to 2013, as reported by the BMI. Of those identified in this time period, 81.5 per cent were from Mexico. Guatemala accounted for the second highest country of origin represented, at a much lower 7.5 per cent of total identified migrants examined at the PCOME. Following Guatemala, El Salvador and Honduras accounted for 2.4 per cent and 1.5 per cent, respectively, of all countries of origin of migrants identified at the PCOME. Country of origin was unknown in 4.9 per cent of identified migrants.

Table 2.1: PCOME deaths coded as undocumented border crossers by country of origin among identified decedents, fiscal year 1990–2013

Country of origin	Per cent	Number
Mexico	81.5	1,291
Guatemala	7.5	119
El Salvador	2.4	38
Honduras	1.5	24
Ecuador	0.6	10
Peru	0.5	8
Brazil	0.3	4
Costa Rica	0.3	4
Dominican Republic	0.1	2
Colombia	0.0	1
Chile	0.0	1
Nicaragua	0.0	1
Venezuela (Bolivarian Republic of)	0.0	1
Unknown	4.9	77

n = 1,581

Source: Martínez, D. et al., 2014, Structural violence and migrant deaths in southern Arizona: Updated data from the Pima County Office of the Medical Examiner, 1990–2013, *Journal on Migration and Human Security* (forthcoming).

Note: Percentages may not sum to 100 due to rounding.

The PCOME records, as reported by the BMI researchers, indicate that 80 per cent of the decedents were male, with a mean age of 31 years – although information on a person’s precise age is only available for people who are successfully identified. While the majority of decedents were between the ages of 20 and 39, 13 per cent were between the ages 10 and 19. As noted by Martínez et al. (2013, 2014), the typical migrant death investigated by the PCOME between 1990 and 2013 can “be described as a male near the age of 30 from central or southern Mexico who died of exposure while attempting to avoid detection by U.S. authorities” (Martínez, Slack and Vandervoet, 2013:19).

The BMI report notes an important shift, however, with Central Americans accounting for an increasing percentage of the dead. A statistically significant change was noted between the 2000–2005 and 2006–2012 periods, with the percentage of non-Mexicans increasing from 9 per cent to 18 per cent (Martínez et al., 2014). This change parallels trends of irregular migration across the entire United States–Mexico border, which saw an increase in migration from Central America in the same period, especially in Texas (Isacson and Meyer, 2012; US Border Patrol, 2014).

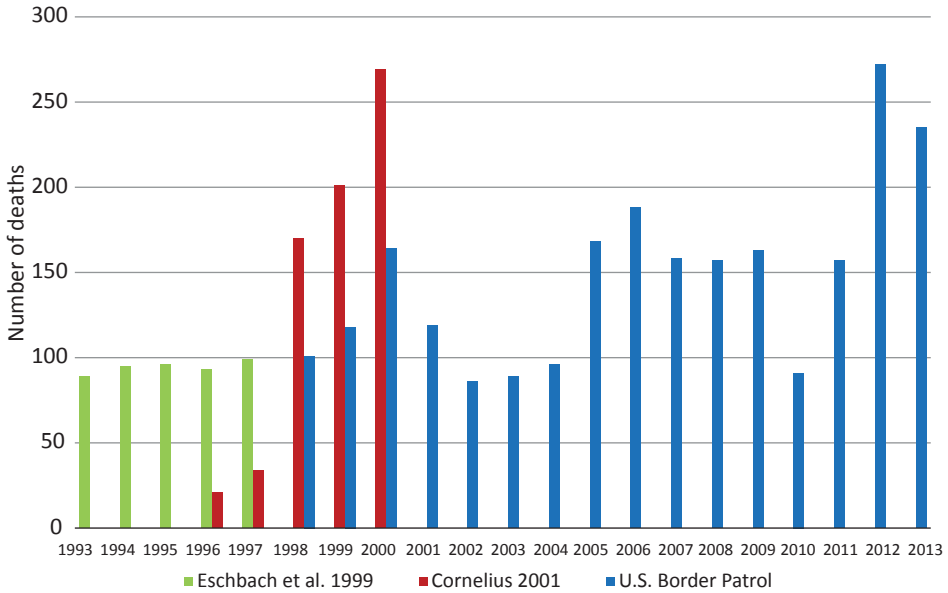
Texas

Texas was in fact where the first large-scale operation to “secure the border” was undertaken, later used as a model for the Clinton strategies. In 1993, during intense national concern about undocumented immigration over the border, El Paso Border Patrol Sector Chief Silvestre Reyes launched Operation Blockade, (later renamed Operation Hold the Line after pressure from Mexican officials), which won considerable acclaim and attention following dubious claims of success (Cornelius, 2001). Blockade/Hold the Line was then used as a model for the federal programs under Clinton, which included Gatekeeper, Safeguard, and eventually Operation Rio Grande in 1997 in South Texas.

Figure 2.8 illustrates migrant death estimates in Texas from 1993 to 2013. Data sources include the seminal research by Eschbach and colleagues (1999), work by Cornelius (2001) and statistics compiled by the United States Border Patrol. These estimates include migrant deaths in the El Paso area. When compared with California, where migrant deaths have decreased rapidly over the past 20 years, and Arizona, where deaths have increased exponentially over the past two decades, migrant deaths in Texas have remained relatively steady over the past 20 years, increasing at times in 2000, 2005 and 2012–2013. As noted in Figure 2.8, the United States Border Patrol statistics provide the most comprehensive trend estimates of migrant fatalities in Texas. Nevertheless, this data does not provide information on demographic characteristics of the deceased or causes of death. On the other hand, data published by researchers at the University of Houston (Eschbach et al., 1999) contains the most complete and detailed information

on migrant demographic characteristics and causes of death, but are limited to deaths that occurred between 1993 and 1997. Despite this limitation in the Eschbach et al. 1999 data, we draw upon this source to provide information on causes of death in Texas, but given the dated nature of the study these figures should be interpreted with caution.

Figure 2.8: Texas migrant death estimates by data source (including El Paso area), 1993–2013



Sources: Eschbach, K. et al., 1999, Death at the border, *International Migration Review*, 33(2):430–454; Cornelius, W.A., 2001, Deaths at the border: Efficacy and unintended consequences of US immigration control policy, *Population and Development Review*, 27(4):661–685; United States Border Patrol, 2014.

The greatest danger to migrants in Texas has historically been the unpredictable currents of the Rio Grande. The river boundary between much of southern Texas and Mexico also makes the counting of deaths complicated, as some remains are recovered on the US side, and some on the Mexican side. An additional number of bodies are swept out to sea from the Rio Grande to the Gulf of Mexico, never to be included in any counts. Both the University of Houston researchers and those from the American Civil Liberties Union (ACLU) report note more drownings reported on the Mexican side than on the US side. The University of Houston researchers report that between 1993 and 1997, Mexican officials counted an average of 130 to 140 cases of drowned migrants in the river per year, while US officials only counted an average of 40 (Eschbach et al., 1999). The ACLU report notes that Mexican sources reported the recovery of 88 bodies from the Rio Grande on the Mexican side, whereas the United States reportedly only recovered the remains of 12 (Jimenez, 2009).

Similar to Cornelius' research (2001) in California, Eschbach and his colleagues also noted an increase in deaths due to heat, cold and dehydration between 1993 and 1997 in Texas, likely due to the shifting of flows to more remote desert regions in response to increased border securitization.

The most significant change in numbers of migrant deaths in Texas occurred after 2010. In 2012 and 2013, while deaths in Arizona remained at near all-time highs, counties along the Texas border began to report very high numbers of migrant deaths. Between 2011 and 2012, deaths in Texas increased 73 per cent (US Border Patrol, 2014). One county in particular reported very high numbers, especially in relation to its size. Brooks County, which is nearly 10 times smaller than Pima County, Arizona, in terms of geographical area, reported 129 deaths in calendar year 2012 compared with 20 in 2010 (MacCormack, 2013; Miroff, 2013; Martínez, Slack and Vandervoet, 2013). This increase is confirmed by United States Border Patrol figures, which estimate the deaths in the Rio Grande Valley and Laredo Sectors at 66 and 65 in fiscal year 2011, at 150 and 90 in fiscal year 2012, and at 156 and 56 in 2013, respectively (US Border Patrol, 2014). This increase likely is the result of three key factors: 1) increased border enforcement efforts in Arizona which have pushed migrant flows into South Texas; 2) deportation practices which currently repatriate a high number of deportees to areas just south of Texas where they then try to cross again; and 3) increased migration from Central America (South Texas is geographically closer to Central America).

Rather than drowning in the Rio Grande as in the past years, a high number of migrants in Texas in recent years are dying in the remote ranch lands of southern Texas. The migrant trail in this region usually follows a similar path whereby migrants cross the river on foot or in small rafts, and are then picked up by smugglers in vehicles on the US side. They are then driven north on major highways headed towards Houston until the first major checkpoint, which is near Falfurrias, Brooks County, about 70 miles north of the international boundary. The migrants are let out of the vehicles before the checkpoint, and then trek for miles in remote, dense brush in hopes of avoiding detection by Border Patrol at (and around) the checkpoint. It is in these remote brushlands, primarily private ranch land, where migrants are dying in high numbers from heat stroke and related causes (Kovic, 2013). Because these deaths occur on private land, remains may be less likely to be found and recorded. In Arizona, on the other hand, migrants are much more likely to cross through state, federal or indigenous land than private land, which may increase the likelihood that the remains of migrants are located by officials and reported to the proper authorities for investigation.

There is little to no data about the countries and regions of origin of those migrants who have died in South Texas over the past two decades. An exception is a 2012 presentation by Dr Corinne Stern, Chief Pathologist of the Webb County Medical

Examiner, in Laredo, Texas, which reported demographics and causes of death for almost 200 deceased migrants examined between 2007 and 2011 (Stern, 2012). During this time, the Webb County Medical Examiner was responsible for medico-legal death investigation to seven counties in south-western Texas in addition to Webb.¹¹ Dr Stern reported that 91 per cent of the decedents were male and only 9 per cent female (ibid.). The leading cause of death for migrants examined by Webb County was hyperthermia (42%), followed by drowning (32%), undetermined causes (14%) and motor vehicle accidents (7%). Most of those identified were Mexicans (79%), with Hondurans and Guatemalans accounting for 8 per cent and 7 per cent, respectively (Stern, 2012).

At the time, Dr Stern's data did not include Brooks County, the county with the highest number of migrant fatalities in South Texas today. Although there is very little data available regarding the demographics of border-crossers in the Rio Grande Valley who have died in recent years, it is likely that a higher percentage of them are Central Americans than in Dr Stern's 2012 study because of the increase in apprehensions of Central Americans in the area. The United States Border Patrol apprehensions of non-Mexicans in the Rio Grande Valley Sector increased from 20,890 in 2011 (accounting for 35% of apprehensions) to 96,829 in 2013 (accounting for nearly 63% of apprehensions) – an all-time high (US Border Patrol, 2014).

The increase in migrant deaths in South Texas is concerning beyond the fact of more loss of lives. The counties where these migrants die, such as Brooks County, are some of the poorest counties in the country. There is no medical examiner for miles, and instead remains fall under the jurisdiction of the Justice of the Peace. For several years, hundreds of remains discovered in Brooks County were buried as unidentified prior to autopsy, anthropological analysis or sampling for DNA (Kovic, 2013). In June 2014, researchers exhumed 52 graves of suspected unauthorized migrants in Falfurrias, Texas, for further examination (Reynolds, 2014). Despite a drastic increase in migrant deaths, Brooks County has received no federal support for the increase in costs associated with investigating the deaths. Although remains discovered in Brooks County are now sent to the Webb County Medical Examiner's Office located in Laredo, it is unclear what the conditions are for deaths in neighboring counties.

Comparisons across California, Arizona and Texas

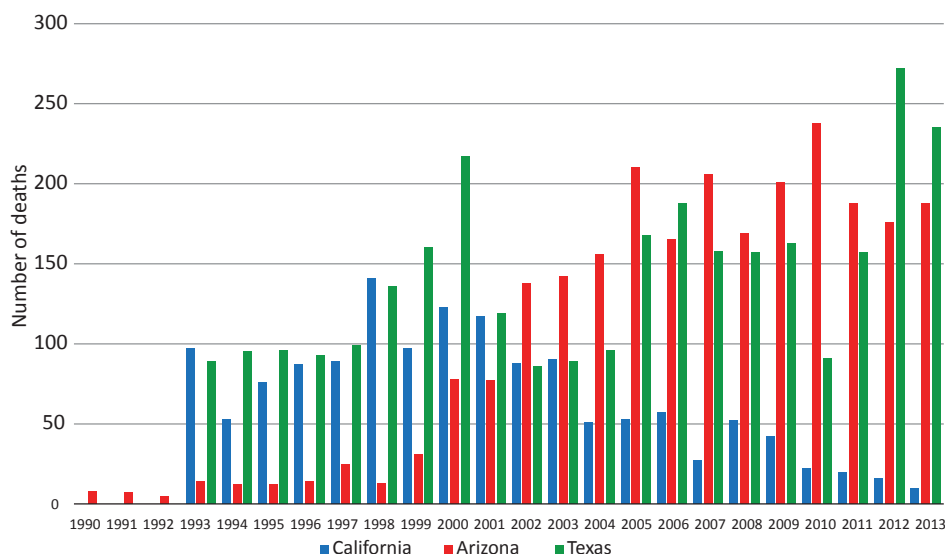
Estimates of migrant fatalities along the entire United States–Mexico border over time are extremely difficult – if not impossible – to calculate. Our goal in this section is to triangulate several data sources to paint a broader picture of how migrant deaths have been geographically dispersed across the border over time. We do this in two ways: 1) by providing migrant death estimates across California, Arizona and Texas; and 2) by calculating approximate migrant death

¹¹ These counties include Val Verde, Maverick, Zavala, Dimmit, La Salle, Zapata and Jim Hogg.

rates (standardized to 100,000 United States Border Patrol apprehensions) in each state over the past 20 years.

Figure 2.9 shows estimates for migrant deaths in California, Arizona and Texas from research conducted by Eschbach et al. (1999), Cornelius (2001) and the United States Border Patrol statistics, and records from the PCOME. For years, in which there are multiple estimates of migrant deaths for a particular state, we reported the mean of said data points. In cases where only one data point is available, we simply report that value (see Figures 2.5, 2.7 and 2.8).

Figure 2.9: Migrant death estimates by state (excluding Yuma area), 1990–2013



Sources: Eschbach, K. et al., 1999, Death at the border, *International Migration Review*, 33(2):430–454; Cornelius, W.A., 2001, Deaths at the border: Efficacy and unintended consequences of US immigration control policy, *Population and Development Review*, 27(4):661–685; Martínez, D. et al., 2014, Structural violence and migrant deaths in southern Arizona: Updated data from the Pima County Office of the Medical Examiner, 1990–2013; *Journal on Migration and Human Security* (forthcoming); United States Border Patrol, 2014.

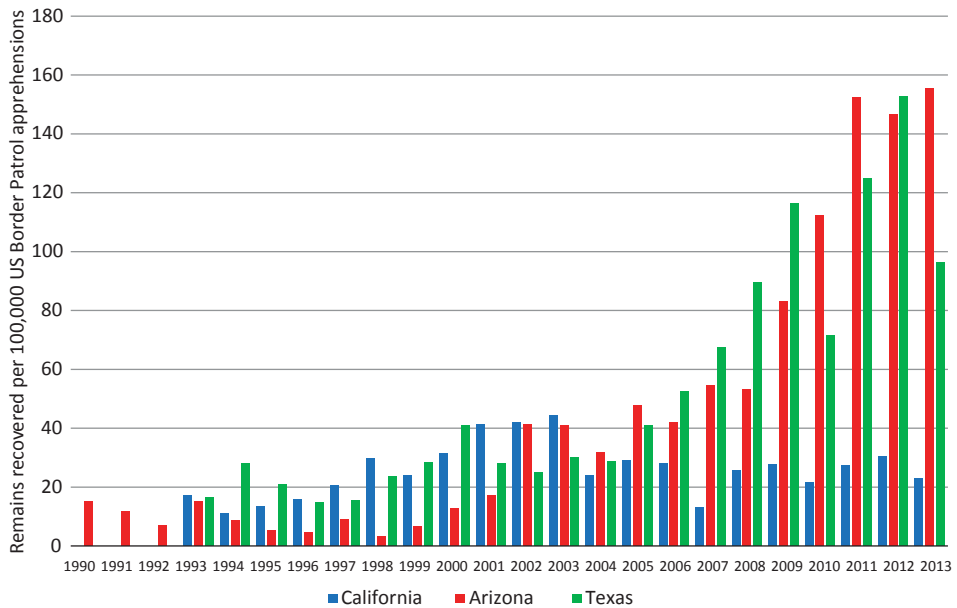
Note: El Paso area is included in the Texas count.

As indicated in Figure 2.9, migrant deaths were much higher in California and Texas in the mid-1990s than in Arizona. However, flows shifted to remote areas of southern Arizona following border militarization efforts as part of the “prevention through deterrence,” ultimately leading to an increase in migrant fatalities in that state as well as border-wide. While migrant deaths in Texas decreased steadily between 2006 and 2010, there has been a sharp increase in fatalities in that state over the past three years (2011–2013). We hypothesize that this increase is due to three previously discussed factors: 1) increased enforcement in Arizona that has pushed migrants into South Texas; 2) increased deportations to areas just south of Texas; and 3) an increase in migration from

Central America. Today, migrant deaths are lower than ever before in California, but remain near all-time highs in Arizona and Texas.

While the data provided in Figure 2.9 helps paint a more complete portrait of how estimates of migrant deaths have changed across time and space, it fails to take into consideration the impact that changing migration flows have on increasing or decreasing migrant deaths in California, Arizona and Texas. We address this limitation by providing an approximate “migrant death rate” for each year in these three states. We calculate migrant death rates by dividing migrant death estimates provided in Figure 2.9 by the United States Border Patrol apprehension statistics (used as a proxy for migration flow) in sectors corresponding to each state, and standardize the quotient to 100,000 apprehensions. Note that migrant death estimates and apprehensions statistics for the Yuma Sector were not included in this analysis because it encompasses an area where the states of California and Arizona overlap.

Figure 2.10: Approximate migrant death rate by state (excluding Yuma area), 1990–2013



Sources: Eschbach, K. et al., 1999, Death at the border, *International Migration Review*, 33(2):430–454; Cornelius, W.A., 2001, Deaths at the border: Efficacy and unintended consequences of US immigration control policy, *Population and Development Review*, 27(4):661–685; Martínez, D. et al., 2014, Structural violence and migrant deaths in southern Arizona: Updated data from the Pima County Office of the Medical Examiner, 1990–2013, *Journal on Migration and Human Security* (forthcoming); United States Border Patrol, 2014.

Note: El Paso area is included in the Texas rate.

As depicted in Figure 2.10, the approximate migrant death rate in California has decreased from a peak of 44 deaths per 100,000 apprehensions in 2003 to 23 per 100,000 in 2013. Nevertheless, this decrease is not as prominent as the rate of

decline in the raw count of deaths illustrated in Figure 2.9 because apprehensions, or unauthorized migration flows, have dropped at a faster rate in California relative to deaths. On the other hand, the migrant death rate has increased exponentially in both Texas and in Arizona since the early 2000s. Despite recent increases in counts of migrant fatalities in Texas in 2012 and 2013, the death rate in Arizona was substantially higher than in Texas in 2013 (155 per 100,000 apprehensions compared with 97 per 100,000 apprehensions). A comparison of the migrant death rate in Tucson Sector (160 per 100,000 apprehensions) and the Rio Grande Valley Sector (101 per 100,000 apprehensions) in 2013 illustrate a similar relationship.

Even without exact counts, it is clear that the death of migrants along the United States–Mexico border is a serious human rights concern. Border policies and restrictive visa regimes have especially been hard on the poor and marginalized, who often do not qualify for entry through existing US visa programs and cannot afford the years it may take to qualify for a temporary worker visa.

The evidence is overwhelming that the strategy of prevention through deterrence has been increasingly deadly for migrants who must travel through irregular means, and it is unclear whether or not it has had the desired effect of decreasing unauthorized border crossings. While it is likely that some potential migrants have been deterred from crossing as a result of increased border enforcement efforts, a 2012 report by the Pew Research Center suggests that “the weakened U.S. job and housing construction markets . . . growing dangers associated with illegal border crossings, the long-term decline in Mexico’s birth rates and broader economic conditions in Mexico” also likely play a role in the recent decline in unauthorized migration flows (Passel, Cohn and Gonzalez-Barrera, 2012:6). The related case of migrant deaths in Mexico is quite different, although the fact of vulnerability and marginalization remains.

2.3.2 Mexico

The number of migrants who have died in Mexico is unknown. Estimates for the last six years range from 47,000 (IMUMI, 2013) to 70,000 (CNDH, 2012). As one unnamed humanitarian priest in Mexico commented to a researcher, “Mexico is a cemetery for Central Americans. A cemetery without crosses” (Vogt, 2012). It is important to note that very few migrants report abuse from local Mexican citizens. The reported perpetrators are overwhelmingly organized criminals.

Some key studies have come up with different estimates of the number of dead and missing. A 2013 report by the Instituto para las Mujeres en la Migración (IMUMI, Institute for Women in Migration) estimated that 47,000 migrants were killed due to organized crime in the prior six years (IMUMI, 2013). This figure includes both Central Americans and Mexicans from southern states who follow the same route northward. The CNDH (2012) estimates that at least 70,000 migrants disappeared in Mexico between 2007 and 2012. According to a report

by the Mexican newspaper *Milenio*, the Mexican forensic services contain the remains of 24,102 unidentified bodies (Ramsey, 2012). It is unknown how many of these may be the remains of migrants.

The context leading to migrant death in Mexico contributes to the lack of information and exact numbers. As noted, migrants in Mexico share travel routes with organized criminals smuggling drugs into the United States. Just as the migrants are preyed upon by organized crime, human rights defenders are at risk when attempting to protect migrants and research their disappearances (UNHCR, 2011; Pereyra, 2013). Families of the missing are also afraid to come forward to report cases (ibid.). However, there is evidence that when migrants and their families do come forward, officials are often reluctant to open an investigation (Human Rights Watch, 2013). A 2011 UN Working Group on Enforced Disappearances also reported consistent lack of investigation by Mexican authorities into reports of disappearances (UNHCR, 2011).

Although overall counts are lacking, some mass murder events have gained international attention in recent years. In late August 2010, 72 migrants were murdered in San Fernando, Tamaulipas, by Los Zetas, a drug trafficking syndicate. Their bodies were discovered on a ranch by the Mexican military. The 72 included 58 men and 14 women, mostly from Central and South America. Later on, in 2011, Mexican authorities discovered mass graves containing a total of 193 victims, also in San Fernando, Tamaulipas, many of whom were migrants. A particularly disturbing event occurred in May 2012, when the severed torsos of 49 victims were discovered scattered along a major highway in Cadereyta, Nuevo León. Although those responsible, Los Zetas, indicated that the dead were members of a rival gang, authorities have not ruled out the possibility that they were migrants, and investigations are ongoing.

As mentioned, migrants in Mexico also perish by accidental means, including falling from trains or getting lost in the remote areas of northern states near the US border (Isacson and Meyer, 2012). However, there are no conclusive counts available estimating the number of such fatalities.

2.4 Record keeping and limitations to existing counts

Five key factors contribute to incomplete death counts in both Mexico and the United States: 1) the clandestine nature of undocumented migration; 2) the geographical conditions where remains are found; 3) the fear migrants and human rights defenders face in reporting or researching cases; 4) inconsistencies in defining methods and scope; and 5) lack of federal accountability and attention towards the problem of migrant death in general.

Because those dying along migrant trails in Mexico and the United States do so outside official, state-sanctioned avenues for immigration, much of their movement is outside state surveillance. They live “shadowed lives” (Chavez, 1997) and their deaths, especially while in transit, are in many ways invisible. In their efforts to evade Mexican security forces, organized crime or Border Patrol, migrants attempt to obscure their identity. Investigators at the PCOME in Tucson have learned to treat identification cards with suspicion, as many migrants carry false identification media. Migrants are often told by coyotes to change their clothing before the trek across the border to blend in to the scenery and avoid detection. Some migrant remains have even been found with “cheat sheets” – study guides like teaching Central American migrants how to speak and act in ways to help them pass as Mexicans during their journey.

Whether it is attempts to avoid identification like those mentioned above, rules from coyotes for migrant groups before crossing, or the remote geographies migrants use to travel, the goal is to enter the United States or Mexico undetected. The lack of data on the overall number of migrants to successfully cross the Mexico–Guatemala border or the United States–Mexico border means that understanding migrant deaths will, to some extent, always be limited. Although the authors believe that relatively complete counts of the dead are within the ability of the federal authorities in both cases, knowing changes over time and rates of migrant death versus successful crossings will be limited by the absence of an accurate denominator.

Migrant deaths in various contexts around the world can be characterized as what forensic experts call an “open disaster,” as opposed to a “closed disaster.” An example of a closed disaster is a plane crash, where a passenger manifest generally exists, and a contained number of victims are involved. An open disaster, on the other hand, “is a major catastrophic event resulting in the deaths of a number of unknown individuals for whom no prior records or descriptive data are available” (INTERPOL, 2009:3). Examples of an open disaster include hurricane Katrina in 2005 or the 2010 earthquake in Haiti, where the scene initially involved an unknown number of victims and missing persons. Although the remains of the deceased may or may not all be recoverable, the key characteristic in an open disaster is that an *unknown number* of missing persons could have been involved in the event. Open disasters require more intensive research to establish the number of potential victims. In addition to being “open” to an undetermined number of cases, the counting of victims in this context is also challenged by the vast geographical space where migrants travel. Stretching from South American countries to Canada, migrants are disappearing and dying in multiple countries, and often in some of the most remote regions of those countries.

The same geographical factors that lead to a high number of deaths in Mexico and the United States also lead to challenges in counting migrant remains. In Mexico, the migrant trail is so deeply occupied by organized crime that it is difficult to discern homicide victims who were migrants versus those who were non-migrants. In addition to falling prey to organized crime, a number of migrants also perish due to the elements in northern Mexico on their way towards the United States–Mexico border. The geographical challenges in this area are more akin to those of the United States, where the discovery of migrant remains is delayed due to geographical factors.

The remote geographies and harsh ecologies where migrants travel in the United States pose specific challenges to counting. Migrant remains are destroyed by arid climates, preyed upon by wild animals, swept away by floods following seasonal rain patterns, hidden by those afraid of prosecution, or lost at sea. Of course, in addition to posing challenges to a complete count of migrant remains, these factors also deeply challenge the identification process. An estimated 2,000 migrants are reported to be missing along the United States–Mexico border (Colibrí Center for Human Rights, 2014) and up to 70,000 within Mexico (CNDH, 2012).

The lived experience of fear for migrants and their families, existing at all points along the migrant journey from home to destination, prevents many relatives and surviving migrants from reporting cases of death and disappearance. As a large number of Central American migrants are fleeing violence in their home countries, reporting a death or disappearance to the authorities in this region could pose an additional level of risk to those relatives still in the country. Along the migrant trail, fellow migrants who witness abuses or deaths could be afraid to report to the authorities for fear of deportation or reprisals. Similarly, in the United States, many families are afraid to call authorities regarding a missing person for fear of deportation, which could lead to further family separation. Also, in Mexico, as previously mentioned, human rights defenders face increasingly severe security risks as they look into cases of violence and criminal activity.

The final two key factors contributing to limited data about migrant deaths are deeply interrelated. The inconsistency in methods for defining, reporting and counting migrant deaths is related to lack of attention at the federal level towards centralizing such counts. As stated by Maria Jimenez in the 2009 ACLU report: “There is no coordinated process to systemize counting the dead. Estimates vary with the source, the criteria used to identify remains as those of undocumented migrants, and the method for registering the dead” (24).

In the US context, the four border-states where migrants are dying each have a different system for investigating and tracking deaths. California operates on a coroner-medical examiner system, with two key counties recording migrant deaths. Arizona operates on a medical examiner system, with two to three

different offices examining deceased migrants. Only one office in Arizona (PCOME) counts migrant remains specifically. New Mexico has a statewide medical examiner system, which means that the data is likely quite accurate for the small number of remains discovered in that state. Texas is where problems are the most severe, with 15 counties bordering Mexico, and a confusing Justice of the Peace medico-legal system. Thus, along the border, each state, sector, county, or district records deaths slightly differently, and many do not count migrant deaths as a specific category of fatality.

Some counties in the United States may have requirements for recording a death that might inadvertently exclude migrant cases in particular. The University of Houston researchers referenced earlier (Eschbach et al., 1999) found that medical investigators in Imperial County, California, require “a body part that is essential to life” such as a skull or a spinal column to be recovered for a death certificate to be filed (1999:438). It is unknown whether this is still the case. The researchers also mention the case of a sheriff in Texas who “would arrange for a death certificate on a human skull only if the decedent’s family became involved” (ibid.). These methods may exclude cases of migrant remains in particular because it is not uncommon for migrant remains to become highly fragmented before recovery (Anderson, 2008), and the decentralized nature of missing migrant investigation may prevent a family from being involved before the investigation ends (Reineke, 2013).

Many of these problems could be solved with a federal requirement or mandate to count migrant remains, along with systematic guidelines and criteria. It may be true that Border Patrol records are complete. However, the methodology for such counts is not transparent, and various researchers have found the agency’s estimates to be incomplete (Eschbach et al., 1999; GAO, 2006; Jimenez, 2009). Given that the local methods for reporting migrant deaths are inconsistent and decentralized, it is highly unlikely that a complete count exists.

2.5 Conclusion and recommendations

The initial crisis of the loss of lives of thousands of migrants in North America over the past two decades is compounded by lack of information about such fatalities. Incomplete data on missing and deceased migrants in Mexico and the United States limits the scope and effectiveness of efforts to prevent such deaths. There is no complete count, let alone detailed statistical analysis of the demographics and causes of death for deceased migrants in the Americas. The most detailed, complete and systematic effort to enumerate migrant deaths and provide a profile of the deceased as well as information on leading causes of death in any single region has come from the efforts put forth by the PCOME in Tucson, Arizona. The methods utilized by the PCOME can and should be used

as a blueprint by jurisdictions encountering recent surges in migrant fatalities. Adhering to such consistent and precise methodology is imperative, as the lack of understanding of the phenomenon of migrant fatalities in the Americas will stunt efforts to save lives, repatriate the dead and prosecute those involved in homicides or forced disappearances.

Migrants throughout the Americas constitute a vulnerable population, requiring extra protections by international, State and local governing bodies. Although exact numbers are unavailable, it is clear that migrants are facing severe threats to their security in both Mexico and the United States. They are dying and disappearing at an alarming rate, a rate that should raise concerns regarding the safety and security of all persons in regions affected.

The following recommendations are limited specifically to the problem of enumerating dead and missing migrants.

- United States
 - The United States Border Patrol must make its methodology for enumerating migrant deaths along the border public. Further, the agency should provide basic demographic data on the deceased (age, biological sex, place of origin, etc.), information on leading causes of death and identification rates across Border Patrol sectors.
 - Local border jurisdictions should follow the example and criteria of the PCOME in Arizona for counting migrant fatalities of both identified and unidentified individuals. This effort should include working closely with forensic anthropologists, local authorities, Border Patrol agents and foreign consulates.
 - Civil society organizations, academics and representatives from local governments along the border should convene a meeting to establish shared guidelines for the enumeration of migrant deaths along the border to cross-check Border Patrol counts.
 - Local jurisdictions should follow federal and state laws as well as professional best practices when investigating migrant deaths.
- Mexico
 - Mexican Government officials should improve rates of investigation into the deaths or disappearances of migrants as reported by families or human rights defenders.
 - Federal and local authorities, especially in the medical examiner system (i.e. El Servicio Médico Forense), should make available data regarding the number of recovered remains along migrant routes, including unidentified remains.

- Human rights defenders, migrant rights and humanitarian organizations, and relevant federal and local officials should convene a meeting to determine best practices for the enumeration of migrant deaths and disappearances.

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Chapter 3 | Tracking Deaths in the Mediterranean

Tamara Last¹ and Thomas Spijkerboer²

3.1 Introduction

The recent surge of popular interest in and increasing public awareness of migrant deaths in the Mediterranean has turned the question of how many have died into an urgent matter. Attempts to respond to this question have produced varying estimates. This variation is partly attributable to the politically controversial nature of the subject of border-related deaths: different political and institutional actors have different stakes in the answer to this question. In addition, there is a general paucity of information about those who have died attempting to cross the southern external borders of the European Union (EU) without authorization, especially when compared with the amount of data generated about the arrival, interception, rescue, detention and deportation of migrants – statistics which can serve to justify funding and intensification of border control.

This chapter investigates the various estimates of deaths that have been produced – where they come from, how they are used, what they add to debates, proposed solutions, policy and policy development, awareness of the issue and human rights advocacy, among others. It shows that existing estimates are insufficient for documenting how many people have died trying to cross the southern EU external borders. The chapter also reviews the possibilities for improved data on border-related deaths.

There are numerous reasons why it is important to document the number of people who have died attempting to cross into southern Europe without authorization. For one, this information would enable us to appreciate the extent of migrant mortality in the Mediterranean. Furthermore, knowledge of when, where and how migrants die is important to determine the factors contributing to these deaths, so that further incidents may be prevented through changes in policy or practices. The lack of reliable and accurate data prevents debates from

* The views expressed in this chapter are those of the authors and do not necessarily represent those of the International Organization for Migration (IOM).

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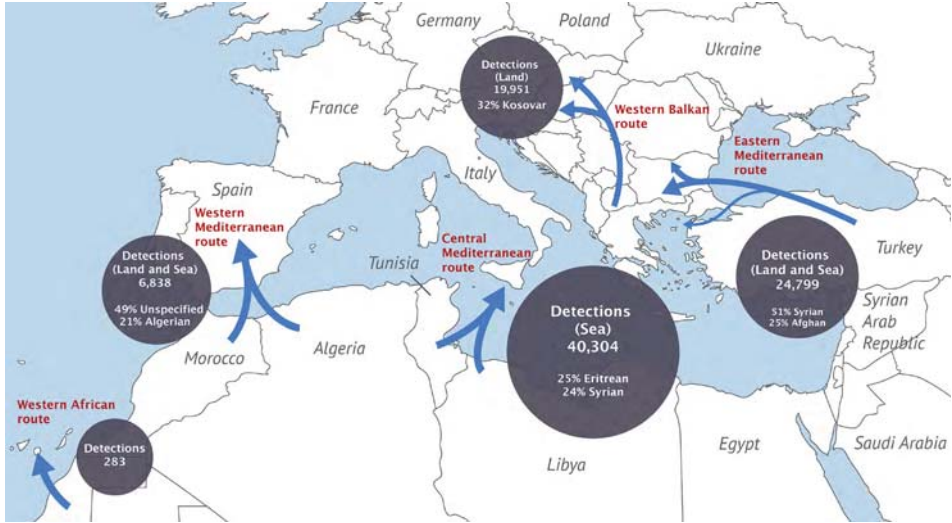
moving forward towards evidence-based solutions. If there are elements to migrant mortality in the Mediterranean that are related to policies and practices of State authorities – in particular if a relationship can be established with border control policies and practices – this would raise human rights concerns. As there is an increasing volume of funds at the national and EU levels being channelled into border control efforts, the intended and unintended effects of such activities should be publicly known if these activities are to maintain democratic legitimacy. A lack of reliable information also hinders policymakers' and civil society's engagement with the issue more generally, contributing to the neutralization and legitimization of border-related deaths that, as Weber (2010) argues, explains why European societies have so long turned a blind eye to the problem.

Finally, we need to know who is dying so that we understand who faces the risk of death at the border, whether there are particularly vulnerable groups and, importantly, in order to notify the families of the deceased. Without confirmation of the death of their relatives, family members are not only denied closure but may also be unable to inherit or remarry (Grant, 2011; Moorehead, 2014; and Weber and Pickering, 2011).

3.2 Brief historical and geographical overview

The main routes for irregular migration across the Mediterranean area to the EU are the following: from Turkey to Greece – both by sea and by land in the Evros region (the Eastern Mediterranean route); from Tunisia and Libya to Italy and Malta (the Central Mediterranean route); from Morocco to mainland Spain by sea, as well as to the Spanish enclaves, Ceuta and Melilla, by land and sea (the Western Mediterranean route); and from the West African coast (Cabo Verde, Mauritania, Morocco and Senegal) to the Canary Islands. Less common are the sea routes from Egypt to Crete and Italy, from Algeria to Sardinia, and from Algeria to Spain. The sea route from Albania to Italy, which was an important route especially in the late 1990s, no longer plays a very significant role. Instead, irregular migrants crossing the Adriatic Sea and the Strait of Otranto depart from Greece in an attempt to reach Northern and Western Europe. There seems to be little boat migration to Portugal and Cyprus, which may be related to their geographical location and to the sea conditions and currents along their coastlines. See Figure 3.1 for detections of irregular migrants along selected routes to the southern EU in 2013.

Figure 3.1: Detections of illegal border crossing along selected routes of entry into southern EU and main nationalities detected on these routes, 2013



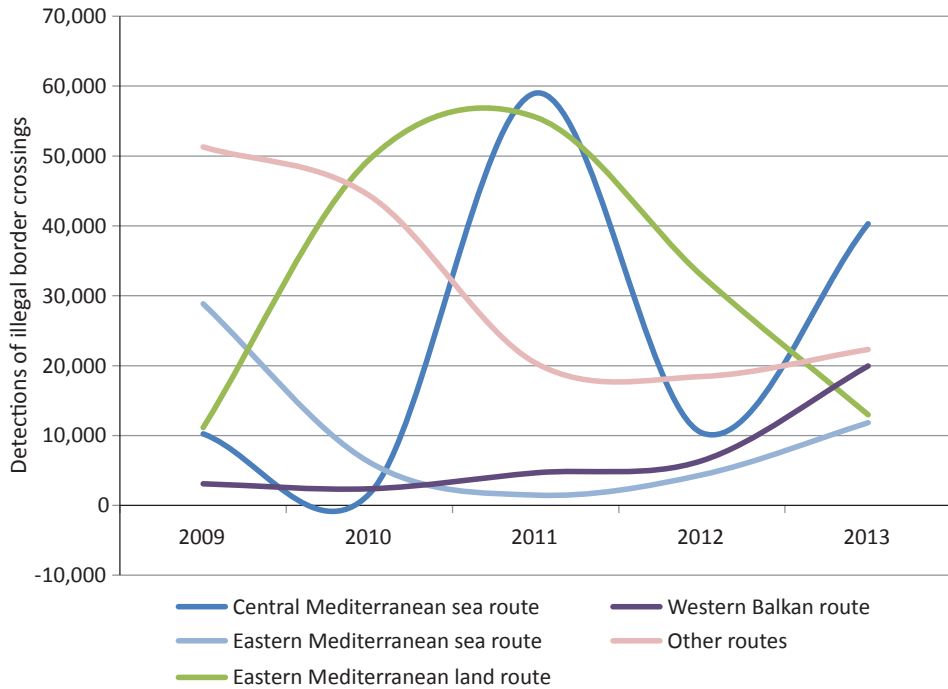
Source: Frontex Risk Analysis, 2014.

The International Centre for Migration Policy Development (ICMPD), Europol and Frontex have created an online interactive animation (iMap³) showing the shifts of mixed migration flows towards and across the southern EU external borders over the period 2000–2013. It illustrates how routes fade in and out of use over time, as strategies are developed by border agencies in response to irregular entry, by migrants and facilitation networks to circumvent obstructions, leading to new responses, and so on.⁴ Figure 3.2 shows shifts in routes based on Frontex data on detections of illegal border crossings.

³ See <http://www.imap-migration.org/index.php?id=471&L=0%20>.

⁴ For an analysis focusing on the Canary Islands, see Godenau (2014).

Figure 3.2: Fluctuations in popularity of routes to Europe, 2009–2013



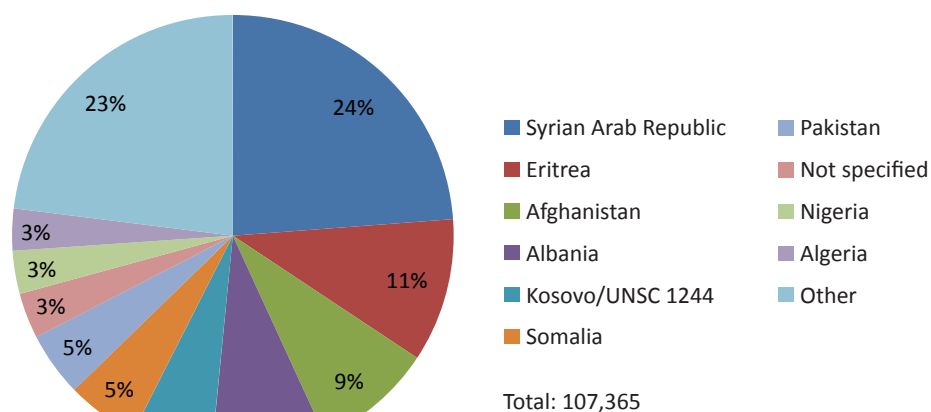
Source: Frontex Risk Analysis, 2014.

In addition to travelling clandestinely by boat, migrants also use regular means of transport. Many will enter the EU with, for example, tourist visas, and then overstay, but they may also travel without any authorization, for example, by using forged documents or hiding from border checks. In both cases, migrants use regular means of transport in order to effectuate irregular migration. Migrating clandestinely by boat is not the most common mode of migration; migrants travel by air, cargo and passenger ships; and by car, bus, lorry or train. The general estimate is that only about 10 per cent of irregular migrants enter Europe by sea (Triandafyllidou and Vogel, 2010; and De Bruycker, Di Bartolomeo and Fargues, 2013). Nonetheless, existing data suggests that migrant deaths occur overwhelmingly during clandestine sea voyages (Kiza, 2008:221–224).

The relatively low number of migrant deaths before 1990 may be related to the fact that it used to be much easier to reach Europe by regular means, even in the absence of official government authorization to immigrate. The introduction of visa obligations for many countries of origin, coupled with carrier sanctions, may have led to a shift from regular means of transport, such as airplanes and ferries, to irregular means of transport like fishing boats. The cessation of boat migration along the Albania–Italy route and the subsequent shift to, among others, passage from Libya to Italy has been related to border control practices (Cuttitta, 2005; Spijkerboer, 2007; Kiza, 2008; and Godenau, 2014).

As to the countries of origin, existing data suggests that in the 1990s migrants on the Western and Eastern Mediterranean routes predominantly originated from Morocco and Algeria, and Turkey and the Middle East respectively (Carling, 2007; and FRA, 2013). However, the origin of migrants using these routes has diversified and includes people from sub-Saharan Africa, the Middle East and South Asia. Migrants who travel clandestinely by sea, in particular the Central Mediterranean route, are often fleeing conflict zones such as Afghanistan, Eritrea, Somalia and the Syrian Arab Republic (Figure 3.3).

Figure 3.3: Detections of illegal border crossing along EU external land and sea borders by nationality, 2013



Source: Frontex Annual Risk Analysis, 2014.

In response to irregular migration by sea, European countries have stepped up border control over the past two decades. This has taken various forms, such as Italy's naval blockade in the Adriatic in the late 1990s; Spain's high-tech surveillance system called Sistema de Vigilancia Exterior (SIVE) and its cooperation with West African countries in the late 2000s; Italy's controversial pushbacks of migrants to Libya in 2009; the razor-wire fences in Ceuta and Melilla; and the demining of the Evros region, followed by the construction of a high-tech fence in 2013. At the EU level, a specialized EU border agency, Frontex, was created. Frontex has coordinated multiple operations to combat smuggling and trafficking and prevent irregular migration at sea; these operations include: the Gate of Africa, which targets stowaways travelling between Morocco and Spain; Hera, focused on the region between West Africa Senegal and Mauritania in particular, and the Canary Islands; Poseidon, in main land and sea crossing points between Greece and Turkey, Greece and Albania, and Bulgaria and Turkey; Hermes, between Tunisia, Libya and Algeria, and the southern Italian islands of Lampedusa, Sicily and Sardinia; Aeneas, in the Ionian Sea between Turkey and Egypt, and the Italian regions of Puglia and Calabria; Indalo, between North and

sub-Saharan Africa and Spain, where migration happens partly in response to the protracted crisis in Mali; and Nautilus, in the region between Libya, Malta and Italy.⁵ Another significant development at the EU level is the introduction of Eurosur, an integrated surveillance and intelligence system for the entire Mediterranean.⁶ It seems plausible that these innovations in border policies and practices have influenced the itineraries of migrants, which in turn may have led to a relatively higher migrant death toll, as argued by several authors (Fekete, 2003; Carling, 2007; Spijkerboer, 2007; Grant, 2011; and FRA, 2013).

3.3 Risks associated with unauthorized travel

People who attempt to cross the southern EU external borders without authorization face a number of risks. One risk they all share is that of interception by authorities. As unauthorized, “illegalized” border-crossers, being caught by border guards or other State officials may result in migrants being detained and/or deported, subjected to violence perpetrated by these officials, forced overboard by smugglers in fear of being caught, or “pushed back” (being removed out of the jurisdiction of the intercepting State without any possibility to claim asylum or humanitarian protection). However, being caught on the “right” side of the border can result in rescue and/or an opportunity to lodge an asylum claim.

The different modes of unauthorized border-crossing also carry specific risks. For stowaways in regular means of transport, the risks are mostly related to where migrants hide to avoid being detected and caught. These places may include: underneath lorries, where migrants face a danger of falling among moving vehicles; wheel bays of planes, where migrants are at risk of freezing to death, suffocating or falling; sealed containers on cargo ships or on the back of lorries, where there is a danger of suffocation; and engine rooms or propeller bays of ships, where migrants are at risk due to machinery and/or suffocation. For those who cross the land borders between Morocco and the Spanish enclaves of Ceuta and Melilla, the dangers faced are from the razor-wire fences that fortify these borders as well as violence from the Moroccan police and pushbacks by the Spanish Guardia Civil. The land border between Greece and Turkey is mostly marked by a deep and fast-flowing river, so the risks are similar to those faced at sea (which is explained in detail in the succeeding paragraph). This border region was also the site of thousands of unexploded landmines until 2009, according to the Greek Government, and has vast areas of dense forest in which it is easy to become lost, and thus face the dangers of starvation, dehydration and hypothermia, among others.

⁵ Frontex provides an overview of its operations at <http://frontex.europa.eu/operations/archive-of-operations/>.

⁶ Established by Regulation 2051/2013, OJ 2013 L295/11.

Being at sea (or crossing the Evros river) carries a wide range of risks, some applicable to persons at sea generally, and others specific to unauthorized migrants. The general risks of being at sea include bad weather, rough seas and poor visibility. The dangers associated with such conditions are heightened for irregular migrants for various reasons. While faced by all sea vessels, migrant boats are at greater risk of losing direction or running out of supplies of food or, more devastatingly, drinking water. Often every space on a boat used to carry unauthorized migrants is reserved for additional paying passengers rather than food, water or fuel; furthermore, these boats are more likely to get lost as they may be operated by inexperienced captains with little to no navigation equipment on board. Migrant boats tend to be of very low quality, increasingly so since the likelihood of confiscation has increased with stricter surveillance. Since the boat will presumably be lost, smugglers have an incentive to invest as little as possible in the boat itself. Those who cross from West Africa to the Canary Islands may quite easily miss the mark and drift out to the Atlantic. Boats that run out of fuel can drift for weeks, passengers dying slowly of dehydration, starvation, hypothermia or sun stroke. Migrant boats are also at greater risk of shipwreck and capsizing due to overcrowding, inexperienced crew and captain, and substandard quality of the boats, which means that leaks and motor failure occur frequently.

Rescue operations themselves are inherently quite dangerous, especially in bad conditions, because they involve careful manoeuvring and transfer of passengers from one vessel to another. Rescue of migrant boats, especially unseaworthy boats, is risky because of overcrowding and poor stewardship. Unauthorized migrants are also, of course, the target of interception operations, which carry the same risks as rescue operations if not more, because border guards are not usually trained as coast guards and border patrol boats do not always carry rescue equipment. The fact that the passengers on board migrant boats are not generally accustomed to being at sea, sometimes cannot swim and may be fearful of State authorities contributes to the risk of rescue and interception operations ending in fatalities.

As a result of disputes between State authorities over the location of rescue and disembarkation responsibilities, migrants also run the risk of not being rescued. Distress calls have been known to go unanswered or ignored (Strik, 2012; Heller and Pezzani, 2014). Private vessels may not assist a migrant boat in distress due to the related risks and financial losses that stand no chance of compensation, and because they fear their assistance may lead to arrest and prosecution for supposedly assisting illegal immigration. Rather than being rescued, migrant boats may be “pushed back” to the high seas or to another coast. Human rights reports insist that this was common between Italy and Libya/Tunisia,⁷ between

⁷ European Court of Human Rights, 23 February 2012, application 27765/09, *Hirsi Jamaa and others v Italy*.

Spain and Morocco (MSF, 2013), and between Turkey and Greece, both in the Aegean Sea and in the river Evros (PRO ASYL, 2013). Being pushed back increases the chances of running out of supplies, getting lost or drifting, thus subjecting migrants to prolonged exposure at sea.

3.4 How many die? Existing data and its quality

The most comprehensive, Europe-wide set of data is the list of fatalities of UNITED Against Racism (UNITED), an international non-governmental organization (NGO) based in Amsterdam.⁸ This list is based on media reports, and each entry mentions the source on which it is based.⁹ UNITED's List of Deaths was started as a monitoring mechanism in 1993 by a network of civil society actors to record the deaths of refugees and migrants they attribute to the immigration and border control policies of Fortress Europe. The latest published version of the list includes 17,306 cases from 1993 to November 2012. However, UNITED utilizes a broad definition of "border death," including those who die in detention centres, those who die as homeless people, the victims of racist attacks in Europe, those who lose their lives crossing borders within the EU (for instance between France and the United Kingdom), and anywhere on the journey to Europe, meaning not only in the physical border region but also in the Sahara desert, for instance. When filtered for a narrower definition of "border deaths," as those which occur during the attempt to cross a southern EU external border, the total number comes to around 14,600.

The other frequently referenced list, which is comparable in methodology, is the one of Fortress Europe, run by Italian journalist Gabriele Del Grande since 2006.¹⁰ Fortress Europe uses news media as its primary source and civil society organizations as a secondary source, similar to UNITED. However, while UNITED lists numerous sources for cases which were widely reported, Fortress Europe only provides one. The Fortress Europe blog lists a total of 19,812 migrants who died or went missing on their way to Europe from 1988 to the present. This total is higher than that of UNITED, which is in part due to the extended temporal coverage, and mostly due to the more extensive coverage of the Egyptian (Sinai)–Israeli border and the Sahara. UNITED, on the other hand, covers Greece and Spain more comprehensively (see Figure 3.5). The total number of border deaths reported by Fortress Europe for the Mediterranean region only (deaths which occur during attempts to cross the southern EU external borders without authorization) is 14,757. This figure is close to that of UNITED for the same region and definition of border deaths; however, even in their coverage of the Mediterranean, the two lists are far from identical, both revealing gaps in the

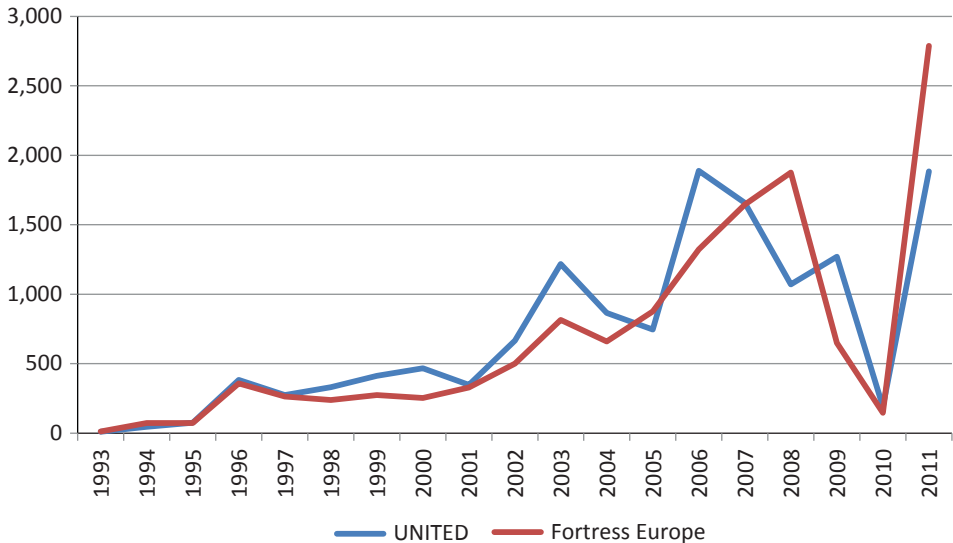
⁸ See www.unitedagainstracism.org.

⁹ At the bottom of the "List of Deaths," all sources on which UNITED has relied are listed.

¹⁰ See www.fortresseurope.blogspot.com.

accuracy of the other. Nonetheless, they both demonstrate a similar trend in the total number of border deaths over time (see Figure 3.4).

Figure 3.4: Comparison of UNITED and Fortress Europe lists of border deaths in the Mediterranean, 1993–2011



Source: Data extracted by authors from UNITED and Fortress Europe.

The fact that the two major sources of data on border deaths are themselves sourced from news media raises significant concerns vis-à-vis the reliability of press reporting. Big incidents are generally well recorded: the higher the number of deaths, the more attractive the news story is to journalists. Some places receive more media attention than others because they have developed into “border theatres” (Cuttitta, 2014); therefore, we can suspect that deaths in these places are reported more systematically in the media, as in the case of Lampedusa. Local media is generally more reliable at reporting individual bodies found on beaches, or by local fishermen or other private seafarers. Nevertheless, news media is a problematic source for three reasons:

- Media reports news. If deaths happen all the time, it stops being news. At other times, border deaths may not have been considered as relevant as they are now. Sometimes they are reported as *faits divers*, as page fillers, while, for example, shortly after big accidents media attention for individual deaths may be more intense. These factors lead to undercounting.
- The details that are important to journalists for the story are not necessarily the same details that are important to social science or forensic investigations. For academic research, detailed information about the circumstances of death, the cause of death and the precise location where death presumably occurred are more important than for journalism. This also explains the

gaps and diversity of information found in the UNITED, Fortress Europe, The Migrants Files and APDHA lists. Moreover, the journalist picks up on information available at the time of writing. As in the case of environmental or industrial disasters, the immediate body counts or reports of how many are missing are not often the most accurate. If there is no follow-up article, the facts may never be published.

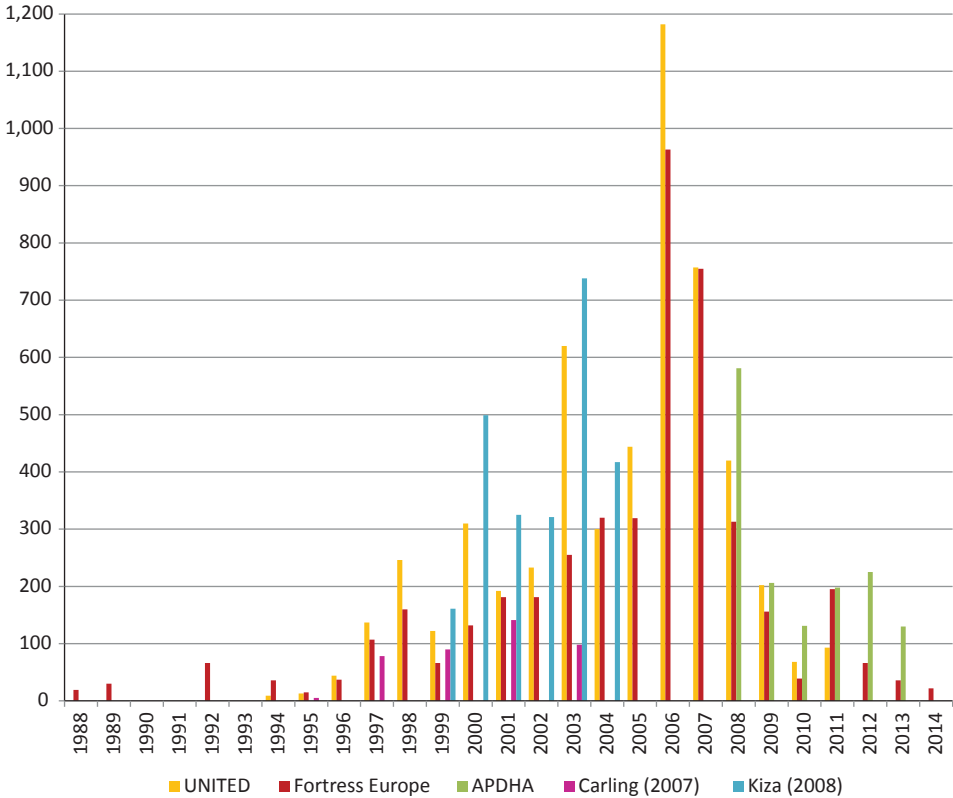
- Although it is likely that the total counts are underestimates, there is a chance of overcounting when using the news media. For example, media may report 10 people missing, and three weeks later report two bodies found in an advanced state of decomposition somewhere along the coast. These could be two of the 10 missing, but one cannot be sure unless a survivor can identify them. Should one assume 10 migrants died, or 12?

In its annual report on human rights at the frontiers of Spain, Asociación Pro Derechos Humanos de Andalucía (APDHA, Andalusian Association for Human Rights) also publishes information about migrants who died or went missing on their way to Spain. Numbers from the APDHA tend to be higher than figures from other sources for the Western Mediterranean route. However, the APDHA does not specify the source/s of each case, and includes deaths of migrants presumed to be on their way to Spain, but which in fact occur, for example, in the desert in Niger (APDHA, 2014:53).

Over the years, various academics have used UNITED, Fortress Europe and/or the APDHA in combination with other sources to attempt more accurate estimates by checking and cleaning the data provided by these databases. Local, short-term studies (Godenau and Zapata Hernández, 2008; Carling, 2007; Cuttitta, 2006) lead to higher numbers than the ones from UNITED and Fortress Europe but for smaller areas (Spain and Sicily, respectively) and for short periods. Most likely, this is the case because big NGO networks such as UNITED rely on national and regional media, while a local study such as Cuttitta (2005) included all local Sicilian media, for instance. Kiza (2008) reviewed the data available as of 2008 and built a more scientific database, MigVicEU. Using the UNITED list as a starting point, Kiza checked and confirmed the details of each case by adding and triangulating different sources, and narrowed the focus of the database to those who died on their way to Europe, excluding those who, for example, died in detention centres. Similarly, in 2013, a consortium of journalists started The Migrants Files, aimed at improving the accuracy and comprehensiveness of the UNITED and Fortress Europe data, which was their starting point.¹¹ However, the resulting databases of The Migrants Files (publicly available) and Kiza are still based primarily on news media and demonstrate similar trends of fatalities over time as the UNITED and Fortress Europe lists (see Figure 3.5).

¹¹ See www.journalismfund.eu/migrants-files.

Figure 3.5: Border deaths between Africa and Spain – comparison of datasets, 1988–2014



Source: UNITED; Fortress Europe; APDHA; Carling, 2007; Kiza, 2008.

The information provided in the UNITED list ranges according to the quality and detail of the sources. In some cases, name, gender, age, nationality, place, date, cause and circumstances of death, and how many bodies were found by whom are provided, whereas in others the description can be as simple as the month or year, and an estimated number of persons who “drowned in the Mediterranean”. Fortress Europe lists the date, the (supposed) country or region of origin, and a description which, again, ranges dramatically in the amount of detail. As Pickering and Cochrane (2012) found when attempting a gender analysis of a dataset derived from the UNITED List of Deaths, there are insufficient cases with comparable information to be able to draw conclusions about who dies where, of what and why.

Yet another issue is whether the existing sources contain information on the cause of death. For some, the cause of death is directly related to the border: mines in Evros (until 2009); razor-wire fence in Ceuta and Melilla; shootings and malpractices in Italy, Greece and Spain; shootings and beatings by North

African border guards. The data presently available suggests there are more deaths directly related to border control at land borders than at sea. For the vast majority, however, the cause of death is only indirectly related to border control. Most boat migrants seem to die of drowning, hypothermia and dehydration, while most stowaways seem to die of suffocation and dehydration. As far as we can tell from the data currently available, factors contributing to causes of death, both directly and less directly related to border control, are the risks associated with unauthorized travel, attitudes towards and dehumanization of “illegal” migrants, detection-avoidance tactics and profit-driven behaviour of smugglers, and lack of experience of migrants with the open sea.

In addition to the sources from civil society, some official figures are published. The Spanish Ministry of Interior has released numbers on an ad hoc basis,¹² probably derived from operational reports by Guardia Civil and La Sociedad de Salvamento y Seguridad Maritima (SASEMAR), the integrated Spanish sea search and rescue system. When departures from Algeria became more common, the Algerian Government announced total figures per year of those known to the Algerian navy and coast guard to be dead or missing at sea on the way to Europe (Fargues, 2013:14). However, this data is not individualized but provided only in aggregated form, which makes it impossible to test its accuracy and to compare it with UNITED and similar sources. The Italian Special Commissioner for Missing Persons has compiled a list of unidentified corpses and human remains in Italy, the vast majority of which are thought to be migrants (Cattaneo et al., 2010). However, it is not yet complete, and it will not list any identified migrants. Thus, the published official statistics raise more questions than they answer. Agencies that deal directly with migrants attempting to cross the southern EU border without authorization, such as the national coast guards and Frontex, do not include data on deaths in their annual reports or statistics.

As a result of the paucity of official statistics, UNITED’s List of Deaths and the Fortress Europe blog have remained the primary sources of data on border-related deaths in the Mediterranean. Although there has been an increase in visualizations of data (see, for example, the maps produced by Migreurop¹³), and papers and reports on the subject over the last 10 years, sources of data have not developed, therefore it is questionable to what extent knowledge of the subject has moved forward in any substantive way.

Civil society groups and journalists have so far taken on the role of keeping track of the number of deaths and missing migrants in the Mediterranean; without them there would be very little information available. However, it seems that UNITED has either stopped counting or is no longer making its List of Deaths public, as the last version available online is dated 1 November 2012. The efforts

¹² Data from the Spanish Ministry of Interior is in PowerPoint presentations on file with the authors.

¹³ See <http://www.migreurop.org/?lang=en>.

of The Migrants Files journalists and academics such as Carling (2007) and Kiza (2008) seem to be focused on cleaning and checking past cases rather than monitoring the ongoing system. Local civil society groups still record information about shipwrecks and other incidents involving fatalities, but their primary aim is not to generate public knowledge but to assist in the identification, burial and repatriation of bodies, and in searches for missing persons.

Some individuals caught up in the process of dealing with border deaths or unauthorized border crossings have kept their own records. In the research they are presently undertaking, the authors have discovered coroners who keep databases of every autopsy they have done of irregular migrants, civil registrars who have taken it upon themselves to create special lists of cases that come to them for registration, and cemetery offices which keep separate records of all the irregular migrants they have buried. However, these actors do not aim to publicize their databases, but keep them out of a sense of professional responsibility and the feeling that someday someone might come asking about them. Thus, while total estimates have varied and diversified, publicly accessible data has in fact reduced over the last two years – UNITED has ceased to put new entries in the death list online for instance – and there has been little to no publication of official government statistics to supplement civil society monitoring efforts.

3.5 Methods and sources for a more accurate and comprehensive count

Established scientific methods of counting deaths in difficult contexts such as conflict zones, namely surveys of random, representative samples of households, are not appropriate in the case of border deaths due to the clandestine nature of the border crossing, the transnational element of the migrants' deaths, and the difficulties associated with locating families in such a range of countries of origin. There are, however, numerous potential sources of data on border deaths through the generation of paperwork during the process of investigating, registering and burying a dead body that is brought, by boat or tide, to countries along the Mediterranean shore. The authors are carrying out a research using such sources in Greece, Italy, Malta and Spain. These official sources each come with specific limitations.

In Spain, border deaths are counted as “unnatural” or “suspicious,” which means that a court must declare the body judicially dead and open an investigation. In Italy, border deaths are considered unnatural and the public prosecutor of the province (the *Procura*) decides whether to open an investigation or not. In Malta, a magistrate presides over the investigation into the cause of death and – particular to Malta – the assessment whether or not the person died in

Maltese territory. In Greece, the public prosecutor appears to play a less active role in the investigation, but nonetheless presides over the case and authorizes autopsies and so on. Since the case files of Courts of Instruction (Spain), public prosecutors (Greece and Italy) and magistrates (Malta) contain copies of police reports, coroner reports, orders to register and bury, and other paperwork generated during the investigation, they ought to be the ideal sources of data on border deaths. However, there are two major problems: firstly, case files are not comprehensively archived and are usually destroyed after a period of 5 to 15 years, so they are difficult or even impossible to locate. As border death cases are not allocated a special category or separated from other case files, even where databases of cases exist, there is no way to search for them with the limited information we currently have. Counting on this source would involve having to search through rooms of chaotic files containing all case files and perhaps one or two border death case files. Secondly, even if all border deaths were registered (which might not always happen in Italy or Greece) and the case files could all be located, such documents are generally regarded as confidential and require special access permission which may not be granted on a large-scale basis necessary to identify border death cases. In all four countries, the authorities involved in the criminal investigation do keep digital records, but in their present form these cannot be used for compiling information about migrant deaths.

Coast guards in Greece collect statistics, but we do not know what their methods or inclusion/exclusion criteria are; therefore, we do not know if there are methodological differences between units, making this source unreliable for the time being. The police in all countries collect data because they are always involved in the process when a body is found, but they do not share their methods of collecting data and will not always be willing to provide this data, in some cases, because the data is simply not processed in any way. Furthermore, methods might differ between units and countries.

Coroners are usually involved when a dead body is recovered but do not necessarily archive autopsy reports and even when they do, they cannot easily disclose such reports given their confidentiality and sensitivity. Moreover, these only contain x information about the cause of death and possibly a few forensic clues regarding the person's identity. DNA samples are now required to be taken from all unidentified bodies in Greece, and submitted to the DNA Laboratory in Athens for profiling, creating a potential source of statistics. Unfortunately, however, the low number of samples submitted indicates that not all coroners who deal with border deaths do this.

By law, all dead bodies found in the national territories of southern EU Member States should be entered in the civil/public registry before they can be buried. In most countries, this also extends to any dead body brought to their shores from the high seas. Deaths are one of the three vital events that are systematically recorded by the hundreds of local civil/public registries whose jurisdictions

cover the European coastlines of the Mediterranean. Previously, these records had been on paper, but by May 2013, records were digitized in all southern EU countries,¹⁴ making them easier to collect. However, in their present form, these cannot be used for compiling information about migrant deaths.

There are no specific laws dealing with the burial of unauthorized border-crossers and therefore their bodies have been scattered among government, religious and specially designated cemeteries in all countries. Since cemetery offices usually keep some record of who is buried where, tracing all the burial sites would be a useful approach; this is a considerable task, though, as decisions over burials are a subject of negotiation between local authorities and communities, with only occasional interference from national or regional government authorities. Also, bones are regularly removed from these cemeteries – a common practice in many places for religious purposes and to create space in graveyards – and there is no obligation to keep special records of migrants. Depending on the practice at each individual cemetery, records may or may not specify location and cause of death, and may or may not archive information concerning bodies whose bones have been removed from the grave. Moreover, some bodies are identified and repatriated to the migrants' families and would therefore be missing from any count based on this source.

Although some courts, coroners, police and coast guards, civil registrars and cemeteries are willing to share the information they have, and others may be persuaded by permission from a higher governmental authority, there is a further problem: these sources are scattered across the border regions of the Mediterranean, and there has been no national- or European-level initiative to collect and record these deaths systematically. Moreover, the bodies that wash up or are brought to the North/West African, Turkish and Balkan coasts may be harder to trace due to poorer infrastructure for processing the dead, such as the potential lack of coroners, courts, civil registrars or even police involved in their processing and registration.

All data sources on border deaths are limited in one way or another, so all statistics are inevitably incomplete. Each source will lead to a sample based on the necessarily limited information available from that particular source. Regardless of the source, yet another problem is that some deceased migrants have “disappeared” because neither their departure nor their arrival was recorded and their bodies sank; others may have been (officially or unofficially)

¹⁴ Greece was last to digitize; the transition period was completed in May 2013. Spain has been using digitized death certificates since 2006 and Italy since 2001. Both have retrospectively digitized death certificates for the period of interest for this project (1990–2014). Valletta Public Registry's digitized database of Acts of Death now includes all deaths going back to the early 1900s. Valletta is the registry for Malta, as it also registers all deaths recorded at the only other public registry in Malta in Gozo, so this database is complete. However, the common problem among all these digital death registration systems is the lack of ability to search for border death cases without prior knowledge of names, places and dates of birth, dates of death or dates of death registration.

reported missing but their bodies are never found. It will never be possible to find evidence of every body, every person who attempted the journey and did not survive, even if mechanisms are established in the future to record migrant deaths. The issue of “grey numbers” – which include people who died while crossing the Mediterranean but whose bodies were not recovered or whose deaths were not recorded – can never be entirely overcome.

In light of this, the aim of data collection on migrant deaths has to be limited to getting the most reliable number of and information about migrant deaths. If we want to know how, when, where, how many and why people have died attempting to cross the southern EU external borders over the last two decades or more, as well as who they are, we have to make the best of the various sources of data available.

This leads to three methodological challenges:

- Counting using official sources

In order to have comparable data on the entire region, it is necessary to identify available trustworthy sources existing in the region, which use identical or at least very similar methods. This makes sources such as local political actors or regionally focused NGOs problematic. In addition, as some NGOs collect information on deaths of both migrants crossing the EU’s external borders and of those who die once inside the EU (the internal border),¹⁵ it can be challenging to isolate only deaths that occur at the external border. However, the information that is needed is already collected during the government-led forensic investigation and death registration process. This information is just spread out over hundreds of local jurisdictions, making it time consuming and expensive to collect. In addition, the information is held by local government authorities and judicial bodies with varying levels of public accessibility due to legal barriers, such as privacy laws, and political concerns, namely for public criticism because of the manner in which bodies are dealt with. The presence of such obstacles and concerns means that the research will, at best, take longer and at worst have a large error margin in addition to the grey numbers problem described above.

- Restoring identity to “illegal migrants” and *clandestinos*

As Grant (2011) has argued, another aim of investigating migrant deaths is to restore the identity of the deceased and, where possible, to inform their surviving relatives. Many migrants do not carry identification documents or destroy them on the way, making it very difficult to identify them even in the cases where their bodies are found. Relatives and others searching for missing migrants are also unlikely to turn to the police or other forensic

¹⁵ See Chapter 1 for an introduction to the concept of the external and internal borders.

institutions: if they are irregularly in Europe they fear they would face problems with their immigration status or that they could cause problems for their missing relative if he or she is in fact still alive, but they may also be generally hesitant to turn to the authorities because of a general mistrust of government agencies. Families searching for missing relatives usually turn to migrant community networks, smugglers (Kovras and Robins, 2013), and well-known humanitarian organizations such as the Red Cross, which has decades of experience in reconnecting dispersed families. However, coordination and inter-agency cooperation in forensic investigations into unidentified bodies and missing persons, both between State authorities and international organizations or civil society groups, is particularly problematic. Most of the forensic investigation is not accessible to the public but in closed court files, coroners' reports, police reports, DNA laboratories and so on. Lack of obligation or motivation to cooperate makes it very difficult to: (a) match antemortem and post-mortem data for identification; and (b) identify persons who have been reported missing in one place but whose bodies are found elsewhere.

- Recording causes of death

Knowledge of the causes of death may be relevant for figuring out ways to reduce the number of migrant border-related deaths. When putting together such kind of information from different countries, two main problems arise. Firstly, the privacy and data protection laws of some of the countries involved treat the cause of death as a non-public issue, which makes collecting and processing data problematic as information on the cause of death is not readily available on death certificates.¹⁶ Secondly, the use of standardized coding for causes of death differs widely both across and within relevant countries (Mathers et al., 2005). This weakens the quality of the aggregated data from different countries.

3.6 Conclusions and recommendations

The numbers of migrant border-related deaths currently available vary considerably because they are not based on the same counting methods, sources or definitions of "border deaths". Furthermore, political factors may influence the count of border-related deaths. The underlying motivations of data collection efforts by different institutions may influence whether figures are overstated or understated, and due to the amount of missing and hazy information on migrant deaths, counts are hardly verifiable. All of the presently available datasets are based on media reports, which – valuable as they are –

¹⁶ This is the case in Spain as of 1994 and in Italy for the entire period of interest (1990–2014). In Greece and Malta, causes of death, where it was possible to determine, are clearly stated in death certificates.

are inherently problematic. Such obstacles can be overcome, to some extent, by collecting data already available in public records in Mediterranean countries, mostly at the local level. It is, however, impossible to produce wholly accurate figures due to the dark number of migrants who have gone missing at sea. In addition, all sources of information on migrant deaths at the border have specific limitations, as outlined previously.

It is, however, imperative to have migrant death data that is as reliable as possible, for at least two reasons. First, when death occurs on such a massive scale, all actors involved, including States, NGOs and international humanitarian organizations, have a responsibility to investigate the causes of such tragedies in order to identify possible interventions. Second, missing migrants' relatives have the right to know whether their loved ones have died in the attempt to reach the destination country, and if so where their remains are.

In our own research, we are collecting data on migrant deaths from 1990 to 2013 in Gibraltar, Greece, Italy, Malta and Spain. We seek funding to add Cyprus and Portugal, and to do pilot studies in Algeria, Egypt, Libya, Mauritania Morocco, Senegal, Tunisia and Turkey, in order to find out how reliable data can be collected there. We take death certificates in civil registries as our main source, on the assumption that every dead migrant will leave a paper trail in those registries. In order to identify the cause and location of death,¹⁷ and to check whether data from the registries is complete, we triangulate by relying on data from the public prosecutor (in Spain and Italy), the cemeteries (in Italy), the coroner (in Malta) and the coast guard (in Greece). By so doing, we are confident that we will be collecting data – which is as reliable as possible – on the number of migrants who were found dead on the European side of the Mediterranean, and were consequently buried there. A meta-analysis of existing estimates of migrants who have tried to cross the Mediterranean from 1990 to 2013 will then enable us to estimate how migrant mortality has developed during this period. Finally, we will try to establish whether a relationship can be found between the development of border policies and practices of European States, and the evolution of migrant mortality.

While data collection and in-depth research is ongoing, actors directly involved in the procedures described in this chapter can do more to compile reliable information on migrant deaths and, importantly, the identities of the dead.

For one, coast guards and police forces could do more to keep records, also of people reported missing by survivors; coordinate with other agencies and coast guards to ensure there is no overlap of documentation, and communicate this information to the public. Forensic investigations into unidentified migrants whose bodies are found at sea or along the coasts should make bigger efforts

¹⁷ This is crucial in order to distinguish border-related deaths from others that are unrelated, for instance, if a migrant drowns while working as a life guard – taken from our field work in Malta.

to establish identity, working together with organizations that families of the dead are more likely to trust. Clear protocols for investigating deaths should be designed for police and other forensic actors to be able to respond to the transnational and clandestine nature of these particular “unnatural” deaths. This may necessitate cooperation with embassies, international organizations or actors in other countries, perhaps through frameworks such as those provided by the International Committee of the Red Cross (ICRC) or through civil society networks. In any case, for places that have been receiving migrants, both dead and alive, for two decades now, it is remarkable that no specialized procedures have been developed by State authorities for identifying and respecting the dead and their relatives in this context.

In addition, attention should be focused on enforcing existing regulations in this area. For instance, all migrant deaths should be properly registered in a place where their bodies are found or brought to land from the sea, using any and all forensic information available to complete registration forms. All bodies should be traceable from the moment they are found to their burial, using a consistent labelling system in the case of unidentified bodies. Mandatory DNA sampling of unidentified bodies should be standard practice, and facilities should be created to enable families to provide DNA samples to run for matches. There should be a clear procedure and chain of responsibility for collecting, registering and storing personal possessions found with the body, as they are often vital for identification. Organizations such as the ICRC and Médecins Sans Frontières have considerable expertise which European States have the opportunity to draw upon in designing and enforcing procedures in this area.

Finally, as the chapter has illustrated, there are multiple opportunities for States to collect and process data on border-related deaths. Now that death registries in southern EU Member States have been digitized, it would be relatively easy for data on death certificates to be collected centrally for the purpose of generating detailed statistics going beyond the number of migrant deaths per year per country. National statistics offices would be likely candidates for undertaking this, in particular because they already use information gathered from civil registries to produce national demographic and health statistics. However, some might question whether the State is the right actor to be collecting and publishing this kind of data. As we noted above, State institutions may have stakes in the outcomes of data collection on border-related deaths, as do all actors, evidenced by their current exclusion of migrant mortality from the volumes of irregular immigration-related statistics on arrivals, interceptions, rescues, asylum applications, detention and deportation. Therefore, an alternative would be to entrust an independent body at the national level, such as the official human rights monitoring institution, with collecting such information. As migrant mortality in the Mediterranean appears to be a European phenomenon related to European policies, it would make sense to put in place a European

Observatory, possibly as part of the Fundamental Rights Agency, to oversee data collection and ensure statistics generated at the national level remains scientific and objective. This would enable the phenomenon in the region as a whole to be monitored by an institution not directly linked to border control. This institution could also investigate possible policy responses to reduce the risk of death for migrants attempting to cross the external EU borders without authorization.

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Crossing the Mediterranean

Louay Khalid fled from the violent outbreak in the Syrian Arab Republic via Lebanon and Egypt, eventually ending up in Libya. After working there for a year, he decided to leave the troubled country. Unable to return to his home country or to bring his family to Libya, Louay Khalid planned his crossing to Europe. However, he was completely unaware of the risks of the journey. The boat on which he crossed the Mediterranean tragically sank on 10 October 2013.¹⁸

After paying a smuggler 1,300 Libyan dinars (about USD 1,075) for the trip, Louay Khalid was locked in a house for about two weeks with around 450 other aspiring migrants. They were not allowed to leave the house and were told that if they did they would be shot. Eventually, they were loaded onto trucks before being stuffed onto a heavily overloaded boat that was steered by other migrants.

Once I saw the vessel . . . I could immediately tell that we were too many people. They were people everywhere you could look – people in the engine room, people on the mast even – literally everywhere.

“I was wearing a lifejacket . . . that saved my life. The people who were inside the boat all died.”

Shortly after departure, police approached the boat twice, urging the vessel to return. However, the migrants continued their journey until maritime police appeared. The police requested the vessel to stop its journey, but the vessel kept on moving, at which point, the police fired shots and began to “round” the vessel, throwing ropes to jam the engine fan. Even though passengers were crying and parents holding their children closely to them, the firing continued until the cabin broke down. During the commotion, two women gave birth. Finally, the police left. The following day, the migrants called the Red Cross in Lampedusa for help. When an airplane arrived after four hours, the people on board attempted so desperately to attract its attention that the vessel capsized. When the plane returned with life buoys, many of the people had already drowned.

I was wearing a life jacket . . . that saved my life. The people who were inside the boat all died.

Finally, a helicopter provided life jackets, and two speedboats rescued some of the women and children. Floats were provided for approximately 40 survivors, who waited another day and night before being taken into custody in Malta.

¹⁸ This story summarizes the encounter given by Louay Khalid to IOM Malta’s Martine Cassar. It is adapted from the transcript of the original interview at the Hal Far Center, Malta, in April 2014.



Chapter 4

From Sub-Saharan Africa through North Africa: Tracking Deaths along the Way

Christopher Horwood¹ with contributions from Arezo Malakooti²/Altai Consulting

4.1 Introduction

The sub-Saharan African migratory flows going north from both the western and the eastern (including the Horn of Africa) sides of the continent have been changing in recent years, partly in response to variable migration policies and the modification of control and repression measures along the route. These changes have traced new maritime and overland routes for irregular migrants, organized by criminal networks using local go-betweens and smugglers, and involving collusion between themselves, and at times police, soldiers and other stakeholders.

The demand by sub-Saharan irregular migrants to move north has been predominantly driven by interest in the better opportunities offered by the Maghreb countries, particularly Libya, but more importantly by the fact that Egypt, Libya and Morocco offer the best springboards for crossing the Mediterranean. According to the (Office of the) United Nations High Commissioner for Refugees (UNHCR), over 63,000 migrants (not only sub-Saharan Africans) made the sea crossing in 2013 alone. In the first six months of 2014 over 60,000 arrived in Italy alone, the European country receiving the vast majority of arrivals.³ Italian coast guards “rescued” 5,000 migrants in a single weekend in late June; in another rescue attempt a few days later, tens of migrants were found to have suffocated on board a vessel (BBC, 2014). Observers and experts warn that these flows are set to increase in the medium to long term. The most obvious measure of the human cost of the smuggling of migrants – and in some instances, human trafficking – is the number of people who lose their lives every year while attempting to travel. This chapter contextualizes the relevant migratory flows from sub-Saharan Africa to North Africa and offers a topography of the most prevalent causes and locations of death.

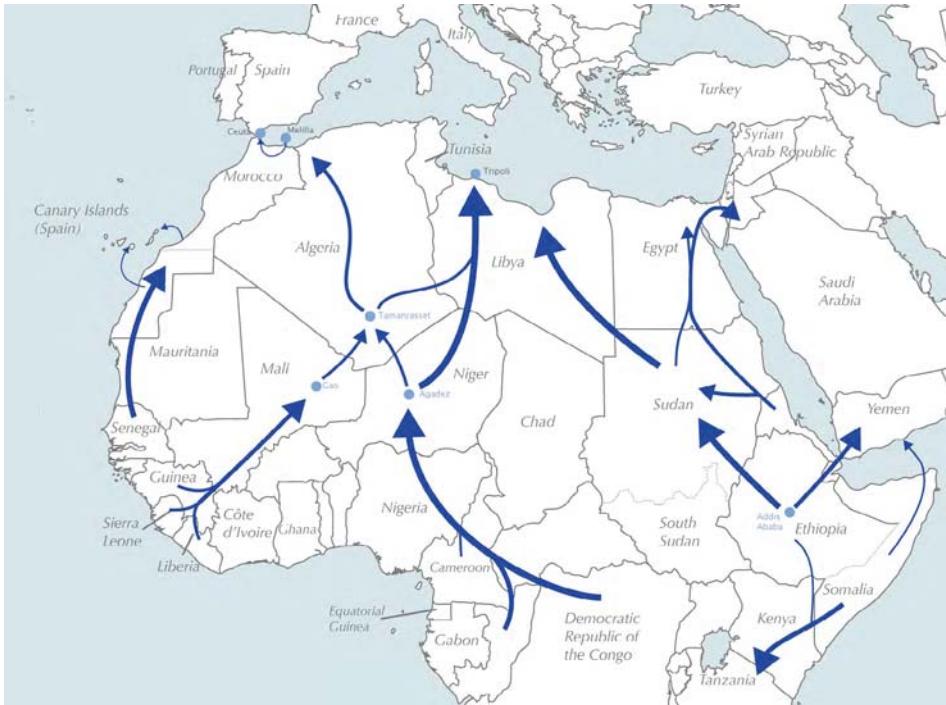
* The views expressed in this chapter are those of the authors and do not necessarily represent those of the International Organization for Migration (IOM).

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³ In its 2014 Risk Analysis, Frontex cites detection of 52,419 crossings from mainland Africa to European destinations in 2013, from a number of different routes.

Figure 4.1: Migratory routes from Sub-Saharan Africa



Source: Adapted from UNODC, *The Globalization of Crime: A Transnational Organized Crime Threat Assessment*, 2010; and iMap, 2012 MTM Map on Irregular and Mixed Migration Routes.

4.2 Brief historical and geographical background: The migration context

4.2.1 Similarities and differences between the two routes

Analysis of the migration context from East Africa and the Horn of Africa, and from West and Central Africa (sub-Saharan Africa) reveal some similarities and certain clear differences.

Both areas have fast-rising populations and large numbers of impoverished youth, who are ready to take great risks to find improved livelihood and security options through migration. While those coming from the Horn of Africa are predominately fleeing insecurity and searching for asylum, and the West and Central Africans are more likely to be economic migrants, all are drawn to Libya and often onward to Europe for the economic opportunities that exist there as well.

(UNODC), “each year, some 55,000 migrants are thought to be smuggled from East, North and West Africa into Europe, generating about USD 150 million in revenue for criminals” (UNODC, 2014). The smuggling networks are almost impossible to police, monitor or restrain, which is compounded by the fact that State officials from security, border control and immigration authorities may be complicit enablers of the smuggling business. Where trafficking exists, in some cases authorities have also been implicated.⁴

Migrants die predominantly in deserts and at sea, as these are the most dangerous parts of the journey. These deaths are generally the result of deliberate mistreatment, indifference, or torture by smugglers, or misadventure by migrants themselves. Along all routes, cases of sexual violence against female migrants are commonly reported – particularly concerning those from the Horn of Africa – as well as explicit sexual exploitation and frequent disappearances of girls and women.⁵ In the Sinai, sexual violence against males has also been documented (Human Rights Watch, 2014a).

Along with these similarities, there are also differences between the experiences of migrants from East Africa/Horn of Africa and West/Central Africa, to and from North Africa: the migration context in East Africa and the Horn of Africa is restrictive and intolerant despite regional frameworks and agreements that should make movement between States permissible. In the absence of free or regular mobility, migrant smuggling is the dominant mode of mobility because most migrants have to break immigration laws to cross international borders within the region.

By contrast, in West and Central Africa, the level of intraregional mobility is high. In the Economic Community of West African States (ECOWAS)⁶ region, about 8 million migrants reside in countries not of their origin, in a context where smugglers have little relevance because citizens share free movement protocols (IOM, 2014). Exploitation of migrants and trafficking may exist, but movement within the ECOWAS is not restricted and therefore the level of refoulement, deportation, expulsion and hostility is arguably lower than in East Africa and the Horn of Africa. This freedom of movement also makes the journeys less clandestine in nature and, again, therefore arguably creates a safer context for the migrants (Altai Consulting, 2013:37). Once migrants from West and Central Africa arrive in Niger, though, smugglers become more relevant; they

⁴ For example, see FIDH, 2012.

⁵ This is increasingly a problem for female migrants from the Horn of Africa, particularly in the context of kidnapping and extortion, and is well documented. For West African female migrants, sexual abuse appears to be systematic and opportunistic in terms of smugglers and officials abusing their power while moving or encountering migrants; in some cases, women and girls are forced into short- or medium-term sexual servitude. Here, again, smuggling can become trafficking.

⁶ The 15 member States of the Economic Community of West African States (ECOWAS) are Benin, Burkina Faso, Cabo Verde, Côte d’Ivoire, the Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo.

are required to lead migrants through the Sahara and to help them enter Libya. Smuggling in this area has become more established than it is in East Africa and the Horn of Africa; the *quartiers* or *les ghettos* in the towns where migrants accumulate, and the involvement of police, soldiers and border officials appear to be more “normalized” and accepted than in the East, where human smuggling across Sudan and into Libya is a relatively new phenomenon. Much of this can be attributed to the fact that many of the local economies are now highly dependent on smuggling, encouraging authorities to turn a blind eye (Altai Consulting, 2013:66).

In terms of the aspirations and intentions of migrants, there is also a difference between those going north from West and Central sub-Sahara, who are not necessarily trying to cross over to Europe – although this trend is starting to change – and those coming from East Africa and the Horn of Africa, who are far more likely to want to cross the Mediterranean as soon as possible (Altai Consulting, 2013:72–76). Many West and Central Africans will find long-term or seasonal work in the richer, middle-income Maghreb countries, while migrants from the Horn of Africa going north and west tend to only be transiting and look to Europe for safety and protection, many of them finding the racism and abuse they suffer in Libya, also experienced by many West and Central Africans, extreme and intolerable (Altai Consulting, 2013:72–76). Previously, when the Israeli border was passable in the Sinai desert, migrants travelled to East Africa and the Horn of Africa to Egypt in order to enter Israel to both remain in Israel and to move onward into the Middle East and Europe.

Another major difference between the two geographical contexts is the range of ways migrants may perish during their journeys. In addition to causes associated with the hardship of journeys, migrants leaving East Africa and the Horn of Africa towards the north commonly die from a wide range of violations and situations of deliberate murder by smugglers and handlers. These deaths may be linked to the rise in cases of kidnapping and abduction of migrants for extortion. By contrast, north-bound migrants originating from West and Central Africa normally die in the desert or at sea, and due to the dangers inherent in crossing such challenging terrain. Cases of deliberate murder or kidnapping by traffickers and other criminals (apart from cases involving women and girls) tend to be more rare.

4.2.2 Key drivers

Since the 1990s, when Libya, riding high on oil wealth, professed an inclusive, open-border pan-Africanism, hundreds of thousands of sub-Saharan and North African migrant workers flocked to the country for employment. Official estimates of migrants in Libya put the number at 2.5 million before the overthrow of the regime in 2011 (IOM, 2011a). By 2000, pan-Africanism had soured, and was replaced by racism and xenophobia against black migrants that has, if anything,

become more entrenched since Moammar Gadhafi's overthrow and death in 2011. Nevertheless, the impression that Libya can provide good employment opportunities for sub-Saharan Africans continues to draw tens of thousands of migrants every year. Many have no intention to cross over to Europe when they first set out from their countries of origin; however, a greater share are now crossing the Mediterranean, pushed out by the harsh and ill treatment from authorities and locals in post-revolution Libya (Altai Consulting, 2013:109). Moreover, competition for low-skilled jobs has increased with the larger flows of low-skilled migrants entering the country, meaning the availability of jobs is not always as strong as those arriving may have imagined.

In addition to the lack of economic opportunities in countries of origin, many of these countries are also plagued by political instability, which in some cases becomes the primary reason for departure. At any one time, among the dozens of sub-Saharan countries, there have been and continue to be combinations of oppressive regimes, civil wars, failing or failed States and chronic complex emergencies, all causing movement and/or flight.⁷ Migrants from these countries flee in search of asylum in safer environments and tend to come to Libya as a transit point to Europe. The lack of a framework for asylum in Libya, coupled with arbitrary detention and harassment, pushes them out and on to Europe.

Additionally, changing climatic conditions, natural disasters, and the pervasive influence of poor governance and endemic poverty compel people to move in what are increasingly regarded as mixed and complex flows. Seasonal migration to Libya is common for migrants originating from Sahelian States who suffer the consequences of recurrent drought in the area.

Moreover, this trend of migration to Libya, as final destination or transit country, is likely to continue. Sub-Saharan African countries have some of the highest fertility rates in the world, with 40 of the highest 50 in the world located in sub-Saharan Africa. According to UN calculations, the current population of sub-Saharan Africa is over 900 million and, with current growth rates, is expected to more than double, reaching over 2 billion by 2050. The end-of-century expectation is 3.8 billion. Currently, people under 15 years old account for 43 per cent of the population of sub-Saharan Africa and the "youth bulge" in all sub-Saharan countries is set to increase as population figures rise (UN DESA, 2012).

The pressures these demographics pose for economies, food security, physical security, services and facilities will be, and is already, huge. When compounded by rising inequalities in access to and opportunities in job markets, as well as an absence of equitable distribution of income and resources, it seems clear that

⁷ Over the last decade, the West and Central region has been characterized by conflicts in Liberia, Sierra Leone, and more recently the Central African Republic, Côte d'Ivoire, Mali and Nigeria. Meanwhile, in East Africa and the Horn of Africa, conflict in Burundi, Rwanda, Somalia and now South Sudan, and reportedly oppressive regimes in Ethiopia and Eritrea have compelled millions of people to move as forced migrants.

the future management of this large, expectant population will be problematic to say the least. One outcome that can be fully expected will be the compulsion to seek better opportunities outside sub-Sahara – outmigration. As long as such movement is restricted and illegal, irregular, clandestine and smuggler-managed movement will continue.

4.2.3 West and Central Africa context

West Africa

West Africa provides the strongest example of intraregional migration flows in sub-Saharan Africa, with an estimated 70 per cent of migratory movements taking place within the subregion, mainly linked to employment. According to the International Organization for Migration (IOM) (2014), in recent years irregular migration at the interregional level between West and Central Africa towards Europe via the northern coast of mainland Africa has increased substantially. Many countries in the region which were previously considered as countries of origin are increasingly becoming transit and destination countries, and irregular migration is on the agenda of most governments in the region. The journey from West Africa to Europe is not always made all at once: the majority of migrants remain in North Africa for different periods of time, often to earn more money to finance further movement.

Migration from West and Central Africa is not new. In particular, every coastal country has its own migration history. For example, migration from Senegal dates back to the colonial era; when France governed its African colonies, many Senegalese were trained as civil servants, teachers and craftsmen, and sent to work across West Africa as auxiliaries to the colonial administration. Then, in the 1980s the exodus to Europe began as a result of successive droughts, deepening economic problems and fast-paced urbanization (IRIN, 2006). Tens of thousands of Senegalese traversed the Sahara desert to cross the Mediterranean from Mauritania and Morocco, often ending up in the informal labour sector of France or Italy, even if those countries were not their first port of entry. But when those two countries, at the end of 2005, increased patrols to intercept irregular migrants, many Senegalese migrants opted for the longer and often lethal sea journey to the Canary Islands (Spanish territory) instead. Since 2007 and 2008, due to high numbers of deaths at sea and increased anti-trafficking and anti-smuggling initiatives, migrants have been either going overland with the intention to break into Spanish territory through the enclaves of Ceuta and Melilla, or have been using boats to cross the Mediterranean. Each country and each group of migrants have their own history and specific context, but national elaboration is beyond the scope of this chapter.

Data on the number of migrants emigrating out of West Africa is neither available nor collected in any formal way. However, the number of migrants seen in Libya

and Morocco and the number of those crossing the Mediterranean give an indication and rough estimates suggest numbers could be as high as 100,000 or more every year.

West African migrants heading north to Libya, whether intending to cross the Mediterranean or not, typically travel to either Mali or Niger and from there they either enter Libya directly, or via Algeria (Altai Consulting, 2013:36). Reseau Exodus, a project that worked with the police in Niger to collect data on registered migrant flows towards Libya, recorded just over 40,000 people leaving Agadez travelling north over nine months in 2013.

It may be useful to see the routes taken north separated into three generic groupings:⁸

- Mauritania and Senegal to the Canary Islands

The westernmost of the three major routes used by irregular migrants from West Africa towards Europe is focused on ports on the Atlantic coast, where boats can be steered to the Canary Islands or even to the Spanish mainland. After being disrupted by stricter enforcement in recent years, departure points have been successively pushed southwards and the Atlantic route has declined rapidly. However, between 1998 and 2007 the sea route from Mauritania or Senegal to the Canaries was the premier choice of many migrants. According to a report by UNODC, 31,678 irregular migrants, the peak figure, arrived in the Canary Islands in 2006 with high levels of maritime mortality (UNODC, 2011).

- Western overland route to North Africa

The western Mediterranean overland route from North Africa to Europe can start in any city in West or Central Africa. The main overland routes of the western Mediterranean route run from Senegal through Mauritania to Morocco, or via Gao in Mali north to Algeria and Morocco. Irregular migrants from West Africa who arrive in Morocco by one of the variants of this route may remain there for years, making attempts (most often repeated) to enter Europe via Spain – including forcing entry and storming the enclaves of Ceuta and Melilla. While 2005 was a peak year for forced entry by migrants, 2013 and 2014 saw a resurgence of groups entering through fence-storming. A surprisingly high number of group storming events are successful and can involve more than a thousand migrants; these often cause injuries and sometimes fatalities.⁹

⁸ These three categories borrow from the UNODC (2011) separation of routes. For more recent and more detailed descriptions of specific routes used, fees paid and vulnerabilities faced on different routes, refer to Altai Consulting, 2013.

⁹ For instance, see: BBC, "African migrants storm into Spanish enclave of Melilla" (BBC, 28 February 2014), available from www.bbc.com/news/world-europe-26382589; CNN, "Would-be immigrants storm Spanish enclave on Moroccan coast" (CNN, 19 March 2014), available from <http://edition.cnn.com/2014/03/19/world/europe/spain-immigrants-melilla-morocco/>.

- Eastern overland route to North Africa

The easternmost of the overland routes commonly used by migrants from West and Central Africa is the central Mediterranean route, accessed via Agadez in the Niger and Gao in Mali. These two towns are key departure points for access to the Maghreb, especially via Tamanrasset to the Strait of Gibraltar and on to Spain or, more popular since 2011, via Sabha to the Libyan coast, for those intending to reach Italy. According to some UN studies, “there are substantial numbers of West Africans who, having reached North Africa by one or another route across the desert, move from one country to another in North Africa in search of work or on the lookout for an opportunity to find a boat to Europe” (UNODC, 2011).

When certain routes are obstructed or border control is well enforced, smugglers have a vast region of alternative unmonitored routes to choose from. The Sahara desert stretches from the east to the west like a wide band between sub-Saharan Africa and the Maghreb, offering numerous, albeit treacherous, routes hidden from authorities. Migrants from both the West and the East (and Horn) have to cross the desert. A crackdown by Spanish and African authorities on the Canary Island route over recent years has meant more traffic through the Sahara.

Central Africa

Unlike in West Africa, migration in Central Africa is mostly associated with conflicts and subsequent population displacement. The majority of migrants from the region either remain within the African continent or move towards Europe. The Economic Community of Central African States (ECCAS) includes, among its instruments, a protocol of free movement and the right of establishment of ECCAS citizens, but the implementation of these protocols, unlike those in ECOWAS, is weak. Nevertheless, the oil and timber industries have recently made Equatorial Guinea and Gabon into countries of destination for migrant workers. Further north, Niger and Chad receive a significant number of migrants from the region attempting to reach Libya and, in many cases, Europe.

Migrant profiles

West African migrants in Libya tend to be mainly irregular economic migrants of working age. They are typically attracted to Libya because of the employment opportunities that it presents, and the prospect of higher wages. Usually migrants come from poor, rural areas and possess low education and skill levels. A 52-year-old Nigerian migrant from the region of Zinder explained: “I used to work as a shepherd in Niger, but there are not enough cows anymore to make a living so I had to leave and find work elsewhere” (Altai Consulting, 2013:78). As Libya is a resource-rich country with a high GDP per capita, certain industries suffer from labour shortage, making the country an obvious destination for economic migrants. However, competition for low-skilled jobs in Libya has become intense, and not all migrants are able to find work.

Migrants who come from neighbouring Sahelian countries, such as Chad, Mali, Niger and Sudan, often engage in seasonal migration. This is perpetuated by recurrent drought in the Sahel, which leads to food insecurity. Migrants tend to stay close to the border and work the land in agricultural areas; they are very unlikely to move to the major cities. While the majority of these migrants enter the country irregularly, they tend to cross the border relatively more easily because they have created certain relationships at checkpoints, along the route and with local tribes that control the borders, which helps facilitate their entry (Altai Consulting, 2013:80).

There are also unaccompanied minors coming from West Africa in increasing numbers. They are usually sent to Libya by their families in order to make money that they can send back home to the family. Sometimes when they arrive in Libya, they hear about Europe and decide to try their chances there, but the majority of these minors have little intention to move on to Europe (Altai Consulting, 2013).

A smaller number of women travel from West Africa to Libya, generally making the journey to join their husbands who are already there. This was observed among Malian and Nigerian women, and in these cases their husbands organized the journeys for them from afar, with a trusted chaperone or smuggler.

4.2.4 East Africa and the Horn of Africa context

The nature of migration in East Africa and the Horn of Africa region is complex, with countries in the region simultaneously hosting and assisting internally displaced persons, refugees, returnees, victims of trafficking and labour migrants. According to IOM's 2013 analysis, the region had the largest increase in the number of refugees globally in 2012, bringing its refugee (including refugee stock) and IDP population to over 9 million in 2013.

However, a high number of economic migrants also move within or out of the region. When interviewed, many who might apply (and be accepted) for asylum elsewhere or in Europe also made it clear that economic necessity was a common and critical factor for their movement.

For example, in recent years as many as 80,000 Ethiopians are recorded per annum as arriving on the shores of Yemen. Additionally, between 2,000 and 5,000 Eritreans leave their country every month and at least 20,000 Somalis and Ethiopians make the journey to South Africa, according to recent estimates and statistics (RMMS, 2013). There are also flows of Ethiopians moving to Libya via Sudan. As such, the region is characterized by mixed migration flows,¹⁰ originating from or transiting within East Africa or the Horn of Africa to a much

¹⁰ *Mixed (migration) flows* is defined in IOM's 2011 Glossary on Migration as, "complex migratory population movements that include refugees, asylum-seekers, economic migrants and other migrants, as opposed to migratory population movements that consist entirely of one category of migrants".

higher degree than West Africa, where currently most migrants can be defined as economic migrants. Migrants move out of the region in all directions, but three key destinations are the targets for the majority of them: Southern Africa, normally through a combination of Kenya, the United Republic of Tanzania, Malawi, Zimbabwe, Zambia and Mozambique; the Gulf States, mainly Saudi Arabia via Yemen; and Libya and the North African Mediterranean coast. The third route, to the north coast of Africa, and the deadly risks and vulnerabilities migrants face making this trip are the focus of this chapter.¹¹

An unknown number of migrants from East Africa and the Horn of Africa make their way north and north-west to the Mediterranean coast. There is no mechanism to monitor numbers: they travel clandestinely, with smugglers through the most remote areas, often avoiding towns and checkpoints. A new report by the Regional Mixed Migration Secretariat (RMMS) (2014) titled *Going West: Contemporary Mixed Migration Trends from the Horn of Africa to Libya and Europe* indicates in its summary:

In particular, this report responds to the sense that the “westward” direction is increasingly being used by smuggled migrants who find themselves thwarted when trying to use alternative (and previously extensively used) routes that take them east (Yemen to Saudi Arabia) and north (through Egypt into Israel). The southern route is still “open” and much used by smuggler/migrants, but information and research indicates that the new trend is “Going West”.

Some indication of the western route’s rising popularity can be found in the numbers of Ethiopian, Somali and particularly Eritreans found on boats crossing the Mediterranean, and migrant claims that large numbers of compatriots are in Libya, waiting to cross. In 2013, detections of Eritreans and Somalis in the Mediterranean totaled 16,922, or 16 per cent of all detections in the Mediterranean that year, the vast majority of which departed from Libya (Frontex, 2014).

Migrant profiles

Sub-Saharan migrants are, not surprisingly, mainly male and of young, working age. According to Altai Consulting’s 2013 study, 80–85 per cent were male and they tended to be between the ages of 18 and 35, although there are increasing numbers of unaccompanied migrants found in the flows of economic migrants (Altai Consulting, 2013; RMMS, 2013).

Migrants from East Africa and the Horn of Africa move for a variety of reasons, a characteristic of the mixed nature of the flows. Somalis have been fleeing war and instability for years, and while they are known to be adept at establishing economic enterprises, they are primarily refugees from conflict and have

¹¹ For a detailed account of flows to South Africa and Yemen, please see Chapter 5.

enjoyed prima facie refugee status (in terms of group determination) for over two decades.

Migrants fleeing forced military conscription and religious or political persecution, particularly in Eritrea, are not only seeking asylum but also looking towards destinations that provide economic opportunities. Migrants heading for Libya from Somaliland, on the other hand, are normally educated youth from middle-class families as well as poorer families who do not see any future in Somaliland, as they cannot find jobs to meet their educational levels or aspirations. While some Ethiopians cite tribal tensions (localized conflict in the Ogaden region) and political oppression (particularly by members of the Omoro Liberation Front) as reasons for fleeing the country, the bulk of Ethiopian migrants tend to be uneducated young men from subsistence communities searching for better employment and livelihood opportunities.

Unlike West African migrants going north to Libya, many of whom intend to work in Libya for some time before returning home, most migrants from the Horn of Africa have no intention of living and working in Sudan or Libya, but instead set their targets on Europe. This is likely because the factors that caused them to flee their countries of origin encourage them to search for locations where they can receive protection and build new lives; in some cases they are following networks of friends and relatives that have previously been set up in European countries. Eritrean and Somali migrants arriving in Europe are usually provided with some form of protection; for example, 86 per cent of those granted international protection in Malta in 2012 were from Somalia and 12 per cent were from Eritrea (Altai Consulting, 2013). Ethiopian migrants looking for seasonal or periodic employment purely for income are more likely to try their chances in the Gulf States and Yemen, where many migrants “recycle”¹² themselves despite the very high risks they face on the “eastern route”.

4.3 Calculating deaths

According to a recent report by the UNODC (2011:136), existing estimates concerning numbers of sub-Saharan African migrants who have died attempting to go north are likely to seriously underestimate the true figures. The report suggests that any estimates of mortality figures would likely need to be multiplied by three in order to come to a more accurate estimate. Note that this report also predates the current increasing migrant flows and highlights the complexity of trying to assess numerically the human cost of migration. While many migrants claim to have seen corpses in the desert or to know of friends who disappeared

¹² Migrants recycle themselves when they try to migrate again despite being deported or expelled or otherwise previously thwarted. Migrants who recycle themselves are those who previously migrated, returned voluntarily for reunification with their families or for other reasons, and are trying again to migrate irregularly.

or were killed en route, the evidence is anecdotal and cannot easily be translated into figures, even if deaths at sea appear to be more systematically documented.

Before considering actual deaths of sub-Saharan migrants, certain special contexts creating an environment in which death is possible, and even probable, deserve mention. The abuses that thrive in the smuggling trade, the special case of Eritrean commoditization and victimization, and the particular conditions in Libya set the scene for understanding how and why deaths occur as sub-Saharan migrants move north.

4.3.1 Smuggling: The protection-free underworld

Brokers, fixers and unofficial “travel agents” are other names for smugglers who openly solicit customers in numerous towns and cities in sub-Saharan Africa in an open manner. In many cases, these smugglers are sought out by tens of thousands of migrants who demand their services (Altai Consulting, 2013). After discussing routes and fees, the migrants are in the hands of the smugglers and on their way. Once the journey begins, migrants enter a world where they lose their freedom and safety, they are normally strictly controlled, have no more decisional power or rights, and are often brutalized. Smugglers are usually armed, and essentially “own” the migrants until they decide to release them, blurring the lines between smuggling and trafficking in some cases (RMMS, 2013).

Countless testimony and witness statements from migrants testify to beatings, mistreatment, negligence, and the lack of food, water, space, air, medical provisions or shelter, which they endure in the care of their smugglers. Migrants are often deceived, misled and cheated. Men are beaten and abused; women can be raped and forced into sexual servitude to repay fictitious debts. Migrants may be abandoned in the desert, given false directions, only taken a portion of the agreed distance, forced into unpaid labour, handed over to gangs, militias or border officials, and face an uncertain future in detention, with abuse and possible deportation (Altai Consulting, 2013). When and why this abuse crosses over into death or murder at the hands of the smugglers is difficult to define or enumerate, but it is probably closely connected to the economic value the migrant represents for the smuggler.

Smuggling is a robust and vigorous “industry,” where demand seems inexhaustible and growing, and where those who are set to restrict or end smuggling are too often corruptly profiting from the trade through complicity. According to a report on Niger, migrants, diplomats and an internal government report all suggest that “often, the very people meant to police the immigrant routes are involved in the business themselves,” and that could be repeated in most other countries where migrant smugglers operate (Lewis, 2014). “The corruption will never end,” said the president of Agadez Regional Council in 2014, in reference to activities surrounding smuggling (Lewis, 2014). In Egypt, Eritrea and Sudan,

various reports and investigations have shown that some officers in all parts of the national security apparatus work closely with smugglers and traffickers (Lewis, 2014).

Efforts to curtail the smuggling of West African irregular migrants through the Sahara have rarely had a lasting impact. An extract from a recent media investigation in Niger is emblematic of the resilience of the smuggling trade all across sub-Saharan:

Police raided dozens of transit houses, where would-be emigrants stay until heading off across the desert for North Africa and Europe, and arrested a handful of smugglers and officials. About 50 policemen in the region around Agadez were replaced. Niger's Government says large-scale migrant smuggling, which in effect was officially tolerated for years, has now ended. But interviews with migrants, smugglers and officials in Agadez and in the capital Niamey tell a different story. . . . "Nothing has changed," said Bachir Amadou, who works as a guide for Ghanaians headed for Libya. An official at a regional bus company said that following a dip in numbers after the crackdown, "the flow [of migrants] is up again." . . . "These networks are reorganizing themselves and becoming stronger." (Lewis, 2014)

Not surprisingly, in such a protection-free environment, where migrants are moved clandestinely and as mere commodities to earn profit for the smugglers, abuses take place with impunity. However, the most egregious abuses perpetrated against migrants tend not to happen on the much older established routes taken by West African migrants, but only along newer routes from the Horn of Africa going north, to Egypt, and west into Sudan and Libya.

4.3.2 Special case of commoditization and victimization of Eritreans

A markedly violent form of trafficking – in cases where the dominant trend is for human smuggling to turn into trafficking – has developed in recent years in Egypt and Sudan. Here, smugglers, traffickers and local officials work together to prey on Eritrean migrants leaving their country through Egypt, Ethiopia and Sudan, and increasingly through Libya to Egypt. Migrants are deceived and kidnapped on their journeys, or even snatched from refugee camps (in eastern Sudan and northern Ethiopia) and sometimes from the streets of Cairo.¹³ They are held for ransom by violent criminals who sell them up a chain that normally takes them into the Sinai desert. Migrants are frequently held in compounds of houses for weeks or months while their captors torture them until friends or relatives,

¹³ According to UNHCR's report, incidences of kidnapping from refugee camps have reduced dramatically by mid-2014, as camp security and monitoring as well as international support of local police has been improved.

mainly in the diaspora, pay high ransoms; the average payment per migrant released has been a staggering USD 22,000, although in some individual cases USD 50,000 has reportedly been paid (van Reisen, Estefanos and Rijken, 2013). Furthermore, on release, individual victims may be sold on to other smugglers and forced to pay a further ransom. There appears to be an increasing trend of Eritreans being held captive in Sudan (in addition to and as an alternative to the Sinai), as the appetite for trading migrants as commodities spreads, and as conditions in the Sinai become less favourable for traffickers.¹⁴

A recent study titled *The Human Trafficking Cycle: Sinai and Beyond* (van Reisen, Estefanos and Rijken, 2013) estimates that between 25,000 and 30,000 Eritreans became victims of trafficking in the Sinai between 2009 and 2013, and that 10,000 died there, although these estimates have been the source of debate. There are no estimates available for 2013 alone, but using the conservative estimate and dividing it evenly over five years, that would mean 5,000 victims of trafficking in 2013 with 2,000 deaths (RMMS, 2014b).¹⁵ This means, on average, five to six migrants do not just die but are killed by their captors every day. It is also estimated that the ransoms paid the “Sinai trafficking industry” over the last five years amount to, conservatively, USD 600 million.

These estimates suggest trafficking was and may still be a highly lucrative business. But the level of violence and torture smugglers and traffickers use seems to be limitless, and the survivor statements make for grim and painful reading. In addition to the general violence used against all kidnapped migrants, women in particular, and also males, face extensive sexual abuse including gang rape over sustained periods. Much publicized claims of organ theft have not been verified but may also be taking place. It appears that while reports of torture camps and victims of torture from the Sinai are decreasing, increasing testimony from migrant survivors tell of “new” torture camps in Libya.

Ethiopian smuggled migrants crossing from Djibouti and Somaliland into Yemen – over 200,000 between 2011 and 2013 inclusive – face similar treatment at the hands of Yemeni traffickers/criminals. Equally extraordinary levels of violence and abuse are used but to extract far lower ransoms – between USD 500 and USD 1,000 per person (UNSC, 2012).

Ransom, Collaborators and Corruption: Sinai Trafficking and Transnational Networks, a 2013 report from Tufts University (Jakobsen, 2013), restated the findings of other observers that trafficking networks operate with the close

¹⁴ The traffickers have been disrupted and disturbed by militarization in the Sinai that started in early 2013 and continues. Many of the trafficking compounds are close to the Israeli border where the Egyptian army has been pursuing insurgents. The disruption of the traffickers’ “trade” has nothing to do with police action against them. Despite the fact that the Egyptian Government has been given names and addresses, there are no vehicle registration numbers or other identifying information of all the major traffickers in the Sinai. Instead, these people operate with complete impunity.

¹⁵ However, military activities in the area have disrupted trafficking and smuggling networks considerably, suggesting this estimate may be on the high end.

involvement of certain State officials from Egypt, Eritrea and Sudan. A report from the United Nations Security Council (UNSC) in 2012, titled *Report of the Monitoring Group on Somalia and Eritrea*, specifically implicated senior Eritrean military officers, not only in cross-border transactions, and movement and sale of migrants to traffickers, but also in the abduction and subsequent sale of Eritreans from within the country.

Even though Israel completely sealed its border with Egypt in early 2013, effectively ending that route as a possibility for sub-Saharan migrants going north, reports indicate that trafficking and kidnapping of Eritreans continues. Months of Egyptian military action in the Sinai have also reportedly disturbed and reduced the criminal activities relating to migrants, but new reports suggest the same manner of victimization and commoditization of Eritreans (and Ethiopians) continues in parts of Egypt, in Sudan and also in Libya (RMMS, 2014b), even if in some cases the number of referrals of assistance for victims of torture is declining.

4.3.3 Libya: No protection¹⁶

Before the revolution started in early 2011, an estimated 1.5–2.5 million foreign workers were contributing to Libya’s economy, among a total population of approximately 6.4 million (FIDH, 2012). From the onset of the conflict that ignited the revolution, migrants were particularly threatened and started fleeing en masse. According to IOM, nearly 800,000 migrants fled to neighbouring countries during the revolution (quoted in FIDH, 2012).

As the Government of Libya currently maintains no asylum process, all migrants who enter the country without official authorization are treated as irregular migrants and detained, some of them deported. Many migrants report having been detained in Libya without any reason given for their detention and without being informed of how long their detention would last. Many migrants have spoken of “ununiformed” police officers detaining them (Altai Consulting, 2013:105; RMMS, 2014b).

According to the International Federation for Human Rights (2012), in the context of political fragmentation, administrative chaos and militarization that characterizes post-revolution Libya, ex-rebel groups (*Katibas*) took it upon themselves to assume responsibility for maintaining law and order, beyond the control of government authorities. “This ‘mission’ taken on by former rebels, based on security considerations against a backdrop of racism and xenophobia, results in widespread practices of arbitrary arrest and detention of migrants and asylum-seekers, in total disregard of human rights” (FIDH, 2012). According to the Federation’s findings from 2012, based on visits to thousands of migrants held

¹⁶ Unless otherwise referenced, the details in this section are extracted from the Altai Consulting, 2013.

in numerous, scattered detention centres, a key instrument of Libyan migration “policy” was arbitrary arrest with significant levels of violence in detention.¹⁷

In addition to detention, migrants also speak of being harassed and robbed by gangs and militia in Libya, often violently: “We have been robbed many times, they raid the house and steal our things,” said a 49-year-old Nigerian woman in Libya. An 18-year-old man from Guinea explained: “The main risk is the insecurity here in Libya; there is violence, shooting, racism and theft” (Altai Consulting, 2013).

By late 2013 and into 2014, Amnesty International (2013) found that the Libyan Government had taken over most of the detention centres, listing 17 centres actively holding approximately 5,000 “illegals” (i.e. irregular migrants).

4.3.4 Dying to migrate north

The appetite of sub-Saharan migrants to make the journey through the Sahara, sometimes taking years, and cross the sea only appears to be growing. Agencies describe a 300 per cent increase in the number of irregular migrants crossing the Mediterranean in the first four months of 2014, compared with figures from the same period in 2013 (Frontex, 2014). With these rising numbers, death toll increases, too:

. . . Many people are so desperate that they are willing to take their chances. That cost more than 300 people their lives on October 3rd [2013], when a boat originating from Libya was so overloaded and unstable that it capsized when a fire on board the vessel caused its passengers to panic. Most of those who drowned were Eritreans. (Pleitgen, 2013)

During some periods of 2014, the Italian Coast Guard intercepted thousands of would-be migrants in multiple boats in a single day. Figures released at the end of July from Italy’s Mare Nostrum operation showed some 93,000 migrants had been rescued since the start of 2014.¹⁸

The increase in this flow from Libya and across the Mediterranean seems to be attributable to two main factors. The first is that many sub-Saharan migrants see the post-revolution chaos in Libya as an opportune time to make the sea crossing from the Libyan coast, given the less stringent monitoring of the borders and coastline. This, of course, is starting to change with Libya having officially closed four of its borders. The second factor is that migrants currently in Libya, even those who have lived and worked there for some years, are increasingly being pushed out and onto Europe by the growing instances of racism, violence, arbitrary arrest and harassment in the country.

¹⁷ It is rumoured that independent militia groups open detention centres in order to create the market for their smuggling endeavours.

¹⁸ As quoted in media. For example, see: www.timeslive.co.za/world/2014/08/11/italy-rescued-nearly-100000-migrants-at-sea-this-year.

Death in the desert crossing

In addition to deaths at sea, crossing the desert is also rife with dangers. The routes leading from the Horn of Africa and West Africa to Libya (and other North African destinations) necessarily pass through the desert, either the Sahara or the Algerian desert, depending on which routes migrants follow. This leaves migrants vulnerable. When deaths do occur, they are usually due to the perilous nature of desert crossing, and also to migrants' contact with unscrupulous smugglers, traffickers, certain State officials and, in some cases, violent non-State actors.

Sub-Saharan migrants die in unknown numbers in the desert. According to a migrant interviewed in Niamey, desert conditions are very difficult:

Entire lorries full of migrants disappear. . . . It is a tragedy, a real tragedy. (UNODC, 2011:63)

The Sahara desert is a vast band that migrants from East Africa and the Horn of Africa as well as West and Central Africa must cross to reach the North African seaboard countries. The other desert of relevance is the Sinai, Egypt, where previously (before January 2013, when the border was hermetically sealed between Israel and Egypt) migrants passed through to get into Israel. Now migrants, mainly Eritrean, die in the Sinai predominantly from violence at the hands of traffickers and other criminals, having been taken into the Sinai deliberately to be extorted, as explained previously.

Migrants die in deserts from a combination of mistreatment, indifference, misadventure and lack of preparedness. They may also die from violence in the desert through banditry, at the hands of State officials and smugglers, or vehicle accidents due to overcrowding, bad roads and dangerous driving. However, as most, but not all, migrants move through deserts under the aegis of smugglers or independent transporters, their deaths cannot be merely seen as accidents. Smugglers are clearly culpable directly or indirectly for many, if not most, of the fatalities.

A recent study by Altai Consulting (2013), which included detailed migrant interviews, contained numerous reports of thirst and exhaustion during desert journeys, sometimes leading to death: "Migrants reported having to bring their own food for the journey, so they often carried, and subsisted on, biscuits and dates because they were easy to carry. Coupled with the low nutritional value of their diet, migrants often did not have enough water to drink, as this was provided by the smuggler. There were also some reports of smugglers adding petrol to water in order to alter the taste so that migrants wouldn't drink too much. Many of the migrants spoke of dehydration and exhaustion, some also spoke of friends or fellow passengers dying as a result."

The desert climate, particularly the cold in the nights, reportedly leads to sickness among some migrants. For some, the lack of medical treatment and their general level of exhaustion may lead to deteriorating health and, eventually, death. If migrants become sick, it is not unusual for smugglers to dump them in the desert in order to prevent the sickness from spreading to the rest. A 35-year-old man from Mali explained:

Two persons in the group died when the smuggler left them in the desert. (Altai Consulting, 2013)

The UNODC states that: “While figures on fatalities can be difficult to ascertain, media reports indicate that between 1996 and 2011, at least 1,691 people died while attempting to cross the Sahara” (Altai Consulting, 2013). It is probable that the true total is far higher.

Knowledge of deaths of migrants is normally learned through media coverage, as there are no official statistics or groups systematically collecting this information. It should be assumed that the cases of death reaching national and international media or official attention are only a portion of the real figures. It seems that when a dozen or more migrants are found dead together in the desert, news of the “tragedy” is known. Behind these publicized cases, numerous individual cases or smaller groups are probably never made known, except through stories of surviving migrants. Many migrants disappear and are never found. In such remote and harsh climates, bodies left behind soon disappear leaving almost no trace.

In May 2014, a report from one media source illustrates the difficulties of finding remains and determining precise numbers of fatalities:

At least 13 of the dozens of migrants from Niger abandoned by smugglers in the Sahara desert last week have been found dead in southern Algeria, a local official and a military source in Niger said on Friday. . . . Another 33 people from the same convoy of mainly women and children were believed to have died elsewhere but their bodies had not been found yet. “These people appear to have gone looking for shelter but died from the lack of food and water,” a Niger military source told Reuters. . . . The source put the estimate for the dead at 30. (Reuters, 2014)

Equally, deaths of migrants in groups where smugglers remain with the survivors are less likely to be publicly known, as the smugglers make every effort to keep the deaths secret. More often than not, the publicized cases are groups of abandoned migrants who die and are then found later by others. Rarely, if ever, are those responsible apprehended, and investigations are not conducted to establish who is responsible for migrant deaths.

CNN was one of many media actors covering a dramatic discovery of multiple migrant deaths in September 2013. Given that at least 48 of those found dead were children or teenagers, it is possible they were on their way to find low-paying jobs in neighbouring Algeria:

Stranded in the unforgiving expanses of Niger's Sahara Desert after their vehicles broke down, scores of people, almost all of them women and children, slowly died of thirst. The migrants had been trying to reach Algeria. . . . Instead, they died of dehydration, unable to escape the sandy wastes of the Sahel. A total of 92 bodies have been found, Niger security forces told CNN on Thursday. . . . Many of the bodies were severely decomposed and appeared to have been partially eaten by animals. (Smith-Spark and Damon, 2013)

Increasingly, as more is known of migrants going west from the Horn of Africa to Libya, deaths of migrants in the desert are being reported. One such report in April 2014 illustrates that the abandonment and death of smuggled migrants, including Ethiopians, Eritreans and Sudanese, is far from unusual:

Nine immigrants have died among around 300 abandoned by smugglers in the scorching Sudanese-Libyan desert, with the others in poor condition. . . . The smugglers left them in the desert, on the border between Sudan and Libya. (Al Jazeera, 2014)

In another witness report from a Somali man in the Netherlands who traveled with smugglers across the Sahara:

In the middle of the desert [south eastern Libya] they threw away 20 persons. The desert is very dangerous, there is no water, there is no food, it is 50 degree Celsius. Eight of them [migrants in the group the he was in] died. Some of them drank their urine. The Libyan police was [sic] patrolling the area and saw them but they did not help. (RMMS, 2014b:45)

One 20-year-old Somaliland woman told RMMS about her journey from Somaliland to Tripoli. She was part of a group of 56 young Somalilanders taken to Libya by smugglers. Of the 56, only 22 survived. The smugglers let them walk through the desert in Sudan for days, and people who died from injuries or dehydration were left behind. This high proportion of deaths is probably untypical, but without more data we cannot be certain; this points to the great challenge of collating accurate figures of sub-Saharan migrants who die in the desert as they travel north.

Death in the sea crossing

“There wasn’t enough room [on the boat] but luckily we made it to Lampedusa. There are 25 or 30 people on these small boats. If you are lucky you make it, if not you end up in the water.” (Interview with an Eritrean migrant in Switzerland) (O’Dea, 2012)

The details of the scale of death at sea (particularly in the Mediterranean) involving irregular migrants is covered in detail in Chapter 3, but an outline of trends and examples is presented here as death is a common part of the migrant story from North Africa to Europe.

As with calculating numbers of migrant deaths in the desert, estimating fatalities at sea is problematic. Navies and sea patrols operating in the Mediterranean, national authorities in North Africa, and those on the shores of Greece, Italy and Malta are only able to enumerate the thousands of deaths they come across, but what of those of which there is no trace?

Following the widely reported drowning of over 200 migrants travelling from Libya to Europe in March 2009,¹⁹ stories of deaths crossing the northern sea passage (the Mediterranean) have become increasingly common. Before then the dramatic stories of deaths and efforts to enumerate totals concerned the Atlantic crossing from mainland Africa to the Canary Islands (Spanish territory). While travelling “west” geographically, these West African migrants were going north in so far that landing on the Canaries was their ticket into Europe:

More than 27,000 illegal migrants have turned up on the Spanish Canary Islands off the West African coast this year alone, thousands more than in 2005, according to the International Organization for Migration (IOM). Spanish authorities say the bodies of more than 500 suspected migrants have been found this year in the ocean around the Canaries. (IRIN, 2006)

A 2006 report from IOM suggested that thousands of deaths at sea had occurred in one year alone. Over 31,000 people tried to reach Canary Islands illegally from West Africa last year, according to IOM. Of those, at least 6,000 died on the way.

We crammed onto a boat that should normally fit about 30 people. Everyone was praying just to make it to the islands. People were vomiting; some were seeing visions and spirits. Two men, delirious from dehydration, jumped off the boat on the way. Ten others died on board and were thrown into the sea, Pape said. (IRIN, 2007)

¹⁹ See, for example: The Guardian at www.theguardian.com/world/2009/mar/31/migrants-libya-drown-italy; or NBC News at www.nbcnews.com/id/29967891/ns/world_news-mideast_n_africa/t/hundreds-feared-dead-migrant-boat-sinking/.

Agreements between Mauritania and Morocco with Italy and Spain put pressures on the westward sea route, which has led to the rise in cross-Sahara migratory route and the deadly Mediterranean passage.

As of June 2014, Italy had already received roughly 60,000 arrivals, and in one weekend in April, Italy picked up around 4,000 migrants in the Mediterranean (Schemm, 2014). According to reports from UNHCR, approximately 500 migrants died or went missing as they attempted the crossing in 2012. In 2011, at the height of unrest in Libya and Tunisia, more than 1,500 migrants were reported as dead or missing (Dockins, 2013).

Media reports stating how, over a short period of time, a weekend, for instance, Italian authorities “rescue” hundreds if not thousands of migrants, illustrate how rapidly the numbers are escalating.²⁰ As mentioned, deaths in the Mediterranean are not the focus of this chapter and are examined in more detail in Chapter 3.

Death at the hands of traffickers

Northbound sub-Saharan migrants die from gun wounds, torture and extreme violence, and/or neglect while held by traffickers. Apart from cases of death, there are thousands more in which migrants suffer sexual violence and other severe human rights abuses that may include organ theft.²¹ This is a problem primarily associated with the victimization of Eritrean and other migrants from the Horn of Africa, and occurs mainly in Egypt and Sudan. Some analyses, as mentioned previously, estimate that as many as 10,000 migrants have been killed or have died in the Sinai at the hands of traffickers in a four-year period (2009–2013) alone (van Reisen, Estefanos and Rijken, 2013).

In an extraordinary statement, one Sinai human trafficker told researchers in 2013 that he was responsible for the death of 1,000 Eritreans and other sub-Saharan nationals (van Reisen, Estefanos and Rijken, 2013). In a Human Rights Watch report in 2014, another trafficker claimed:

I torture them so their relatives pay me to let them go. . . . Three of them died because I beat them so hard. I released the one who paid. (van Reisen, Estefanos and Rijken, 2013:63)

²⁰ Since October 2013, almost 43,000 people have been rescued by the Italian Navy (UNHCR, Central Mediterranean Sea Initiative Action Plan, UNHCR Bureau for Europe, Updated 13 May 2014).

On 15–18 July 2014, Italy’s search and rescue mission saved more than 1,700 migrants in the Mediterranean (www.trust.org/item/20140715143854-k89dj/?source=fiOtherNews3).

In the latest tragedy involving migrants, up to 19 persons are thought to be dead as a boat carrying asylum-seekers found itself in difficulties around 80 miles from Lampedusa. (www.maltatoday.com.mt/news/world/41382/19_migrants_die_in_latest_boat_tragedy_#.U8vy3VZS--g)

²¹ As discussed in Chapter 5, the issue of death by organ theft is controversial. There have been regular reports from the Sinai that organ removal is practiced by criminals against migrants. There appears to be evidence that numerous migrants (normally Eritreans) have been killed for their body parts and organs, according to some sources. However, some academics, activists and human rights organizations working in the region are doubtful of the veracity of the evidence from Egypt and those presenting it, despite the fact that the World Health Organization in a recent report called Egypt a regional hub for the trade.

Migrant witness reports from Libya also suggest that kidnapping and extortion of migrants from the Horn of Africa is a rising phenomenon. There appears to be a fine line between State officials and non-State militias, and even the actions of civilians:

They [migrants] live in fear, they are at the mercy of the whims of those – Libyan armed forces, militias or civilians – who hold them in their power, and they are viewed as a useful commodity to be brought, sold and exploited as forced labour. (JRS Malta, 2014)

Hundreds, if not thousands, of migrants have been, and continue to be, held by militia groups who initially claimed to be defending the integrity of the country's borders against pro-Gadhafi black migrants (Altaï Consulting, 2013; FIDH, 2012). Increasingly, it seems some of these armed non-State actors detaining and "handling" the large flows of migrants may also be profiting from their captives through labour and sexual exploitation, holding them for ransom and other trafficking activities. Certainly, much violence, sexual abuse, racism and xenophobia is reported by surviving migrants. Some reports mention fatalities occurring in these unofficial detention centres due to brutality, neglect or outright murder. As described previously, migrant detention centres are scattered around Libya, and it seems that those who try to escape run a high risk of being shot.

I saw how a pregnant woman tried to escape prison in Libya after she gave birth. The guards shot her dead and killed the baby by stepping on it. (RMMS, 2014b:56)

Calculating numbers of people who are killed by traffickers and non-State actors is fraught with difficulties due to the clandestine nature of their activities, the inability of others to scrutinize the criminals' behaviour, and the culture of impunity compounded by the strong anti-migrant and racist attitudes towards sub-Saharan migrants in Egypt and Libya.

Death by State officials

This category of death includes cases where migrants are shot by security guards and border officials. These cases are reported by migrants transiting or entering Spanish territory in Morocco (Ceuta and Melilla), as well as in Morocco itself, Egypt, Eritrea, Libya and Sudan. In rare instances, the news of migrant shooting reaches international media, as with the case in February 2014, when 15 migrants drowned after Spanish guards shot rubber bullets at them as they tried to swim into the enclave of Ceuta (Schemm, 2014).²²

Every year thousands of migrants enter Morocco irregularly and periodically attempt mass break-ins through or over the triple-layer fence surrounding the two Spanish enclaves. Many are successful, but both the Moroccans and Spanish

²² Apparently, these migrants were not directly killed by the bullets, but critics of the shooting claim that the fear and injuries caused by the shooting caused the drowning.

guards use force to prevent the mass influxes and forcibly return to Morocco or the Algerian border those they can catch “in the act”.

“Dozens are wounded with every attempt. There are often fatalities,” claimed one report that continued to quote a migrant saying, “nothing in the world is as hard as that fence and there is always a loss of life” (RMMS, 2014b).

When Eritrean and other sub-Saharan migrants tried to enter Israel through the Sinai, there were regular reports of bullet injuries and fatalities along the border where Egyptian soldiers appeared to fire at migrants without restraint. The Eritrean border guards are apparently licensed to shoot on sight any person who try to leave their territory through unofficial methods, but the authors are not aware of recorded fatalities.

Migrants may also die while held (and abused) in formal or informal detention, in a wide variety of locations throughout the Maghreb and Sahel countries where – due to their irregular status – they have to face detention, deportation, sentencing and punishment. There are few stories of this nature but it is known that often in remote locations, behind closed doors, certain State officials treat migrants as they choose, convinced there will be no investigation or accountability demanded if migrants go missing or die in their hands. More often, if some State officials are practising extortion and abuse, or are complicit in criminal activities, they become part of the wider machine that *commoditizes*, exploits and sometimes causes the death of migrants. A dead migrant needs to be disposed of and even covered up while a migrant who is alive may be exploited for profit and/or sold on to others.

In 2011 and 2012, militias in Libya held large ad hoc detention centres for sub-Saharan migrants. In 2013, these were ostensibly taken over by the “new” Ministry of the Interior, but a grey zone remains between the activities of the State and the armed militias who still wield power. Amnesty International estimated in 2013 that approximately 5,000 migrants, asylum-seekers and refugees were held in 17 detention centres in “prison-like conditions indefinitely for migration-related offences pending deportation” (Amnesty International, 2013:5). As it elaborated its findings, Amnesty International went on to describe different centres:

In the holding centres in Sabha, detained migrants appear to have been systematically subjected to torture and other forms of ill-treatment.

There is no estimation of the number of deaths that may have occurred but migrant reports, especially from those who have reached Europe and feel free to discuss their stories, suggest killings were not infrequent in Libya. Certainly, they talk of close complicity of State officials with criminal elements. The following quotes are taken from interviews conducted for the RMMS *Going West* study of mid-2014:

The police take the money and release these people. But the police themselves call another group and then the migrants are arrested again by another group, not the police and not the government, but the militia. They took us for four months and held us in a small village. (Somali man, interviewed in the Netherlands, who travelled from Somalia to Europe)

Very senior officials and militia are involved and even the Government cannot stop them. [There is a] need for the central Government to be stronger. (Senior Somali community leader in Tripoli, Libya)

Officials of the Libyan navy have a connection with the “connection men”. They share the money with them, every connection man has a connection with the army or navy. If they quarrel they will capture the boats and put the people in prison. (Eritrean man in Italy)

4.4 Conclusions: Methodological challenges and information gaps

While we have a clear grasp of the lethal risks migrants face making these journeys, there are evidently serious gaps in terms of our ability to enumerate human rights violations or actual fatalities. For all the witness statements, migrant interviews and media coverage, a close approximation of the number of deaths is hard to reach. Deaths at sea are perhaps better recorded due to the prevalence of patrols, surveillance, the frequency of shipping traffic, the increasing interest demonstrated by western media, and the greater accessibility to information and images depicting tragedies.

Methodologically, the closure of these information gaps is very problematic. Most deaths occur in remote locations or clandestine situations, and frequently where local officials and often local communities are either complicit with perpetrators or indifferent to the fate of migrants.

The most effective way to collect information on migrant deaths may be to compile it from interviews with migrants at strategic points of the journey, and after their arrival in Europe. If the information collected is relatively fresh, the details of each case may prevent duplication, and for discrete periods of review a “snapshot” might be collected. For example, for a one-month period in one year resources could be deployed to capture information from direct interviews with migrants and other sources, such as hospitals, police records and morgues. The exercise may prove to be costly and insufficient, but could go some way to increase our knowledge of the number of deaths, killings and other human rights violations that occur along migration routes in the region.

The secondary, and arguably far more complicated, problem will be to translate increased knowledge of fatalities into a multi-country, multisectoral policy response aimed at reducing deaths and irregular migration. Current and past efforts in the region to suppress or curtail undocumented human movement and the “support networks” that often facilitate it (smugglers and other associated actors) have evidently not been successful, and as long as interventions are not comprehensive or collaborative it is unlikely they will achieve much. At best they simply shift the routes elsewhere, and at worst they increase cost and risk to migrants, many of whom are determined to move at any cost and at any risk.

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Death in the desert

Without hopes of getting a good job after school, 20-year-old Ayan decided to leave secondary school in Somaliland and try her luck in Europe. Her journey turned out to be much harsher than she had expected, and she saw many die on the way. Eventually, she returned home.²³

Ayan did not tell anyone about her departure. She used her own money to reach Addis Ababa, where she arrived without a penny left in her pocket. When she found a group of smugglers who did not demand money until reaching Libya, she began her journey through the desert. After a six-day walk, which the smugglers indicated would be only 30 minutes, the travellers were transported through the desert towards Tripoli on four-wheel drive vehicles.

On the way a pregnant lady died. We tried to bury her, but the smugglers said that now we should just think of ourselves.

One day, the troop was chased by rival smuggler bands known to sell human organs. In the dark, everyone was loaded off the vehicles and hidden in the desert for two hours. This way, the drivers tricked the organ smugglers into believing the trucks were empty. Throughout the rest of the journey they continued to encounter obstacles; the group slowly shrank. Whereas Ayan departed in a group of 56, only 22 survived. The others died one after the other on the way, some of starvation or dehydration; others got stuck in deep mud or were left behind when injured. Nineteen members of the group died in a car accident.

One lady from the group sank down in the soil. They tried to drag her up but in this attempt to help her, one leg beneath the knee was cut off and she later died of her injuries.

When they arrived in Tripoli, the surviving men were tortured with electric shocks, and the women were raped. Ayan had gone through an operation before starting her journey, and the wound had become infected. Luckily, she was released when her family paid the cost of her trip to the smugglers. Her family arranged for her to be taken to a hospital for treatment, and sent her money to return home. Traumatized and discouraged, she decided to return and stay home. She is thankful to be alive and hopes to go to university.

“I realized that the dignity I have here in my homeland and the dignity I met in other countries was not the same.”

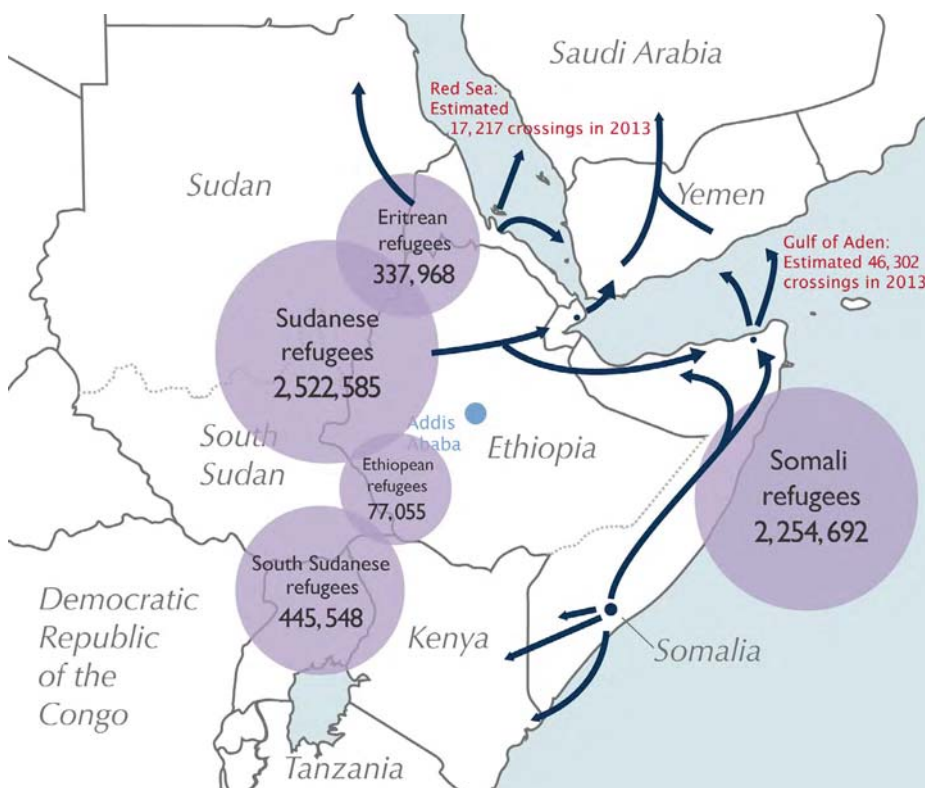
²³ This story is based on an interview conducted by the Regional Mixed Migration Secretariat in July 2013.

Chapter 5

Deaths en Route from the Horn of Africa to Yemen and along the Eastern Corridor from the Horn of Africa to South Africa

Christopher Horwood¹

Figure 5.1: Migratory routes in the Horn of Africa



Source: UNHCR, 2013.

5.1 Introduction

This chapter focuses on the complex, dynamic and fast-changing context of migration originating in the Horn of Africa. It is complex because, possibly more so than in other regions, migrant flows are mixed, with a huge number of forced

* The views expressed in this chapter are those of the authors and do not necessarily represent those of the International Organization for Migration (IOM).

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migrants mingling with economic migrants. It is dynamic because the number of people on the move is high and has been rising in recent years, and the routes taken by migrants point in all directions. It is fast-changing because the securitization of the region, coupled with environmental fragility and changing migration policies, means the flows are subject to sudden changes and affected by multiple factors.

In addition to these characteristics, the prevalent experience of those moving within, or out of, the Horn of Africa is one of hardship, neglect, brutal victimization and, for some, death. This chapter shows that while death is a common outcome for some migrants, far less is known about the scale of fatality than is known regarding the scale of abuse and victimization. Abuse and death may occur during migration in the region not only due to the harsh environmental conditions of many migration routes but also as a result of the “social economy” that has developed around migration, namely smuggling, trafficking and other forms of criminality, which may be compounded by collusion with certain State officials.

5.2 Brief historical and geographical background: The migration context

Migrants from Ethiopia, Eritrea and Somalia (including Somaliland and Puntland states) make up the overwhelming majority of those on the move in the region. Those moving within the Horn of Africa and leaving the Horn of Africa from these three territories are the ones who mostly face abuse and death. Apart from the million (plus) Somali refugees and asylum-seekers in Yemen, Kenya and Ethiopia (combined), there are hundreds of thousands of Somalis who have moved as irregular, normally economic, migrants in recent years, and tens of thousands who continue to move every year. The migration contexts relating to the three territories differ considerably and need to be briefly described to better understand how and where migrants face abuse and death during their journeys.

5.2.1 The Ethiopian exodus

Detailed interviews from migrant coast patrol teams in Yemen show that irregular migrants from Ethiopia are typically young males aged 28–35 from rural areas who lack formal education. Fertility rates in Ethiopia are among the highest in the world, and with a population of over 92 million² and wealthy neighbouring countries in the region and beyond, it is not surprising that smugglers have a steady flow of young men and women seeking their services.

More than 600,000 Ethiopians are estimated to have left the country in recent decades as emigrants and currently make up the Ethiopian diaspora, mostly

² World Bank 2014 estimate.

in North America, Europe and the Middle East (Human Rights Watch, 2013a). Ethiopians have left their country for a mix of reasons that can be broadly classified into political, “revolutionary” or ethnic as well as economic or survival necessity. Additionally, many are drawn to work outside their country as the “culture of migration” has become strongly embedded.

Significant migration from Ethiopia to countries beyond the Horn of Africa began after the 1974 revolution, in addition to the mass exodus of Ogadeni Somali Ethiopians to Somalia in 1977. One calculation in 2008/2009 suggested that the majority of the estimated 17,000–20,000 smuggled migrants entering South Africa every year were Ethiopians (Horwood, 2009). More recently, the Ethiopian Embassy in South Africa told the International Labour Organization (ILO) that between 45,000 and 50,000 Ethiopians were living in South Africa in 2011, of which 95 per cent had entered the country irregularly (ILO, 2011).

Some use South Africa as a springboard to fly to South America and North America, Australia or Europe. The southern route can take many months and normally passes through different combinations of countries including Kenya, Malawi, Mozambique, Rwanda, the United Republic of Tanzania, Uganda, Zambia and Zimbabwe. Migrants may travel by foot, boat, container trucks and buses. Almost all move using smuggler networks with high protection deficits. Since 2010, South Africa has become less welcoming to irregular migrants and asylum-seekers, while the popular sentiment has displayed increasingly violent anti-migrant and xenophobic tendencies for some years. In 2008, particularly strong expressions of hatred against migrants resulted in riots and multiple deaths through public lynching.

However, more commonly in the last decade, Ethiopian irregular migrants go east to Yemen (en route to Saudi Arabia) via Djibouti or Somaliland. A smaller number go west through Sudan to Libya or north to Egypt, and most of them with the intention to cross the Mediterranean into Europe. According to ILO reports, the Ethiopian Ministry of Foreign Affairs estimates that 75,000–100,000 Ethiopians migrate irregularly to Libya annually (ILO, 2011). To what extent the change of regime in Libya has impacted this flow is not yet known, although reports of deaths and rights violations in Libya, as well as the presence of Ethiopians in boats arriving in Italy between 2012 and 2014, suggest that the numbers are rising.³

Ethiopians dominate irregular migration flows to Yemen. The cumulative number of Ethiopians arriving in Yemen over the past seven and a half years is at least 300,000, a conservative estimate based on findings of the daily coast monitoring patrols organized by non-governmental organizations (NGOs) and the (Office of the) United Nations High Commissioner for Refugees (UNHCR) (RMMS, 2013a:34). The real figure is reckoned to be higher due to monitoring

³ This is repeatedly cited in press reports in 2013 and 2014 documenting rescue at sea, deaths at sea and arrivals on Italian territory.

limitations and because most new arrivals do not register but are kidnapped by criminal gangs and/or transported immediately to “torture camps” or north towards Saudi Arabia in “enforced smuggling”.

In an interview with Migrant-Rights.org, Aida Awel, Chief Technical Adviser on migrant domestic workers for the ILO Addis Ababa office, said that “IOM and government data shows that the total number of returnees have reached 163,018, of which 100,688 are men, 53,732 are women and 8,598 are children”. The recent crackdown on irregular Ethiopian migrants in Saudi Arabia – with 160,000 migrants rough-handled in forced return to their homeland between November 2013 and February 2014 – is an illustration of how important the Saudi informal labour markets are to Ethiopians.⁴ Despite this, after a short and steep drop in Ethiopians being smuggled to Yemen in early 2014, by April 2014 those recently expelled were trying again to cross into Djibouti and cross the Red Sea looking for work. It appears smugglers and traffickers can be reassured that their business is rapidly returning to its normal lucrative levels. By comparison, Ethiopian asylum-seekers in Canada, Europe and the United States of America⁵ are now relatively few (and falling), numbering not more than a few hundred every year.⁶

According to ILO (2011), “The ‘culture of migration’ is another key factor underlying high levels of trafficking [and migration]. Cross-border migration is considered as personal, social, and material success in most communities, creating wrong [sic] role models for the younger generation.” Recent studies of knowledge, attitudes and practices of Ethiopian migrants show that despite knowledge of the high likelihood of being subject to rights violations, brutality and even death, the commitment to migrate appears to be as strong as ever (RMMS, 2014c).

5.2.2 The Eritrean exodus

Ethiopia’s neighbour, Eritrea, is also one of the world’s poorest countries and is a closed and highly securitized State, widely regarded as repressive and authoritarian. According to Human Rights Watch, in Eritrea, citizens experience arbitrary and indefinite detention; torture; inhumane conditions of confinement; restrictions on freedom of speech and press, movement and belief; and indefinite conscription and forced labour in national service (Human Rights Watch, 2013b).

Eritrea has troubled relations with both the African Union and the United Nations, as well as the Intergovernmental Authority on Development (IGAD), from which it was suspended in 2007. The Government is frequently the target

⁴ See www.migrant-rights.org/2014/04/interview-the-ilos-aida-awel-on-the-future-of-ethiopias-160000-returning-migrants/ for the full text of the interview.

⁵ Hereinafter referred to as the United States.

⁶ In 2011, 2,379 Ethiopians applied for asylum in Europe and 1,318 Ethiopians applied for asylum in the United States and Canada. In the first half of 2012, there were just 863 asylum applications by Ethiopians in Europe, and 626 in the United States and Canada. In: RMMS, “Mixed migration in Horn of Africa and Yemen: June 2013” (Nairobi, RMMS, 2013).

of international censure by human rights organizations and other bodies. A large share of its 6 million citizens have sought to emigrate, often at great risk to themselves.⁷

Conscription is mandatory and often greatly exceeds the 19-month limit on active duty laid out in the 1995 Proclamation.⁸ Reports suggest that conditions during military service are severe, with inadequate food, shelter and equipment, together with long days of forced manual labour and extensive sexual exploitation of female recruits (Human Rights Watch, 2014a:114).

Most of the 35,000 Eritrean asylum-seekers in Israel have fled conscription or deserted the army.⁹ Because of the recognized severity of the conditions, some Western nations offer asylum to Eritreans escaping and evading military service. In 2012, 90 per cent of the almost 30,000 Eritrean asylum claims filed around the world were granted (UNHCR, 2013). But the cost of migration is high not only in terms of risks migrants may face on their journey but also to family members remaining in Eritrea. Interviewed Eritrean refugees in the diaspora claim that relatives of those who had left the country are subject to fines of approximately USD 3,350 for each missing family member (UN Human Rights Council, 2014).

The exodus of Eritreans is high in number but attracts little international attention. Migrants mainly leave the country illegally, by land and head directly into Sudan, without obtaining the required exit permit/visa that would typically be denied to most of those departing. Unofficial departure or evading military conscription is regarded as an act of defection, treachery and political dissent that can result in serious individual censure by Eritrean authorities (RMMS, 2014a). Eritrean authorities also reportedly adopt a shoot-on-sight policy towards people found in locations that are off-limits, such as areas close to the national borders, or intercepted “escaping” by sea (Human Rights Watch, 2013b). Eritrean irregular migrants and asylum-seekers who are repatriated from other countries are also detained, as they are considered traitors.¹⁰ According to Freedom House (2013) reports, they may even face life imprisonment or the death penalty as a result.

⁷ Some migrants are not migrants at all but trafficked persons sometimes abducted within Eritrean territory. Accusations of this nature were made in 2012 in the United Nations Security Council Report of the Monitoring Group on Somalia and Eritrea. In: UNSC, “Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2002 (2011)” (New York, UNSC, 2012).

⁸ Under the Proclamation of National Service (No. 82/1995), persons aged 18 to 50 years have the obligation of performing this national service. For persons aged 18 to 40, this obligation consists of six months of military training and 12 months of active duty military service, for a total of 18 months; persons over 40 are considered to be on reserve status if they have performed active duty service.

⁹ According to the official October 2013 figures from Israel’s Population, Immigration and Border Authority, 53,636 asylum-seekers are in Israel. Of these, 35,000 originated from Eritrea, while the majority of others are from Sudan, with a handful from other African States. See, for example, <https://www.opendemocracy.net/5050/zina-smith-and-david-sheen/taking-mask-off-asylum-seekers-in-israel>.

¹⁰ From late 2011 on, there have been increasing reports of forcible returns of Eritreans by the Sudanese Government. Amnesty International urged Sudan to comply with its international legal obligations and stop all forced returns of refugees and asylum-seekers to Eritrea. In: Amnesty International, “Sudan must end forced returns of asylum seekers to Eritrea”, public statement, AFR 54/039/2012 (London, Amnesty International, 2012).

Consequently, many Eritreans who wish to leave have to resort to using smugglers. Up to 2011, Sudan hosted more than 80,000 Eritrean refugees in the eight refugee camps in eastern Sudan along the Ethiopian border, but due to the risk of kidnapping and abduction by criminal gangs the number reportedly fell in 2012 (Human Rights Watch, 2014c). By early 2013, approximately 300,000 Eritrean refugees and asylum-seekers lived in Sudan, Ethiopia, Israel and Europe (ibid.). According to UNHCR and as quoted in various reports by the agency and others, the monthly number of forced and economic migrants leaving Eritrea was in the range of 2,000–3,000 in early 2012.¹¹

A recent detailed study of the victimization of Eritrean migrants suggested a more realistic estimate of those leaving Eritrea – approximately 5,000 per month (RMMS, 2014b). If this is the case, then up to 60,000 may be leaving annually; however, an estimated two thirds or more may not register with UNHCR as they are seeking to settle elsewhere (ibid.). Many hope to get to Europe where they know they have a high chance of being accepted as refugees, and where their lives will likely be considerably better than in a refugee camp in eastern Sudan or northern Ethiopia, not least because kidnapping from those camps or on the way to those camps, particularly in eastern Sudan, has become a major hazard in recent years. For many the camps are used as a staging post and clearing house for secondary movement. Smugglers are reputed to operate in and around the camps offering migrants different deals.

5.2.3 The Somali exodus

For many years, Somalis from South-Central Somalia have been on the move. Most appear as refugees in the region and beyond, but many are also economic migrants and move irregularly where they cannot move as refugees. As a result of victimizing each other in seemingly endless clan and internecine conflicts, Somali migrant flows have been the most numerous and consistent in the last two decades.

Fully making use of their *prima facie* group status as refugees in various countries, including their immediate neighbours, Somali migrants are normally afforded international protection as refugees. This allows them to move more openly with less long-term dependence on smugglers and clandestine operators. They may face other problems as refugees, but the immediate outcome of this difference is that they are arguably less commonly victims of some of the causes of death.

There are several reasons behind the continued flow of Somalis leaving as refugees and irregular migrants, namely landmark sociopolitical changes since the demise of the Islamic Courts in 2006 and the intervention of the Ethiopian

¹¹ For example, in October 2013, Sheila Keetharuth, UN Special Rapporteur on the situation of human rights in Eritrea, said: “The current numbers are between 2,000 and 3,000 Eritreans fleeing the country every month” (www.reuters.com/article/2013/10/24/us-eritrea-un-rights-idUSBRE99N1H220131024). In June 2014, she reported that the number increased to 4,000 per month.

army from December of that year; the resurgence of warlordism and civil war; the rise of Al Shabab; the multinational intervention by the African Union Mission in Somalia (AMISOM) and the UN-sponsored elections establishing a Somali central government in 2012, while many parts of the country are still dominated by extremists. The severe drought of 2011 and 2012 in the midst of political and military conflict caused huge spikes in figures of those fleeing to Ethiopian and Kenyan refugee camps.

Apart from the settled Somali diaspora – currently estimated to be 1–2 million strong – there are, in mid-2014, over 1 million Somalis living in refugee camps or urban centres outside their homeland in the Horn of Africa region, mainly in Djibouti, Ethiopia, Kenya and Yemen. Considering the Somali population is approximately 9 million, these figures represent an unusually large proportion of Somalis on the move or displaced (Al-Sharmani, 2007).

The seemingly unending rivers of migrants flowing from a drought-ravaged and insecure Somalia of 2011 and 2012 have now mostly stopped. In 2013 and 2014 the debate in Kenya is of refugee return, as Kenya reels from successive pro-Al Shabab terror attacks in its cities, and as anti-migrant and anti-refugee sentiment grows.

However, Somalis still continue to leave as conditions in Somalia remain harsh. They also move to escape specific and personal persecutory threats as a result of their political affiliation, clan membership and gender, to evade forced conscription or because fighting has prevented them from having access to international assistance that may have provided some basic needs such as food, medical services, health care and livelihoods (IOM et al., 2008).

Additionally, the role of the diaspora has become pivotal in terms of creating “chain migration” through the critical mass of external and economically capable Somalis willing to fund and encourage the migration of relatives and friends still inside Somalia. Like Ethiopia, a strong *culture of migration* now exists, which can be expected to continue long after peace and prosperity take root in the country.

In terms of destinations and routes, a considerable number move north from South-Central Somalia into Puntland state where they may stay as “internally displaced” and/or choose secondary movement towards Yemen. In the past eight years, Somalis have been crossing the Gulf of Aden (mainly from Bossasso) at an average of 22,500 people per year. In eight years, over 180,000 have arrived, although the peak years were 2008 and 2009 (average 33,000), and declining numbers are now choosing this route; data from 2013 suggests just 11,000 entered Yemen. Somalis can live as refugees in urban centres in Yemen, and there are approximately 250,000 registered, although on average 20,000 reside in the remote and poorly resourced refugee camp of Al Kharez. The Yemeni Government claims there are many hundreds of thousands more unregistered

Somalis living in the country.¹² According to migrant data collected in Yemen in recent years, the typical division between male and female migrants is on average 80 per cent/20 per cent, with most migrants falling in the 18–35 age range.¹³

An unknown number of Somalis reside in Kenya as refugees and/or irregular migrants. The true number is suspected to be higher than the official UNHCR refugee figures of 430,000 Somalis, and many Somalis transit through Kenya en route to South Africa. Their journey south may take weeks or months with prolonged stops in countries such as Malawi, Mozambique, the United Republic of Tanzania, Zambia and Zimbabwe to earn money to finance the next leg of their journey, out of preference, or because of being held in detention. In 2009, it was estimated that some 5,500–6,500 Somalis were smuggled along this southern route annually (Horwood, 2009). Anecdotal information from Nairobi and Mombasa suggests the smuggling business from Kenya to South Africa is as active as ever, but there is no new data.

Another route is west. Somalis are found in Djibouti and Ethiopia (in both cases, in refugee camps and urban centres) as well as in Sudan and Libya, where they normally seek means to cross the Mediterranean into Europe. There is no data on the level of movement of people from South-Central using this route, although Frontex data indicates that over 5,000 Somalis were detected crossing the Mediterranean in 2013, representing a 45 per cent rise in the number detected in 2012. Somalis were, in 2013, the fourth largest contingent (by nationality) detected making the crossing, after Syrians, Eritreans and Afghans (Frontex, 2014).

5.2.4 Somaliland

Somaliland deserves a special mention. Declaring unilateral independence from Somalia in 1991, authorities estimate Somaliland's population to be 3.5 million. A large number of Somalis and Ethiopians use Somaliland as a transit territory to Puntland or Djibouti, from where they are smuggled by boats to Yemen. According to a Joint Assessment report by the Mixed Migration Task Force (MMTF) of Somaliland, the Loya-ada border town between Somaliland and Djibouti is a major transit point, with well-established smuggling networks and smuggling reportedly comprising 80 per cent of the town's economy (MMTF Somaliland, 2012). Somaliland is a point of origin for some migrants, but not many. In 2012, fewer than 3,000 migrants arrived from Somaliland to Yemen, representing just 3.2 per cent of all arrivals. As Somalis automatically qualify for refugee status, it is possible that Somalilanders going to Yemen disguise their true identity and register as Somalis from South-Central Somalia.

¹² All data from new arrivals of migrants in Yemen is available from the Yemen Mixed Migration Task Force, whose members collate migration data from the various monitoring mechanisms they have established around the coast and other locations.

¹³ Based on composite and accumulated monthly reports from data gathered in Yemen and received by RMMS.

Recent reports repeatedly indicate that rather than go east to Yemen, groups of educated young people, often runaways, are heading into Sudan and Libya with smugglers. According to IOM, in August, September and October 2011, some 3,500 young men and women from Somaliland travelled this route (IRIN, 2012). More recently, a local NGO estimated that about 50 people are smuggled out of Somaliland every month, while press reports indicate the number could be 150 (RMMS, 2013c). In a UNHCR-funded study on mixed migration to Libya, it was estimated that 500–3,000 migrants per month cross the border between Somaliland and Ethiopia (Altai Consulting, 2013:55).

In 2012 and 2013, reports of hundreds of Somaliland youths leaving every month started to surface with regularity. Other migrants are known to fly using money and contacts from the Somaliland diaspora in the Arabian Peninsula and Western countries. Those using the land routes are highly susceptible to abuse, kidnapping and murder or death by misadventure or malice.

5.3 Calculating deaths

Before trying to answer the question of *how many* Horn of Africa migrants die, it is useful to disassemble *how* they die. They die in different environments, under different conditions and while under the care or control of different groups of people. What we find is that almost all deaths are caused by either misadventure (lack of resources and preparedness), or callous negligence, or deliberate violence. Some respondents of a study conducted by the Danish Refugee Council (DRC) and RMMS even claimed that as many as 50 per cent of those who begin the journey die from either exposure to the elements or suffocation in transit. It is impossible to verify this number but many respondents felt that more die during the land crossing than during the sea crossing (DRC and RMMS, 2012). The fact that migrants are the commodity in a relatively new and thriving business, where smugglers and traffickers have high profits to make with almost no risk of censure or penalty, only adds to their vulnerability. These are boom times for those in the business, whether smugglers, traffickers, State officials or others associated with cross-border movement of hundreds of thousands of people in the region. Despite the deaths and violence, the flows only seem to increase.

Ironically, while poverty appears to be always a major driver for migration, it does not appear to hold back those preying upon migrants from extracting extraordinary profits from them, at the same time treating them with a level of contempt that frequently results in their death. Here follows a topography of lethal outcomes affecting migrants originating in the Horn of Africa.

5.3.1 Death from physical hardship

“Then we boarded another boat to Mocimboa, Mozambique. The boat lost power and drifted into the sea. We spent 21 days in the sea. We nearly ate each other out of hunger as our supplies ran out. . . .” (Horwood, 2009)

Many migrants make part of their journey by foot and by open truck, either with or without their smuggler escorts. Many of the routes used deliberately pass through remote areas away from main roads, formal border crossings and habitation. Coastal Yemen, eastern Sudan, eastern Ethiopia, north-eastern Kenya, Djibouti, Somaliland and Puntland as well as north-western Sudan and southern Libya are some of the hottest and most arid areas on the planet. Most migrants are entirely unprepared for the hours and days of walking or driving through waterless terrain in high temperatures. They may have to swim across rivers, remain in a “safe house” for days with little sanitation or food (e.g. in Mozambique and the United Republic of Tanzania), or wait on beaches in caves without provisions (e.g. in Djibouti). Countless migrant stories and reports speak of fellow migrants dying of thirst, hunger, exhaustion, and exposure to cold nights and hot days.

Even though smugglers are notorious for their neglect of migrants, they normally give their “clients” access to some water (often contaminated by fuel to reduce consumption), but those migrants choosing to make their own way through desert areas in groups, in particular through Djibouti, eastern Ethiopia and southern Yemen, frequently report deaths.

In one assessment, one official interviewed stated that in 2012 at least 20 Ethiopian migrants were known to have died of thirst in the middle of the desert, between Loya-ada and Ceel-gaal in Somaliland (MMTF Somaliland, 2012).

We took the boat for three days without food or water. When we arrived in Tanzania we hid in the forest for 15 days. People died of snake bite, malaria and hunger.¹⁴

Those going south towards South Africa may face thirst, starvation and exhaustion, causing some to die, but normally such deaths are linked to being abandoned by their smugglers in forests or along the coast (the United Republic of Tanzania), or being kept for long periods in airless containers and trucks in extreme heat. Following subsections looking at death in deserts, on roads and on water illustrate how extensive death from physical hardship may be.

¹⁴ Testimony of an Ethiopian migrant, 28 years old, in Port Elizabeth, South Africa. In: C. Horwood, *In Pursuit of the Southern Dream: Victims of Necessity. Assessment of the irregular movement of men from East Africa and the Horn to South Africa* (Geneva, IOM, 2009), p. 69.

Death in the desert

“During our trip through the desert, we came across the body of a dead girl that was half buried in the sand, probably she died of starvation.”¹⁵

Apart from death by drowning and death by murder (see below for both), the most common location of migrant deaths, as reported by survivors, is the desert. As mentioned, almost all routes out of Eritrea, Ethiopia and Somalia pass through some of the most arid, hot and shelterless landscapes on earth. In addition, these remote areas are selected by smugglers as least likely to attract scrutiny by State officials. The lava fields of western Djibouti where so many Ethiopians pass en route to Obock – the main departure point for boats to Yemen – are vast areas of jagged rock without water or local communities. In 2012, RMMS and IOM were informed by the Djibouti Government of a group over 30 dead migrants that were found by nomads. Initially the Government claimed the number of dead was over 80, and that finding dead bodies in the desert was common. They asked IOM for assistance with body bags. Those passing through eastern Ethiopia said there was no need for directions because the desert was lined with the whitened bones of fallen migrants. One migrant spoke of the typical horrors facing travellers in the Ethiopian deserts along migrant routes:

We started the perilous journey through Afar desert, where some looters attacked us, beat us badly and took the money we had. After around one week of walking in the desert, during which some people died of starvation, we reached Tajoor Mountain, where we stopped in order to have a rest. I was looking around me, I found some people dying, some were sleeping, and others were crying and asking for water or food. I was walking among people laying down, looking at them and thinking they were staring at me, but no answer from their side, then I realized that they were dead. There I realized that I was going through a journey of death, some people died during the desert crossing, some while climbing the mountain and some on the top of it.¹⁶

Reports from numerous victims of trafficking in the Sinai, Egypt, talk of shallow graves and rotting bodies in those deserts, where migrants from the Horn of Africa have died from neglect and murder by torture or gunfire. In addition, some sources have offered photos of hundreds of bodies in trench graves in the desert that appear to have been victims of organ removal.

In north-west Sudan and south-east Libya, more recent stories suggest numerous migrants from sub-Saharan Africa die and are left in the desert. One 20-year-

¹⁵ Testimony of an Ethiopian male migrant travelling towards Djibouti. In: MSF, *No Choice: Somali and Ethiopian Refugees, Asylum Seekers and Migrants Crossing the Gulf of Aden* (Geneva, MSF, 2008).

¹⁶ Testimony of Molla (not his real name), a 15-year-old Ethiopian boy, interviewed in Haradh in February 2012. In: DRC and RMMS, *Desperate Choices: Conditions, Risks & Protection Failures Affecting Ethiopian Migrants in Yemen* (Nairobi, DRC and RMMS, 2012).

old Somaliland woman told about her journey from Somaliland to Tripoli. She was part of a group of 56 young Somalilanders taken to Libya by smugglers. Out of the 56, only 22 survived. The smugglers let them walk through the desert in Sudan for days, and people who died from injuries or dehydration were left behind (RMMS, 2014b). It may be assumed that this high proportion of deaths is untypical but without more data we cannot be certain.

We will never know what numbers of migrant deaths the desert sands hide, but considering the frequency with which surviving migrants mention deaths of companions in the deserts and their frequent sightings of bones and bodies, they are likely to be high.

Death on the road

Following the accident on 24 April 2012, when a bus carrying 33 migrants travelling from Tadjoura (Djibouti) to Obock veered off the side of the road, a similar accident along the same route happened on 4 June 2012 and involved a bus carrying an estimated 82 migrants. Twenty-seven Ethiopians and one Djiboutian driver died while 54 Ethiopian migrants were injured and evacuated to different hospitals. The Djiboutian authorities claimed that there were more migrants who they believed fled from the scene to avoid arrest (RMMS, 2012).

Migrants report accidents and deaths on the road with regular frequency. There are three common scenarios: firstly, accidents involving bad driving, difficult terrain and other vehicles often on “unofficial roads”; secondly, death may occur in situations where pick-up trucks are overloaded and travelling through deserts or other rough terrain, and people fall off the vehicle; in these cases, migrants may be abandoned dead or injured on the roadside without the ability to seek help; thirdly, migrants die on the roads when locked inside containers without water and food and, critically, without access to fresh air. Asphyxiation is the normal cause of death in these cases – cases that are frequently reported in local media or police reports.

For example, in a news report published by IPP Media (2012), at least 45 irregular immigrants, reportedly from Ethiopia, died and 72 others were in critical condition due to lack of clean air while inside a container, apparently on their way to Malawi via the United Republic of Tanzania.

In another typical and often heard case, a migrant reported:

Once in Mozambique we were loaded into another container between three or four in the morning. By sunrise we were suffocating. We tried to stop the driver by banging on the walls. I don't think he heard us. . . . He just wouldn't stop the truck. About ten people started fainting. When the police opened the container later, I was already unconscious. I was told three people died. (Horwood, 2009:71)

In addition to the two previously cited cases, another migrant reported:

On one fateful night, 250 of us, 120 Somalis and 130 Ethiopians, were loaded into a container and the doors were locked. After about an hour, people were yelling because they were suffocating. The doors of the container were opened again at 7 a.m. the next morning. By then, lots of us were unconscious. Three people died in the whole ordeal. (Horwood, 2009:72)

It was always not clear if the same incident was repeated by different witnesses. For example, another irregular migrant who made it to South Africa told the same researcher how he had passed out in the first hour inside a closed container from Mocimboa to Nampula in Mozambique:

Four Somalis and three Ethiopians died in that trip. Their bodies were buried in Mozambique. (Horwood, 2009:72)

Death on seas and lakes

In recent years, thousands of migrants from the Horn of Africa have died in water, be it in the sea between mainland Africa and Yemen, in the Mediterranean, along the coastal waters of Mozambique and the United Republic of Tanzania, or on inland lakes such as Lake Malawi. As such, it is probably the top cause of death among migrants, although reports of death in deserts appear to be rising and may now be more numerous; lack of data makes this very hard to determine.

Reports such as this, from 11 March 2014, are not uncommon: “The UN refugee agency on Tuesday said that 44 people were missing and feared drowned after a smugglers’ boat capsized off the coast of southern Yemen in what UNHCR described as the worst such incident this year” (UNHCR, 2014). Two months later, even worse statistics were recorded: “At least 60 migrants from Ethiopia and Somalia along with two Yemeni crew members drowned on May 31 [2014] in the worst such tragedy off the coast of Yemen this year, the UN has said” (AFP, 2014). High-quality data on migrants is available from Yemen due to the structures that are in place to interview and assist migrants as they arrive on Yemen’s shores.

Drowning is normally caused by a combination of factors. Overcrowded boats are highly susceptible to capsize and so the smugglers’ greed in overloading their vessels, combined with rough weather, easily leads to tragedy that may be seen as an accident or the result of malicious neglect. Also, it has been common for smuggler crews crossing to Yemen to avoid contact with Yemeni shore or sea patrols by offloading their passengers in water hundreds of metres (sometimes more than one kilometre) from land. The vast majority of migrants cannot swim and many drown when forced disembarkation at sea is practised.¹⁷

¹⁷ As they wait for their boat ride, some migrants can be seen learning to swim in Obock, Djibouti. Given the inability of most migrants to swim, it may not be surprising that there are more deaths from forced disembarkation.

Cases of men and women, youths and even infants being beaten, shot, raped and thrown into the sea have also been common and continue to be reported, though less commonly, since the value of delivering live migrants to Yemeni traffickers on shore has risen.

There was a woman with an infant of six to eight months old. The baby was crying and the smuggler told the woman to shut the baby up. The woman replied: "I have nothing to give to him, not even water. Where can I get some water?" The smuggler took the baby and threw him into the sea, saying now he can drink water. (MSF, 2008)

In addition to deliberate killings by smugglers, some migrants die of exposure, dehydration or suffocation. Migrants are in particular danger when stowed below deck where the environment is toxic, often contaminated by petrol fumes, fuel mixed in water, and the feces and urine of fellow passengers (DRC and RMMS, 2012).

We left Bossasso on a boat with a lot of people, about 130. The Ethiopians were separated from the Somali. The Somali were treated better and were on the upper deck. We Ethiopians were at the bottom. People urinated and vomited on us. The conditions were very hard. The smugglers beat us with sticks and even belts. When we arrived close to the shore, they ordered us to jump out. Some could not swim and 4 people died. (MSF, 2008)

The testimony above used to be a common description of the journey between 2007 and 2011 when many hundreds died at sea. Ethiopian respondents in the 2012 DRC/RMMS study indicated a probable underreporting of deaths at sea. Many killings seem to occur at night and in highly congested boats, passengers might simply be not aware of all killings. It is also suggested that passengers themselves, and not just the smuggling crew, push other passengers overboard to increase their survival chances. Of course some incidents might never be known, such as the sinking of an entire boat (DRC and RMMS, 2012). Table 5.1 illustrates what was known of drowned and missing migrants at sea between 2006 and May 2014 inclusive, according to UNHCR Yemen.¹⁸

¹⁸ As mentioned, an experienced network of coastal patrols organized through UNHCR and NGOs produces monthly estimates of numbers of new arrivals, as well as deaths at sea during the crossing from mainland Africa to Yemen. These figures and others from Yemen are obtained from data from members of the Yemen Mixed Migration Task Force and certified by UNHCR Yemen.

Table 5.1: Migrants recorded as dead or missing at sea, from 2006 to May 2014

Year	Number recorded as dead or missing at sea
2006	638
2007 ^a	1,030
2008	743
2009	376
2010	15
2011	131
2012	43
2013	5
2014 ^b	124

Source: Compilation made using UNHCR monthly bulletins on New Arrivals in Yemen, from 2006 to May 2014.

Notes: ^a Eleven months.

^b January to May inclusive.

In recent years, hundreds have been reportedly found dead along the Yemen coastline, and to such a degree that local communities have had problems burying or disposing of the bodies. In two incidents just off the coast of Bossasso in 2012, boats capsized causing 98 fatalities – but not all from drowning. There were reports from the February 2012 incident that some tens of those who died were shot by smugglers as they tried to force migrants off the overloaded boats in stormy weather. In both cases, no boat owners or crew members were prosecuted. However, incidents have become less frequent since the violent days of 2006–2009 when at least 2,787 were murdered or died at sea while being transported by smugglers. Compare this with the four-year period of 2010–2013, where just 194 were recorded as dead or missing in the same sea passage.¹⁹

The decrease in the number of deaths at sea coincides with the rise in kidnapping and extortion of smuggled migrants in Yemen. One explanation for the reduction in the number of deaths, and held by the author, is the increased “commoditization” of migrants. The passengers are increasingly seen as a valuable commodity by the smugglers who are therefore more likely to ensure their cargo reaches the coast alive. The sea smugglers trade migrants with onshore (warned and waiting) armed traffickers, and therefore no longer make their money with the sea crossing alone as they did in earlier years.

Deaths at sea also occur elsewhere. There are reports of deaths along the coast of the United Republic of Tanzania as migrants are transported from Kenya to the United Republic of Tanzania or Mozambique (which is less common). In June 2012, a group of irregular Ethiopian migrants boarded a boat on the shores of Lake Malawi to head southwards. A few minutes after departing, the overloaded

¹⁹ RMMS analysis using statistics from the members of the Yemen Mixed Migration Task Force monthly reports.

boat sank, drowning 49 of its passengers. According to a smuggler who claimed to be part of a group smuggling migrants from the Horn of Africa to South Africa and was interviewed in the context of this accident, the use of boats to cross Lake Malawi gained popularity after other land routes became too risky (IRIN, 2012).

Death from “natural causes” including illness, suicide and general debilitation

“One of our friends was sick. [...] The smugglers beat him, his condition worsened until he died on the boat. His body was thrown overboard.” (MSF, 2008:17)

This is a difficult category to identify from migrants’ reports because violence, abuse, poor diet, dehydration, hardship, torture and detention all weaken a person’s ability to thrive and might even sap their will to live.

They would starve us, they would burn us and they would not let us sleep. All of us were actually hoping for death because that would have been an escape from the torture. (Thomson, 2013)

Suicide is rarely reported by migrants. Many talk of how they wished they could die while being held by smugglers and traffickers, but only few appear to go through with it. There are other similar testimonies but they are rare.

One of them [migrants] was beaten so badly [by crew members on the smugglers’ boat] that he threw himself into the water and died. (MSF, 2008)

With weakened immunity due to general exhaustion, pain, thirst, fear and despondence, illness can claim a person’s life. Certainly, in northern Yemen there have been reported cases of deaths from different illnesses and injuries. In the past two years alone, Médecins Sans Frontières (MSF) and IOM have run very busy clinics offering emergency health care to thousands of Ethiopian and Somali migrants stranded in Haradh, close to the Saudi border. Those with severe injuries from torture or gun shot and women with complications associated with gang rape and other violations are treated alongside those with illnesses. The Haradh morgue apparently has numerous migrant bodies of those who have succumbed to illness and severe debilitation, as well as torture (Human Rights Watch, 2014b).

In many cases, members of a migrant group die and survivors cannot say what exactly caused the death. Along the route to South Africa, migrants reported fellow travelers dying from malaria and other fevers caught from spending repeated nights in swampy or forested areas without shelter. People complain of dysentery from contaminated water, little and rotten food, and an almost total lack of access to health facilities. Many migrants talk of becoming sick after

having only fuel-contaminated water to drink. Smugglers deliberately put diesel or petrol in the water supply to reduce the migrants' desire to drink.

It should be noted that in any group numbering tens of thousands of people over a period of months, there will always be some affected by illness and disease, but outcomes are not fatal when people have access to health facilities and medicine. This is the critical aspect of illness affecting migrants – conditions are lethal for most, presumably, because of the clandestine nature of their movement and the almost total absence of health facilities and medicine. Where facilities are available, migrants probably lack the freedom from their smuggler handlers or private resources to benefit from them. Additionally, in countries such as Egypt, Libya and Yemen, migrants have complained of active discrimination against them, resulting in hospitals and clinics, doctors and nurses refusing to assist sick irregular migrants and/or refugees, even in cases where, for instance, a female migrant may go into labour.

Death from wild animals appears quite rare, and only a few reports mentioning such cause have been collected by the author in parts of Kenya and in southern Africa. Nevertheless, some migrants are killed by wild animals during their journeys. Irregular migrants travel in remote areas with little habitation and minimal, if any, shelter available. They often sleep exposed to the elements or general harsh environment and to certain predators. If they travel in groups they may have an advantage if and when wild animals such as lions or hyenas are close, but smaller groups may be more vulnerable. Other dangers from scorpions and snakes may be more common. Reports from UNHCR have mentioned migrants being attacked by sharks in the Gulf of Aden.²⁰

In another dramatic case, as stated in a report on news site All Africa, 17 irregular migrants or “border jumpers” were found dead, all believed to be victims of crocodile attacks and drowning:

The bodies of at least 17 suspected border jumpers, believed to have drowned in the Limpopo River, were discovered by the Zimbabwean and South Africa police this week. Fifteen bodies were found on Wednesday by officials patrolling the river near Beitbridge. It is reported that the bodies, some of which had missing limbs, had been hidden in a cave by crocodiles. (Bell, 2014)

Elsewhere, migrants were reportedly harassed by lions and elephants:

By nightfall we were attacked by wild animals. The lion ate an Ethiopian man [in the group]. (Horwood, 2009)

²⁰ See, for instance: www.unhcr.org/pages/4a1d59c1d.html; <http://reliefweb.int/report/somalia/least-29-dead-smuggling-run-yemen-unhcr-horrified>.

On the Bostwanan side of the border, we found ourselves in a national park. Wild animals, including elephants, chased us all night. (Horwood, 2009)

Not only do migrants find themselves lost or forced to travel through game reserves or national parks, but they are also usually far from any help if trouble comes, and as mentioned, medical assistance is typically non-existent.

5.3.2 Death as stranded migrants

Stranded and destitute migrants have died from a number of deprivation-related causes. Of the considerable number of migrants on the move within and out of the Horn of Africa region, many become stranded in different locations. Whether due to abandonment, robbery, extortion, injury, illness, exhaustion, resignation, poverty, disorientation and hopelessness – or a combination of these causes – migrants are found stranded in locations such as Bossasso in Puntland, Obock in Djibouti, Aman in Yemen, and even refugee camps in eastern Sudan or Yemen. Survivors talk of some of their companions dying of hunger or thirst while destitute, and waiting long periods for smugglers to take them further. Many migrants are also stranded in major towns and large cities whether in Cairo, Khartoum, Djibouti City, Nairobi or Sana'a, and numerous other smaller centres.

In 2011–2013, assisting agencies reported that more than 12,000 destitute migrants (mostly Ethiopian) were struggling to survive in the town of Haradh (Yemen), along the harsh northern frontier with Saudi Arabia.²¹ The Government of Yemen stated that there were as many as 25,000 in the governorate at one stage during that time (Human Rights Watch, 2014b). Many of these migrants were either waiting to cross into Saudi Arabia or had recently been deported from Saudi Arabia. Some had survived kidnapping and torture, and could neither go forward nor did they have the means to return to Ethiopia. Reports of injuries, hunger and starvation, exposure to the elements (living rough) were, and continue to be, common, not only from Haradh but also from Obock in Djibouti.

IOM and MSF, along with other agencies in Yemen, gave assistance to thousands of desperate migrants in 2012 and 2013, mostly in Haradh, and also in Aden and other locations. But the numbers were overwhelming. Having scaled down their assistance in the second half of 2013, by mid-2014 agencies are increasing assistance as the number of stranded migrants rises again. While agencies working with the most destitute may offer figures of those who succumbed to their conditions under their care, establishing the larger figure of all those that die while stranded will remain elusive. Certainly, stranded migrants find themselves in very harsh conditions and, when in inhabited areas, sentiments of the local people are often very hostile, while the only interest migrants may

²¹ From a variety of agencies' unpublished reports and IOM situational reports in 2012 and 2013, according to the RMMS data records. For instance, see: IOM, "Thousands of Ethiopian migrants stranded in Yemen desperate to go home" (Geneva, 2011).

receive is predatory behaviour from those who would seek to exploit them. In larger cities, where stranded migrants can contact communities of migrants from their own countries or clan/ethnic groupings, the chances of survival and protection tend to be much higher.

5.3.3 Death due to malicious neglect or abusive practices when smuggled

To some degree this category is an overarching one that includes other subsections already discussed. Most irregular migrants are in the “care” of various smugglers from the time they depart their hometowns or city hubs until the final leg of their journey, where they are normally abandoned at borders or coastlines and pointed in the general direction of their destination, or handed over to traffickers.

The abusive practices of smugglers against migrants are not a new phenomenon. Human rights academic Jacqueline Bhabha wrote in 2005, “[. . .] Opportunities to immigrate legally are severely limited. Migrants, including asylum seekers, have increasingly resorted to illegal entry and unauthorized stays, and ever-larger numbers use the services of smugglers to evade the system, compounding their vulnerability to exploitation and ill treatment” (Horwood, 2009).

In East and Southern Africa, the situation is no different. The smuggling world is a callous, unscrupulous one of harsh treatment, maximum control, lies, deceit and frequent collusion by smugglers with any entity, such as traffickers and corrupt officials, who might further harass or mistreat the migrants in their charge. In fact, the smugglers’ “clients” are often treated as sole commodities and only valued to the extent that some profit can be extracted from them. In such a world, it is hardly through accident that many migrants perish. The cards are stacked against them.

Unlike other “service” businesses where quality of service and standards are self-regulating in order to maintain customers, smugglers enjoy *exceptionalism* due to two critical factors: they are operating outside the law and without public scrutiny, and the very agencies that might inhibit their behaviour often act in collusion with smugglers, resulting in a climate of entrenched impunity.

The fact that the *economics of smuggling* is the callous driver that explains most behaviour leading to deaths of migrants is perhaps self-evident. When the boats and trucks and containers are over-filled, when food and water are not provided, when passengers are jettisoned in shoreline waters, when migrants end up in detention or are abandoned to die when injured or too sick – in any of these and other scenarios – money is behind the mistreatment. Reducing expenses in transporting migrants, reducing the bribes they must pay to others and maximizing their profits define how smugglers treat migrants. Only in the case

of female migrants is profit at times replaced by sexual opportunism as a key behavioural driver. Where women and girls are first abused and then trafficked, as in Yemen, the two are combined.²²

Smugglers are so confident that their client base will not be eroded by bad reports that they often mistreat the migrants in full view, even while migrants have mobile phones and are able to speak to their relatives and friends about their ongoing hardships and tormentors. But their tormentors are also the migrants' saviours if they deliver them to their destination – an irony sufficiently relevant, meaning that every year more migrants queue for the smugglers' services despite ample awareness of the inevitability of abuse.

In terms of going south along the eastern seaboard, 88 per cent of Somalis interviewed in one study said their journeys were harsh with negative and unexpected experiences. Sixty-five per cent said they were beaten or physically robbed at least once as they migrated, while 6 per cent said sexual abuse of someone in their groups had taken place. Ten per cent spoke of death in their groups during the journey. Three per cent of Ethiopians spoke of death in their groups (Horwood, 2008:66).

Death through torture and outright murder by smugglers, traffickers and other criminals

Once migrants have put themselves into the hands of smugglers to achieve their aims, the lines between smugglers, criminal gangs and traffickers become blurred. Witness testimonies of migrant deaths as outright murder or as a result of excessive brutality are all too common and make grim reading.

It appears that a high number of deaths are caused by shooting migrants or torturing them. Migrants may be killed for: making a noise or moving while on board boats; for trying to escape captivity; as an example to others if ransoms are not paid; (allegedly) for organ theft and from aggravated, violent robbery.

When the boat was still near Bossasso, it hit a rock. The smugglers were afraid that the boat would sink and started throwing people off. They took my grandson and threw him in the water and also some others. [. . .] The smugglers prevented them from getting [back] into the boat and pushed them down in the water. At least three people died that way. (MSF, 2008)

²² In a recent news article, a Yemeni military officer from Haradh told journalists he is one of a handful of Yemeni security officials who have made a fortune helping smugglers move Africans into Saudi Arabia. His coordination with smugglers earns him around USD 20,000 a month. It is certain that smuggling networks operating out of Yemen control a multimillion dollar business that may still be in its early stages of development. Smuggler networks taking people west, north and south from the Horn are also earning millions in smuggler fees alone. Rough calculations with known data suggest the total smugglers' fees in an average year (in recent years) could be USD 60–80 million. This figure may be very conservative and only a proportion of the total, when one takes into account trafficking that occurs and the growing business of extortion, kidnapping and ransom demands.

The smugglers were beating us from the beginning of the trip like animals. They have no mercy even if you die in front of them.²³ (ibid.)

The most egregious accounts of deaths of migrants from the Horn of Africa going east or south currently come from Yemen, although there is rising evidence of similar practices in Libya. The high regularity of witness statements of murder is likely to be strongly associated with the new phenomenon of kidnapping migrants for ransom. New arrivals on Yemen's shores repeatedly report that since 2011 Ethiopians (and some Somalis) have become victims of sexual violence, kidnapping, extortion, beatings and murder.²⁴ It is not clear how many of the 84,000 Ethiopians that arrived in Yemen in 2012 were taken hostage.²⁵ What started as an occasional hazard in recent years now appears to be routine. Few migrants escape the attentions of the on-land criminals.

The majority of the 2012 DRC/RMMS research respondents who arrived in Yemen in the previous 18 months reported being taken hostage for reasons of forcing a ransom payment and some reported this occurred more than once (DRC and RMMS, 2012). There are also reports of women and girls being abducted on arrival and never seen or heard of again (RMMS, 2014d). The size of ransom demands appears to be increasing. In early 2012, the rates were just USD 100–300. By the end of the year, the rates being reported by freed migrants were between USD 600 and USD 800. As of early 2013, the rates increased to USD 1,000.²⁶

Considering the levels of ransom demanded – still relatively low compared with the similar practice committed against Eritrean migrants in the Sinai – the level of brutality used is extreme and the criminals are ready to kill their captives.

The kidnapers would make me lie on my back and then they would get me to ring my family to ask them to pay the ransom they wanted. As soon as one of my parents answered the phone, the men would melt flaming plastic over my back and inner thighs and I would scream and scream in pain. (RMMS, 2013a:29)

They had about four or five of us tied up together and they would pour water on the floor and then electrocute the water so that all of us would get electrocuted at the same time. (ibid.)

Human Rights Watch released a report in May 2014 charting the extent of the violence and the silent complicity of State officials. One witness said he saw

²³ Testimony of a 50-year-old Somali from Afgaye.

²⁴ Summaries of migrant testimony to this effect and reports as collated by UNHCR and various implementing partners in Yemen have been repeatedly printed in the monthly summary reports of the RMMS since early 2012.

²⁵ RMMS data from collated Yemen data from UNHCR and DRC and other data gathering agencies; not published.

²⁶ Information also collated from hundreds of ongoing migrant interviews conducted by members of the Yemen Mixed Migration Task Force and reported in RMMS monthly summaries.

guards at one “torture camp” beating people with cables and burning skin with lighters. Some migrants in the camp had lost eyes and had broken teeth. The witness reported:

From what I was hearing and feeling, I thought I would die in that place. I happened to survive, but others didn’t. I saw shameful things. No one deserves to see what I saw. (Human Rights Watch, 2014b)

In a BBC radio feature in March 2013, a migrant stated:

If their families can’t pay, they have no use for them and torture them to death. (Thomson, 2013)

An Ethiopian man told Human Rights Watch that he saw traffickers tie a man’s sex organ with a string and beat him with wooden sticks until the man died before his eyes. Another said that traffickers killed two men in his group by hacking at them with the blade of an axe. The chief doctor at a hospital in Haradh said that the hospital received bodies of at least two migrants per week. “Traffickers occasionally torture an African to near death and then drive to the wall of the Migrant Response Centre in Haradh, which is run by the International Organization for Migration (IOM), and dump the person there” (Human Rights Watch, 2014c).

One migrant, Muhammad,²⁷ told Human Rights Watch that another man from the Tigray region had called his family, asking them to send the traffickers money. One day, the guards beat this man, too, with an axe, until he died in front of the other migrants. Muhammad said he did not know why the man was killed. Ethiopian guards later told him the traffickers had arranged for a local broker in Ethiopia to go to the man’s family home in Tigray to collect the money. When the broker arrived, the police were waiting. They arrested and detained the broker for a few days, but he paid his way out, Muhammad said. When the broker called his colleagues in Yemen, they beat the man to death (Human Rights Watch, 2014c).

Victims told researchers in the DRC/RMMS study that some victims die as a result of the brutal treatment, and many suffer severe psychological trauma; however, no figures are available (DRC and RMMS, 2012:41). While researchers studying a similar phenomenon in the Sinai have made estimates on the number of deaths by murder, in Yemen no such estimates have been attempted. According to this author, the number of deaths should be proportionally high considering the frequency of witness claims and detailed testimony about deaths at the hands of traffickers and criminals.

²⁷ This is a fictitious name to protect the migrant’s identity.

I was made to watch an Ethiopian woman being raped and an Ethiopian baby about one year old being killed. (DRC and RMMS, 2012:41)

Kidnapping of Ethiopians seems to not only occur as they travel the eastern route. There are reports of kidnapping of Ethiopian migrants after arrival in South Africa. A 2012 article on the Integrated Regional Information Networks (IRIN) tells of smugglers demanding an additional USD 2,400 during the last leg of the journey south, citing the costs of bribes and food. The smuggled migrants had to call friends or relatives in South Africa and tell them to have the money ready. The victims were kept in a house in Johannesburg for two days after arrival, until relatives brought the cash for release. However, to date, no reports of torture or murder have been made by migrants on the southern route.

Reports of migrants killed by gunfire were rare in the past but have been increasingly heard in the last few years. This rise appears to have coincided with the growth in trafficking and commoditization of Horn of Africa migrants who are now routinely kidnapped and forcibly held in east Sudan, Libya and Yemen. As smuggling (albeit aggravated smuggling) has developed into trafficking and criminality, so too has the use of guns become more common and reported deaths more frequent.

When I was in the boat, the Somali people beat us Ethiopian people, including me. Also they shot at us with their guns and threw the bodies into the sea. (MSF, 2008)

There are cases when drowned bodies of migrants are found with gunshot wounds. In December 2012, when 55 migrants died after a boat capsized off Bossasso in rough seas, survivors told police that the crew shot and killed migrants in an effort to get them off the boat and lighten the load. Clinics and hospitals in the Sinai and in northern Yemen report having patients admitted with gunshot wounds, while other migrants from the Horn of Africa report seeing shot bodies in the desert areas of the Sinai.

Migrants regularly report that smuggler boats are met on the shores of Yemen by armed men who force migrants into waiting trucks at gunpoint.²⁸

To go ashore we had to swim. When we reached the two trucks [*waiting on the beach*] we realized there were eight armed men on them. We got on the trucks and were transported to a house in the desert. (DRC and RMMS, 2012)

²⁸ The instability of civil conflict, increased Islamic militancy and the political upheaval of 2010/2011 in Yemen did not deter migrants from arriving in large numbers. Arguably, the application of the rule of law and the resources available to address flows of irregular (illegal) Ethiopian migrants was reduced, offering smugglers greater opportunities to expand their operations and to carry arms.

Migrants may be killed by their captors as a punishment for refusal to agree to raise their ransom or as a lesson to other kidnapped migrants. Sometimes they may even be caught in crossfire between traffickers and police or military, but most commonly they are shot when trying to escape from captivity.

Three people were shot in the feet and one person shot in the eye was blinded. One person protested and tried to stop the shooting but he was shot in the stomach and died. (DRC and RMMS, 2012)

At times, migrants may be shot by officials:

The Saudi police ordered me to stop but I refused and ran, then the police took me down with a bullet. Then they returned me to Haradh border. (DRC and RMMS, 2012)

Death from en route banditry

Apart from mistreatment at the hands of smugglers, traffickers and State officials, migrants have reported attacks by “bandits” and gangs as they transit countries. Such reports from migrants have been heard from Mozambique, Sudan, the United Republic of Tanzania and Yemen and elsewhere in the region. In these cases, bandits normally attack with knives, machetes, bows and arrows, sticks, metal bars and guns.

One of the first reports charting the vulnerability of migrants some years ago stated “[. . .] the overland trip to Puntland is dangerous. Migrants report many abuses during this trip, including being stopped and forced to pay at numerous checkpoints along the road. They also reported attacks by armed bandits and being robbed of their money and belongings, with passengers killed in several cases” (MSF, 2008).

Somaliland has been notorious among migrants as a dangerous territory to transit on the way to Bossaso. Multiple robberies and harassment from authorities, as well as incidents of sexual violence and even murder have been reported over recent years. In such cases, the possible conspiracy between different interested parties in exploiting passing migrants is unclear, but if it exists, it probably revolves around profit-sharing, where local groups insist that if smugglers pass through their land they too must have a “piece of the action”. Alternatively, it may revolve around a pretense that smugglers wish to maintain that they themselves cannot be accused of violence and exploitation, while in fact profiting from having steered their groups into the hands of local bandits.

The two Tanzanian smugglers took us into the bushes before we crossed into Malawi. There 20 men were waiting for us. They were armed with machetes, pangas, knives and sticks. They robbed us of all the money we had as well as mobile phones. (Horwood, 2009)

Similar statements from witness migrants are very common on the southern route as well as between Ethiopia and Puntland. It is hard to imagine migrants are not, on occasion, killed as bandits rob them in this manner. Other reports talk of smugglers in vehicle chases through the desert, in Libya, for example, where competing gangs try to hijack migrants from passing smugglers. Calculating death in this category is not possible and will probably never be, but the numbers of those who die from en route banditry might also be significant.

Death from action by State officials and while in detention

As noted in the previous category of death by gunfire, in some cases migrants from the Horn of Africa are shot while trying to cross borders and/or while evading arrest. The Egypt–Israel border police and the Yemen–Saudi border police appear to use firearms against migrants. But migrants also pass through the southern militarized zone of Libya where soldiers patrol, and encounter armed border guards in Kenya, along the Mozambique–South Africa border as well as the Eritrea–Sudan border.

Migrants encounter police, marine patrols, soldiers, border guards, immigration officials, judges, guards and prison wardens during their journey. Frequent migrant testimonies suggest that many of these State officials brutalize and profit from migrants while some are also, reportedly, involved in the death of migrants.

Certainly, many migrants report that they are regularly threatened with death by State officials.

We crossed the river and went under the fence [the South African border fence], but before we reached the car, the South African police caught us and took all our money and threatened us with death. (Horwood, 2009:77)

From Mombasa, we left on a boat to Tanzania where we were caught by the police, sentenced and put in prison. The Tanzanian police took all our clothes and money when they caught us. In custody, they beat us repeatedly. [. . .] After three months, we were released but the police chief told us that although the courts had released us we would still have to pay him USD 1,500 to actually leave. He threatened us that we would die in prison if he didn't get his money. (Horwood, 2009)

A Tilburg University study also reported that the Eritrean Border Surveillance Unit is involved in the smuggling of migrants across the border (van Reisen, Estefanos and Rijken, 2012). The UN Security Council Monitoring Group on Somalia and Eritrea claimed that senior military commanders directly control the trafficking and movement of migrants (as well as arms) from Eritrea, some of whom are sold to smugglers and traffickers outside the country (UNSC, 2012). Reportedly, people are driven out of Eritrea hidden in trucks of the Eritrean Border

Surveillance Unit so that they can avoid checkpoints (van Reisen, Estefanos and Rijken, 2012). As indicated, Eritrea allegedly has a shoot-to-kill policy regarding unauthorized exit of their own nationals. It is not clear how many migrants are killed by border guards and military forces in these remote border areas, and it would be impossible to verify.

Typically, the number of border deaths is considered highly confidential information that no government in the region would release; thus, figures remain unknown.

Migrants are also known to die while in detention and during expulsion or deportation.²⁹ Reports suggest “dozens” of Ethiopian migrants may have been killed in the recent crackdown and street violence that resulted in over 160,000 Ethiopian irregular migrants being expelled from Saudi Arabia, by air, between November 2013 and February 2014.³⁰ Circumstances are often clouded and investigations problematic. Certainly, in every country in the region and all transiting countries such as Djibouti, Kenya, Libya, Malawi, Mozambique, Saudi Arabia, the United Republic of Tanzania, Yemen and Zambia, a significant number of irregular migrants are in detention centres or prison. According to IOM, about 1,300 irregular migrants, most of them from Ethiopia and Somalia, were being detained in the United Republic of Tanzania as of March 2012 (IRIN, 2014b). In Libya, migrants from the Horn of Africa are held by militias.

It is common for migrants to make claims of having experienced considerable violence while in detention, and even witnessed deaths at the hands of police and security personnel. Given the length of time, some migrants remain in detention and the dire conditions in many prisons, accusations of this kind would need to be investigated to establish whether death was through misadventure, malice or natural causes.

Death by organ removal

The issue of death by organ theft is controversial. There are infrequent reports from Yemen that organ removal is practised by criminals against migrants (from Ethiopia), while in the Sinai there appears to be evidence that numerous migrants (normally Eritreans) have been killed for their body parts and organs, according to some sources.

Various academics, activists and human rights organizations working in the region are doubtful of the veracity of the evidence from Egypt and those presenting it. Nevertheless, photographs of hundreds of bodies with hastily sewn-up wounds in shallow graves apparently in the Sinai – and supposedly migrants – have

²⁹ One agency, the Oromia Support Group (OSG), charted unverified claims by Ethiopian refugees in Djibouti that deaths in detention were common. See OSG’s Report 48, *Djibouti: Destitution and Fear for Refugees from Ethiopia*.

³⁰ Numerous media reports mention deaths but no official figures are released by the Saudi Government.

created a big impact and inspired documentaries and news stories that have contributed to a strong interest in the US Congress about the issue of migrant kidnapping and abuse in the Sinai.³¹ Certainly, in late 2011, the CNN Freedom Project created much publicity around the issue and convinced many with the CNN's reports and film.

Migrants from the Horn of Africa who have been kidnapped in either the Sinai or Yemen claim to have been threatened by their captors and tormentors that if they did not pay they would be killed for their organs. But when it comes to actual witnesses there are almost no migrants who have witnessed killings associated with organ theft. According to the United Nations Office on Drugs and Crime (UNODC), organ theft and sales are a growing and multimillion dollar global criminal enterprise, and perhaps it would not be surprising if some criminals have killed, or are killing migrants, for body parts – not least because, according to the World Health Organization, Egypt is a regional hub for the trade. This issue is also explored in Chapter 4, describing migrant deaths in North Africa.

Disappearance of migrant girls and women

“Women and girls are especially vulnerable. All throughout the journey they disappear. They are raped and disappear in Djibouti and during the sea crossing, and are kidnapped upon arrival in Yemen.”³²

Finally, the alarmingly high number of female irregular migrants facing sexual attack, abduction and disappearance from the region must be noted. A high percentage of female migrants who were interviewed during or at the end of their migration spoke of the ubiquity of rape and sexual attack. Such attacks commonly take place while in the hands of smugglers, kidnappers, traffickers and, at times, even State officials or militias while migrants are being detained. Health officials in Haradh, Yemen, told Human Rights Watch in 2013 that 9 in 10 female patients as well as 1 in 10 male patients they examined had been raped (Human Rights Watch, 2014b).

According to testimonies, girls and women, especially from Ethiopia going to Yemen, and also, reportedly, from Somalia and Eritrea, are frequently separated from male migrants by smugglers and traffickers, and, in many cases, are not heard of again. Death therefore cannot be ruled out. These women become invisible and their new “owners” or other criminals can treat them as they wish.

³¹ Looking at the photos, Dr. Fakhry Saleh, the former head of Cairo's forensic department and an expert on the illegal organ trade, claimed in 2011 that he had never heard of organ theft involving African refugees, but he said it seemed highly probable that the scars on the bodies in the pictures came from organ removal. In: F. Pleitgen and M.F. Fahmy, “Refugees face organ theft in the Sinai”, 3 November 2011, available from www.edition.cnn.com/2011/11/03/world/meast/pleitgen-sinai-organ-smugglers/.

³² Testimony of a Somali woman interviewed in San'a Yemen in November 2013. In: RMMS, *The Letter of the Law: Regular and Irregular Migration in Saudi Arabia in a Context of Rapid Change* (Nairobi, RMMS, 2014), p. 36.

We were taken to a mountainous region. When we arrived there, we found 49 Ethiopian women who had been there for some time. The Yemeni smugglers were using six Ethiopians to torture us and these six Ethiopians would bring the 49 female hostages to the yard. While we watched, they would force them to drink their urine and physically abuse them. Some of the women were also raped. They were demanding that the women pay the ransom, but many of the women were poor and their families could not pay. The male captives were released after a month. Some paid the ransom, while others were tortured until they were sure they could not pay the ransom. The women were purchased by some of the locals to be used as housemaids. I witnessed a negotiation between the locals and the smugglers. They sold the women cheaply, for about 30,000 and 40,000 Yemeni rials [between USD 140 and USD 186].³³

The circumstantial evidence based on statistics of new arrivals in Yemen and migrant reports from Egypt, Libya and Sudan suggest this practice is common. In some cases, and especially in in Yemen, the disappearance of female migrants seems to be high, suggesting there is a high risk that these women have been trafficked for sale.

Four Yemeni smugglers were on board the boat. They raped the girls on the boat in front of us [. . .] and those girls were already sold to Yemeni traffickers.³⁴

A recent report by RMMS (2014d) suggests that more than 16,000 female migrants arriving in Yemen between 2011 and 2013 were most likely abducted on arrival and remain unaccounted. “The conclusion of this study is that many were never released once they were kidnapped” (RMMS, 2014d: 37). This dramatic finding begs many questions, including questions as to whether they are still alive.

While migrants travelling south along the eastern seaboard to South Africa do report rape and sexual violence, disappearances of female migrants do not occur in any systematic way. In some cases, men and boys are also victims of rape.

They [smugglers] were very abusive in nature and often drunk. I heard that many Ethiopian and Somali men and boys had been raped along the way. Women are generally raped by smugglers and truck drivers. The boys get raped in police cells and prisons.³⁵

³³ Testimony of one of the migrants interviewed in May 2013 as reported in DRC Daily Protection. In: RMMS, *Blinded by Hope: Knowledge, Attitudes and Practices of Ethiopian Migrants* (Nairobi, RMMS, 2014), p. 48.

³⁴ Testimony of an Ethiopian boy who migrated in 2011. In: DRC and RMMS, *Desperate Choices: Conditions, Risks & Protection Failures Affecting Ethiopian Migrants in Yemen* (Nairobi, DRC and RMMS, 2012).

³⁵ Testimony of a Somali migrant, 21 years old, in Johannesburg, South Africa. In: C. Horwood, *In Pursuit of the Southern Dream: Victims of Necessity: Assessment of the Irregular Movement of Men from East Africa and the Horn to South Africa* (Geneva, IOM, 2009), p. 63.

Because so little is known regarding the outcome of abductions and disappearances, it cannot be said whether migrants die or are killed, but it may be assumed that they become undocumented and “invisible” commodities, bought and sold in clandestine deals, in all likelihood for nefarious purposes in slave-like conditions without any kind of protection or recourse to protection.

5.3.4 Death of labour migrants

Another area where migrants from the Horn of Africa may face death is in the workplace while living as irregular (or regular) migrants overseas. As mentioned above, migrants can also face death during expulsions and detention prior to expulsion. To some extent, this category falls outside the scope of this study, but it is worth noting that some migrants die in employment, whether in the informal sector – in transportation, agriculture and construction, for example – or in private households. Numerous reports in the media and international organizations such as Amnesty International, Human Rights Watch and ILO (inter alia) have charted abuses and deaths of migrant workers from various countries, increasingly from Ethiopia and the Gulf States. Suicide of migrant workers is also common. In August 2008, Human Rights Watch released a study showing that migrant domestic workers were dying at a rate of more than one per week in Lebanon (Human Rights Watch, 2008).

Hundreds of thousands of labour migrants, predominantly from Ethiopia, are sent to the Gulf States and the Middle East through private employment agencies whose practices have been criticized as frequently negligent or unscrupulous. The ILO published a report in 2011, suggesting many of these practices amounted to trafficking where, on occasion, the outcome of mistreatment was death (ILO, 2011). Bodies of dead labour migrants (often female) are shipped back to Ethiopia, for example, and some cases are recorded in the media and handled by the relevant embassies. It appears that in such cases a limited investigation is conducted to ascertain the cause of death or culpability.

5.4 Methodological challenges and information gaps

Migrants in the region, especially irregular migrants, are increasingly viewed as commodities and opportunities for exploitation by a number of stakeholders. It is clear that for smugglers, traffickers and certain State officials, migrants form the basis of their lucrative “business model”. The flows of irregular migrants in and from the Horn of Africa region are continuous and probably rising to such an extent that, for the perpetrators, some deaths are acceptable and inevitable in a context of brutality and violence. Clearly, as the business itself is clandestine, illegal and multinational, there is no interest to collect data or document deaths. Equally, in environments where anti-migrant sentiment is growing and migrant safety is not of primary concern to authorities, protection of migrants and

investigations into the causes of death tend to receive a low priority. Authorities are always going to be reluctant to report on deaths of migrants in detention, in transit or crossing borders where the integrity of the State may be questioned. Equally, any data that might implicate State officials or suggest corruption and complicity will be suppressed. While international assistance agencies and human rights groups might offer glimpses into the issue of migrant deaths through data they collect (predominantly migrant statements), they will always be only a small part of the whole. In addition, the presence of international and national agencies interested in the protection of migrants tends to be thin on the ground and normally far from the locations where migrants die. Meanwhile, local community groups or local civil society organizations are mostly absent from the mixed migration problematic, except in so far as they may work with refugees and asylum-seekers. Migrants are neither popular in countries of transit or their target destinations, nor are they high on local donors' priority lists; consequently, few national groups work with migrants, and data concerning deaths is not collected.

In light of the above, no one is keeping track of deaths of migrants in the Horn of Africa other than a few organizations collecting incomplete and anecdotal reports, stories and witness statements. State authorities and media sources may mention numbers of dead migrants in discrete incidents when bodies are found in containers or washed up on shores, but these figures are just a few pieces of the whole puzzle. Methodologically, establishing a robust database that goes beyond anecdotal and circumstantial "evidence" as a basis of a numerical collation would be problematic. This should not, however, be an excuse for not recording, where possible, migrant deaths. As this chapter shows, there are many locations and different scenarios where migrant deaths occur in the Horn of Africa or affect migrants from the Horn of Africa, but at present no authority or entity is attempting to document them. If some relevant agency or bureau could be resourced and tasked to collate information on migrant deaths, we would have a better understanding of the wider risks and protection deficits facing migrants. In short, many pieces of the puzzle are out there and even if the whole picture will never come into view, far more could be done to enlarge our current, limited perception.

5.5 Conclusions and recommendations

The discussion in this chapter and the grim topography of migrant deaths within and from the Horn of Africa region should lead to a strong indictment of the communities and in particular the national authorities who encounter migrants. No legal or traditional code of living should permit this level of public abuse of migrants, guilty only of crossing international borders without documentation to seek a better life outside their homelands, or to escape persecution and

violence. Even if precise data is impossible to retrieve, this chapter gives a sense of how hundreds of migrants are dying annually, and thousands have died in the last few years, during their efforts to migrate.

Apart from social and religious moral codes of behaviour, nations are bound by their national, regional and international commitments. All countries in the region, and those outside the region where deaths occur, have clear laws protecting their own citizens and foreigners within their territories against severe human rights violations including robbery, beatings, kidnapping, torture, rape, murder and other violations, which sometimes cause migrants' death. It is hard to escape from the explicit conclusion that so many of the deaths (and killings) occur in a climate of impunity where implementation of the rule of law would go a long way in ending such deaths and abuses.

Censure of the perpetrators of crimes against migrants needs to be unequivocal and strengthened. At present, the system appears to be so weak that smugglers and traffickers view these crimes as a low-risk, high-profit area of operation. A rule of law protecting migrants from egregious violations and death therefore needs to be fully implemented. Where it does not exist, laws against trafficking and smuggling need to be established and fully domesticated. Punishment of perpetrators should be proportional to the severity of the crimes, far from the derisory financial punishments some perpetrators face in the rare occasions when they are convicted, if they are convicted. Censure against State officials' complicity with smuggling, trafficking and abuse of migrants should also be strengthened and unequivocal.

Concerning the documentation of deaths of migrants, it needs to be recognized that the full picture of migrant border-related deaths will never be known. Fatalities occur in remote locations, far from the public gaze, and there are interests in keeping the details and figures concerning migrant deaths unknown. However, many parts of the puzzle could still be recognized and brought together. An agency or a coalition of agencies needs to be resourced and tasked to do just this. Some, including this author, suspect that what is known at present is just the tip of an iceberg of a tragedy and scandal which we urgently need to expose.

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Journey of hope

Kasseh's parents did not approve of his dream to travel to Saudi Arabia to find work. From a family of farmers in Ethiopia, Kasseh used to work in a pastry shop on weekends to bring in additional income. He was 15 years old when he decided to go to Saudi Arabia with a group of friends to find higher-paying work.³⁶

The boys left in secret, and walked through the desert for 11 days. They did not have enough money to buy food, and lost one of the boys to starvation. Along the way, they passed the half-buried body of a dead girl, who probably had also died of starvation. Upon his arrival in Djibouti, Kasseh's family sent him money that he used to pay for the boat crossing to Yemen.

The food that we were able to buy was not enough . . . one of my fellows died in the desert. During our trip we came across the body of a dead girl that was half buried in the sand, probably she died also of starvation like my fellow.

When the boat approached the coast of Yemen, two trucks appeared on the beach. The passengers were made to swim to the mainland and taken to a house in the desert by armed smugglers. These smugglers provided the migrants with food and water, but also demanded ransom from relatives in Saudi Arabia.

"My only dream now is that somebody may stop these 'trips' that are full of pain and suffering for poor people. My only truth now is to tell my friends about what happened to me and warn them not to go through what I went."

Since Kasseh did not have any relatives in the country, he tried the number of a friend. The smugglers' boss beat him until he lost consciousness when the friend repeatedly hung up the phone.

Eventually, someone lent him money and all the children were released. In fear that they might be sold to others, the youths refused another ride from the smugglers and instead walked through the desert for four days. Once at the border with Saudi Arabia, they encountered a group of men on motorcycles who threatened them. Fortunately, a nearby truck driver offered his help and brought them to an Ethiopian camp in northern Yemen.

On their second attempt to cross the border, they were stopped by police and taken into custody. After several nights in the police station's bathroom, Kasseh and his friends were released. Kasseh felt sick and discouraged. Although the

³⁶ This story is adapted from a story published by RMMS and INTERSOS, who interviewed Kasseh in Haradh in early 2012.

boys in his group made it safely back to the camp, three girls who travelled with them were kidnapped by armed men and never heard of again.

In the camp, Kasseh received medical help, and was eventually repatriated to his family by the Ethiopian Embassy. He believes it is important that other youths are dissuaded from embarking upon such “journeys of hope”.

My only dream now is that somebody may stop these “trips” that are full of pain and suffering for poor people. My only truth now is to tell my friends about what happened to me and warn them not to go through what I went.

Chapter 6 Counting and Accounting for Deaths of Asylum-seekers en Route to Australia

Leanne Weber and Sharon Pickering¹

6.1 Importance of counting migrant deaths

As we began writing this chapter about the deaths of asylum-seekers off the northern coast of Australia, an aerial and underwater search of unprecedented proportions was underway across a vast area of the southern Indian Ocean. For many months, the tragic disappearance of Malaysian Airlines Flight MH370 made headlines and generated public concern around the world. The search, initially for survivors and then for human remains and wreckage, has mobilized cutting-edge technologies and attracted human and financial resources from at least 26 countries (Wardell, 2014) anxious to help resolve the mystery and demonstrate their good standing as global leaders. Media reports have speculated that the operation could eventually cost “hundreds of millions of dollars” (Wardell, 2014).²

In purely human terms, we might agree that such an international effort is nothing less than we would expect in order to give some comfort to grieving relatives and in the interests of improving the safety of commercial flights for the benefit of all. The importance of counting the dead and retrieving their bodies is universally acknowledged as a crucial step in acknowledging their loss and producing an account of their deaths. However, this logic brings into sharp relief the very different fate that has befallen those who have been lost in waters much closer to the Australian mainland, due to the more routine hazards of unregulated travel.

* The views expressed in this chapter are those of the authors and do not necessarily represent those of the International Organization for Migration (IOM).

¹ Leanne Weber is a Senior Research Fellow and Sharon Pickering is a Professor of Criminology, both at Monash University. They direct the Border Crossing Observatory, also based at Monash University.

² The Australian Prime Minister left no doubt about his commitment to the recovery effort and his personal sympathy for the bereaved relatives in this statement to the Federal Parliament:

“I have offered Malaysia – as the country legally responsible for this – every assistance and cooperation from Australia. This plane is lost in one of the most inaccessible parts of our globe. It is a long way from anywhere. But the closest land is Australia, and we are the best placed country to assist. It is highly likely that in coming days and weeks many of the relatives of passengers on ill-fated flight 370 will wish to come to Australia. I want them all to know that should they come here they will be in the arms of a decent country. I should also let the House know that the government has decided to waive visa fees for any relatives wishing to come to Australia” (House of Representatives, 2014:22).

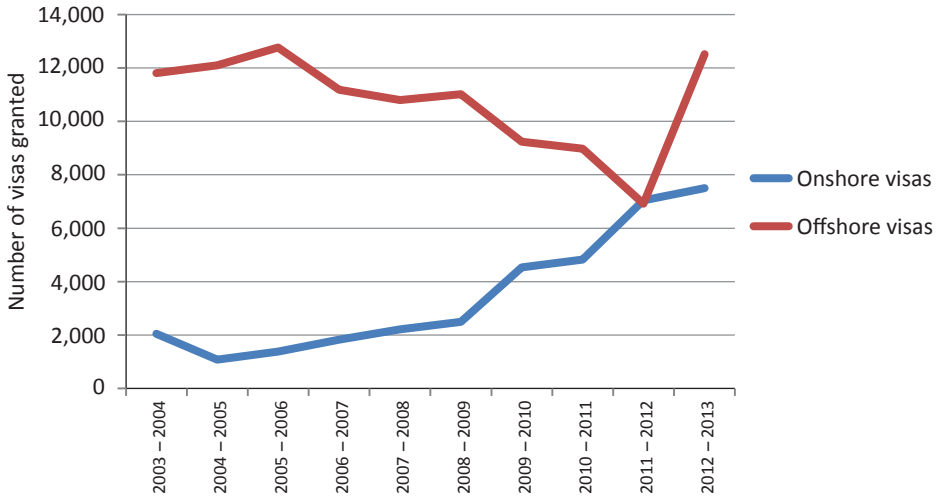
In this chapter, we discuss the particular social and methodological challenges that arise in counting and accounting for the deaths of individuals who are seeking to travel to Australia via irregular means, and contrast the official response to these deaths with the procedures followed in response to fatalities in other contexts. We have argued elsewhere that people die because of the ways in which borders between the Global North and the Global South are controlled (Weber and Pickering, 2011). These deaths are often foreseeable and can occur by deliberate act or omission. This does not mean the identification and explication of border deaths is straightforward, nor are the chains of responsibility or accountability for these deaths easily identifiable. However, without defensible ways to count and record border-related deaths, our journey to understanding, prevention and justice is delayed. We conclude that basic principles of equity require that those who lose their lives far away from home, and their surviving relatives and loved ones, receive the same level of resources, respect and consideration irrespective of the circumstances in which their lives were lost.

6.2 Illegalized journeys to Australia by boat

The record of Australian border-related deaths is profoundly shaped by geography and by the total visa system Australia operates to manage migration. Without a visa, air travel to Australia is impossible, unless one relies on fraudulent documentation. For those determined to make the journey, the maritime crossing from Indonesia to Australia is the only remaining option. The vast majority of those arriving in Australia by boat are intending to seek asylum and have paid a facilitator for the journey. Despite concerted efforts by successive governments to prevent asylum-seekers from arriving in Australia to claim asylum,³ it is apparent from Figure 6.1 that the number of protection visas granted to applicants who have made their way to Australia independently (the onshore category) has begun to approach the numbers granted refugee status via Australia's long-standing resettlement programme (the offshore category). The grant rates for those who arrived by sea were 90.8 per cent in 2009–2010 and 84.2 per cent in 2010–2011, as of 26 November 2012 (Barker, 2013).

³ These policies adopted across the developed world arguably violate the fundamental right to seek asylum. See L. Weber, "Asylum solution: Reinstating the right to seek asylum," *The Conversation*, 5 August (2013). Available from <http://theconversation.com/asylum-solutions-reinstating-the-right-to-seek-asylum-16522>.

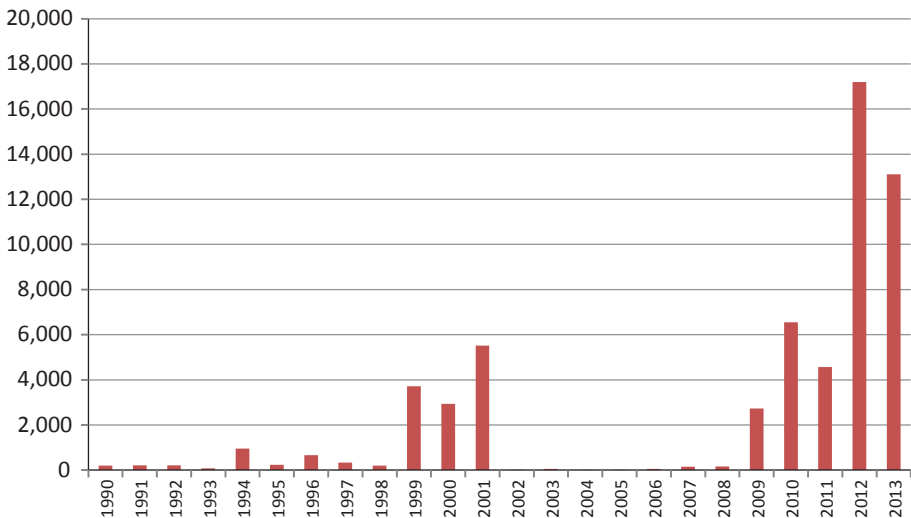
Figure 6.1: Number of offshore and onshore visas granted under Australia’s humanitarian visa programme, 2003–2013



Source: Department of Immigration and Citizenship/Department of Immigration and Border Protection Annual Reports from 2003–2004 to 2012–2013.

Numbers published by the Australian Parliamentary Library and shown in Figure 6.2 indicate that boat arrivals since 1990 have shown considerable volatility, with two discernible peaks around the early 2000s and again from 2009 to 2013 (Phillips and Spinks, 2013). The degree to which this variability is explained by global trends in refugee-producing situations or by changes in Australian border protection policies is a matter of ongoing dispute.

Figure 6.2: Number of people arriving in Australia on unauthorized boats, 1 January 1990–30 June 2013

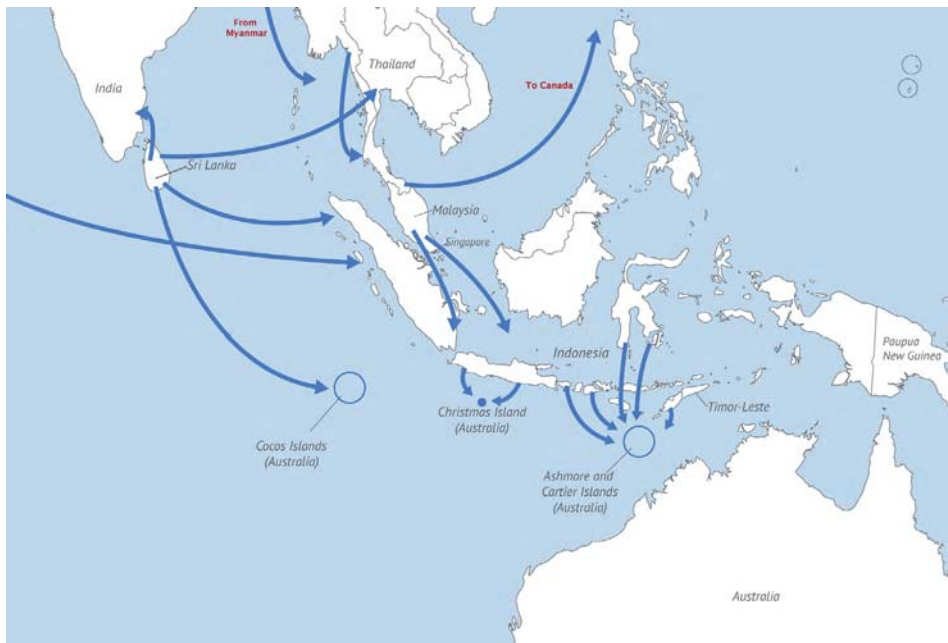


Source: Phillips and Spinks, 2013.

Note: 2013 includes arrivals only until 30 June.

Most people arriving in Australia by boat come from the Middle East and South Asia, and in recent years have overwhelmingly come from Afghanistan, the Islamic Republic of Iran, Iraq and Sri Lanka. Those fleeing Afghanistan, the Islamic Republic of Iran and Iraq often engage in complicated travel routes that eventuate in air arrival to Malaysia and then onward travel to Indonesia (Barker, 2013). Many Iranians travel directly to Indonesia where, along with those travelling from Iraq, they do not need visas. While Sri Lankan asylum-seekers may sail directly from Sri Lanka, the vast majority of asylum-seekers arriving in Australia have come via Indonesia. The most well-known routes for irregular travel to Australia as of May 2013 according to the United Nations Office on Drugs and Crime (UNODC) are shown in Figure 6.3.

Figure 6.3: Migrant smuggling routes to Australia



Source: ABC News website (www.abc.net.au/news/2013-05-13/map-migrant-smuggling-to-australia-and-canada-by-sea/4685670), attributed to UNODC, 13 May 2013.

Transit in Indonesia is often experienced as inhospitable⁴ and therefore asylum-seekers often seek to minimize their time spent there. Indonesia is proximate to the Australian territories of Christmas Island, Cocos Islands and Ashmore Reef. Despite the “excising” of these and other islands off northern Australia,⁵ most asylum-seeker vessels still attempt to reach landfall on Christmas Island or other outposts of Australian sovereignty. In response to joint disruption operations

⁴ See, for example, Taylor, 2009.

⁵ The effect of this legal manoeuvre is to remove the stated territories from Australia’s “migration zone,” thereby restricting access to Australian refugee protection procedures and facilitating offshore detention and processing.

and offshore interdiction by Australian border authorities, departures have sometimes been reported to shift to longer and more dangerous routes (Weber and Grewcock, 2011); however, this effect has not been as marked as the dramatic geographical shifts in sea routes to Europe that resulted in many hundreds of deaths en route to the Canary Islands in the first decade of the millennium (Migreurop/New Internationalist 2012). The unprecedented arrival of an asylum-seeker vessel in the southern city of Geraldton, Western Australia, in April 2013, generated major consternation (Mullaney, 2013). The vessel had travelled directly from Sri Lanka and was reportedly bound for New Zealand, raising the possibility that new southern routes might be opening up. However, no other boats have arrived in similar fashion, and reported boat arrivals continue to be concentrated in the north.

In addition to the dangers posed by monsoon weather conditions, the seaworthiness of vessels and competence of the crews employed by facilitators have been key issues in the safety of those who travel by irregular means. Indonesian fishing boats designed for shorter journeys and lighter loads have typically been used to carry those hoping to seek asylum in Australia. The number of passengers carried may vary from fewer than 10 to several hundred (Phillips and Spinks, 2013), and some analysts claim that the type of vessel used may shift in response to operational changes in interdiction policies. For example, policies of seizing or scuttling boats deemed to be unseaworthy by border authorities may encourage the use of poorly maintained vessels that are considered to be expendable and therefore contain little or no safety equipment (Barker, 2013). Stepping up prosecutions of human smugglers has also been associated with the use of inexperienced crews, often Indonesian minors, since these low-level operatives are the most likely to be apprehended (Barker, 2013; Weber and Grewcock, 2011). The tragic loss of 50 lives in December 2010, many of them women and children, when a boat carrying asylum-seekers broke up on rocks on Christmas Island, was attributed in part to the lack of a competent crew (Hope, 2012).

It must also be acknowledged that asylum-seekers at times endanger their own lives and those of others by sabotaging their own boats in desperate attempts to prevent their return to Indonesia. In 2009, an explosion on a vessel that was under the control of the Australian navy near Ashmore Reef caused the death of five asylum-seekers and injured other passengers and military personnel. The coronial inquest that followed (Cavanagh, 2010) attributed some of the responsibility for the explosion to passengers who had deliberately lit a fire, but the inquest also acknowledged that the actions of the military personnel had contributed to the passengers' mistaken belief that they were to be returned to Indonesian waters. The tensions and practicalities of interdiction at sea therefore pose a number of risks to both passengers and official personnel, a theme that has been raised again in relation to the current policy of turn-

back by naval personnel under Operation Sovereign Borders,⁶ which includes returning interdicted asylum-seekers to Indonesian waters using life boats (see, for example: Roberts and Solomons, 2014; Nicholson and Maley, 2011).

The holding of interdicted asylum-seekers in offshore detention and processing facilities – whether on territory directly under the control of the Australian Government, such as Christmas Island, or in other Pacific nations such as Papua New Guinea and Nauru – creates a different set of risks, which can include psychological distress that may lead to self-harm, lack of timely access to medical care due to distance from medical infrastructure, and possibly heightened to violence. Less widely known is the fact that Australia’s border protection policies reach beyond these known locations of detention. Successive Australian Governments have, for many years, funded a range of detention and processing facilities in Indonesia, the conditions in which have also been subject to criticism (Taylor, 2009).⁷

6.3 Data sources and information gaps

We note that saving lives is not just about collecting information but also concerns how that information is used. We live in a “hyper-numeric” world in which something counts because it can be counted. However, death counts can be used like a sporting tally; they have been exploited by the Australian media to sensationalize poorly understood events and by federal politicians to argue for even harsher border control to prevent dangerous journeys, without calling into question the broader policies that create grave risks for asylum-seekers by blocking access to safe, legally regulated travel. Numbers can be subject to competing claims but at least provide a foundation for debate and accountability. As we have argued before, what counts in the end is how numbers are embedded in the mentalities of rule. The act of *counting* is therefore inherently political, whereas the necessity of *accounting* for border-related deaths should be approached from a humanitarian rather than a politicized perspective.

The ethics and politics of counting is significantly reflected in the methodology and the application of the knowledge generated. Death counts can be constructed with different purposes in mind. These include providing a statistical basis for research on the risks and consequences of border crossing and enforcement, as a record and tribute to those who died, as a basis for accountability, to inform policy and prevent further deaths, and to assist relatives to identify their missing loved ones. The way knowledge is produced about border deaths reveals much about the political and legal drivers of that process. The decisions made in counting deaths can promote or prevent a greater understanding of

⁶ See its website: www.customs.gov.au/site/operation-sovereign-borders.asp.

⁷ See also www.immi.gov.au/about/reports/annual/2009-10/html/outcome-4/administered4-3-2.htm.

border deaths and their relationship to irregular migration and border control processes. Counts can both draw attention to and seek to prevent border deaths, or can be mobilized for increased forms of control. The act of counting deaths can reveal how border enforcement varies in nature and intensity often through different sites along the same border. The counting can implicitly or explicitly attribute cause and effect, and can identify different forms of harm or death. In this section, we seek to relay how this ethical, practical and political terrain has been negotiated in the establishment and maintenance of the Australian Border Deaths Database, which is the source for the data presented in Section 6.4.

The Australian Border Deaths Database was established as part of the research for *Globalization and Borders: Death at the Global Frontier* (Weber and Pickering, 2011) when it became apparent that there was no publicly available official data on border-related deaths in Australia. The book analysed the implications of processes of counting and classifying border-related deaths and indeed of there being no count at all. Collection of data on border-related deaths in Australia was catalysed by a series of incidents in 2009 and 2010 where the lack of verifiable and systematic data hampered attempts to understand details of, let alone trends in, the loss of lives. The Database is hosted at the Border Crossing Observatory at Monash University. The Observatory receives no external funds for this purpose, and the data is maintained by University-employed academics as part of our ongoing research effort. The information is obtained primarily from media reports, which are cross-referenced where possible with official reports from governments, verified information from non-governmental organizations, coronial inquiries and similar. The data is updated as fatalities are reported, and other data sources are used from time to time to cross-check the list.⁸ Discrepancies identified through these checks can be difficult to reconcile. For example, media reports of missing boats, as obtained from interviews with concerned relatives in Australia, are sometimes corrected when the missing passengers are located in offshore detention centres following interdiction at sea, or the vessel is found to have arrived after all. The process of counting border-related deaths is therefore greatly complicated by the circumstances of unregulated travel and the climate of secrecy which surrounds both human smuggling activities that have been labelled illicit, and official actions that are held to be confidential due to their “operational” significance (in respect of interdictions at sea) or “commercial” nature (in relation to offshore detention).

The Australian Border Deaths Database consists of two separate data files. A summary file of fatal incidents that have occurred across a range of border sites since 2000, which includes deaths after entry to Australia that are related to border control, is available on the Border Crossing Observatory website and is

⁸ For example, see the SIEV X list of drownings (see note 9), and the Abolish Foreignness website (“Fortress Australia: Asylum-seeker and migrant death statistics for deaths up to 2012”, available from www.abolishforeignness.org/blog/fortress-australia-asylum-seeker-and-migrant-death-and-detention-statistics).

intended for public use.⁹ A more detailed file is maintained offline in SPSS format which is capable of producing basic statistics at the level of individual deaths, and can be accessed on request. This statistical file is the source for the descriptive statistics reported later in this chapter. There is no verifiable data available on the number of attempted sea crossings from Indonesia to Australia with which to compare the data on border fatalities in order to calculate statistics on risk of death, and estimates of the number of crossings differ widely.

No Australian government agency, law enforcement or migration-focused agency, at the state or federal level, publishes data on border-related deaths. A group of concerned individuals came together in response to the sinking of the SIEV X¹⁰ between Indonesia and Australia on 19 October 2001, to collect data on this specific incident.¹¹ The information available on the SIEV X website on this and subsequent sinkings is often highly personalized and seeks to humanize the victims of these tragedies through storytelling, naming and visual representation. In the absence of official recognition or record of the deaths, the group undertook to support the survivors and relatives of those who died in that incident and created a repository of testimonies from survivors, a chronology of the events and a database of information on those believed to have perished. That project has since been extended to include subsequent tragedies but retains a focus on loss of life at sea.¹²

The broader scope of the Australian Border Deaths Database was informed by death counts undertaken by governments and non-governmental organizations (NGOs) in other parts of the world.¹³ Unlike the SIEV X project, the Border Crossing Observatory database records border-related deaths that occur in contexts other than sea voyages, such as deaths in detention centres and during apprehension by immigration authorities. This count is therefore shaped by what is considered to constitute the border and a border-related death. Border-related death is neither a clearly definable statistical category for the authorities nor a legally relevant one. The Australian Border Deaths Database uses the “functional border” as the definitional construct. That concept is taken from Weber (2006) and Weber and Pickering (2013), and encompasses all functionally defined “border sites” at which border enforcement takes place or where immigration laws have a material impact on the conditions leading to death. This includes the physical border, en route, in offshore or onshore detention or processing facilities, during deportation, on forced return to a migrant’s

⁹ See <http://artsonline.monash.edu.au/thebordercrossingobservatory/publications/australian-border-deaths-database/>.

¹⁰ The Australian Government uses the acronym SIEV (which stands for “suspected illegal entry vessel”) to describe boats coming from Indonesia to Australia. Overwhelmingly, these have asylum-seekers on board, and also include illegal fishing vessels and the like. Each SIEV is also given a number (e.g. SIEV 65, SIEV 66).

¹¹ See <http://sievx.com/dbs/SIEVX/>.

¹² SIEV X: Drownings on the public record of people attempting to enter Australia irregularly by boat since 1998. See <http://sievx.com/articles/background/DrowningsTable.pdf>.

¹³ For example, see www.unitedagainstracism.org/pdfs/listofdeaths.pdf.

homeland, and even within the community as a result of conditions of legal and social precariousness.

Methodologically, these later sites are challengeable as radiating out “too far” from what is commonly understood as the border to remain meaningfully attributable to irregular migration and unauthorized border crossing. It also presents unresolved issues regarding comparability within and across data sets. However, to omit these sites is to overlook the fact that borders and border control occur in a variety of ways at physical locations often distant from the territorial border. It also recognizes that a person can go from being designated as lawful to unlawful in regard to migration law and be subject to migration and border control measures in a range of sites internal to the nation State (or in designated offshore places, for example, Nauru or Papua New Guinea where Australia contracts out the processing of asylum-seekers). In the case of Australia, deaths that may be regarded as non-maritime are significantly fewer in number than deaths occurring at sea. However, the mapping of these non-maritime deaths reflects the approach to the spatial mapping of migration-related deaths undertaken in the atlas of deaths in Europe published by the organization Migreurop (Migreurop/New Internationalist, 2012), which also includes deaths related to immigration enforcement that occur after entry to the European territory.

The use of the functional border methodologically challenges the idea that deaths are only counted if bodies are found *in situ* (cf. Michalowski, 2007). Those counts that include deaths where bodies are not found (as is often the case with individuals presumed to be lost at sea), or are found at some distance from the border, produce figures of a different nature and complexion than those generated by a count which relies solely on forensic examination. Most border-related deaths that have occurred on the Australian mainland or within Australian territorial waters have resulted in a coronial investigation, although the triggering of a coronial inquiry by state-based authorities is far from automatic (Powell, Weber and Pickering, 2013). Deaths occurring beyond Australian waters, yet within the surveillance zone patrolled by Australian naval, customs and coastguard vessels, are unlikely to result in any official documentation. In these cases, the only publicly available information tends to come from NGOs, survivors, and the media concerning details of the incidents and identities of those involved. While Australian and Indonesian authorities are likely to hold information on these events, this is not regularly made public. This data is produced within a law enforcement framework; but more recently this has become a military framework, and, as a result, this information has increased in its perceived sensitivity. Indeed, since 2013 the Australian Government has regarded unauthorized arrivals as an operational matter to be overseen by the Australian military through Operation Sovereign Borders, and information on

asylum-seeker voyages is suppressed.¹⁴ The lack of openly accessible data on border-related deaths occurring en route to Australia is a severe impediment to a full recording of deaths and understanding of the human costs of border controls and irregular migration. Since 2000, out of 43 incidents involving the deaths of 61 people, only 15 coronial inquests were conducted and just 8 made publically available. For instance, out of 29 deaths occurring in onshore detention, 10 inquests were conducted and 4 made available to the public. Nine incidents during interdiction at sea resulted in only two publically available inquests (Powell, Weber and Pickering, 2013).

In the following sections, we present basic descriptive statistics derived from the Australian Border Deaths Database, not intended to serve only as ends in themselves, but also to illustrate in more detail the methodological challenges involved in counting border-related deaths, and the complexity that arises in interpreting and accounting for them.

6.4 What we know and do not know about deaths en route to Australia

6.4.1 How many people die?

The Australian Border Deaths Database has recorded 1,494 border-related deaths between January 2000 and July 2014. This figure includes those who are believed to be missing, and those who have not been rescued or recovered and are therefore feared drowned. It includes those who have died en route to Australia, including during interdiction by Australian authorities, and during apprehension by authorities on the Australian mainland, while in onshore or offshore detention centres, and during or after deportation. Table 6.1 shows that the vast majority of these deaths (96%) occur at sea, often before asylum-seeker vessels have entered Australian waters. The distinction between deaths that occur within and outside Australian waters should be treated with caution, since media reports do not always describe the location with precision, and also because of the variety of maritime borders that exist in law and practice.¹⁵

¹⁴ See, for example, ABC News, 2013.

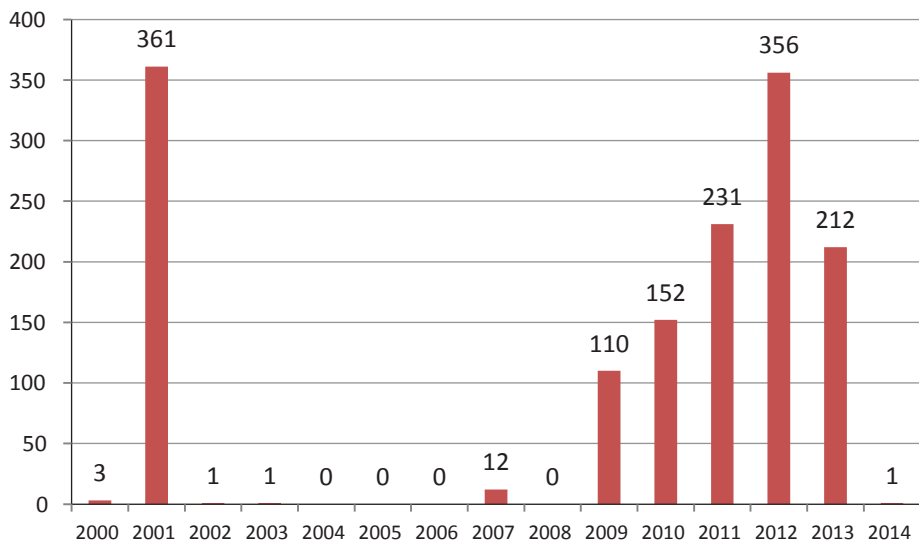
¹⁵ See, for example, www.ga.gov.au/image_cache/GA3746.pdf. In the absence of more detailed information, fatal incidents have only been classified as occurring within Australian waters where there is some indication that Australian border control or rescue patrols have been involved. This approach is likely to undercount the number of sinkings that have occurred in Australian waters.

Table 6.1: Known deaths related to Australian border controls, January 2000–July 2014

Circumstances	Deaths	Percentage of total
En route to Australia	1,266	85
Inside Australian waters	171	11
Onshore detention	31	2
Upon return to home country	16	1
In-country suicide	5	<1
Offshore detention	3	<1
Arrest/deportation	2	<1
Total	1,494	

Source: Australian Border Deaths Database (statistical file).

Since the focus of this chapter is deaths during journeys to Australia, the figures that follow include only the 1,437 known deaths that occurred at sea and the three deaths in offshore detention centres (shown in the shaded rows in Table 6.1). The offshore detention figures do not include deaths that may have occurred in detention and processing centres funded by the Australian Government in transit countries such as Indonesia (Taylor, 2009). Not surprisingly, the peaks in deaths en route to Australia in the early 2000s and from 2008 to 2013 that are apparent in Figure 6.2 correspond to the periods during which the highest number of asylum-seeker vessels arrived in Australia.

Figure 6.4: Year-by-year deaths during irregular journeys to Australia, January 2000–July 2014

Source: Australian Border Deaths Database (statistical file).

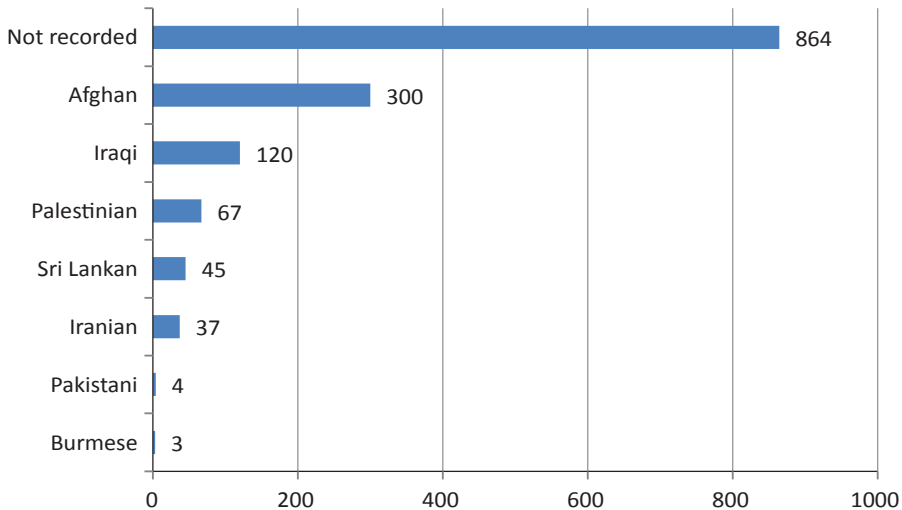
Note: Deaths for 2014 include those that occurred up until the end of May only.

One of the most important observations when considering this data is that the identities of many of those who die remain unknown, with many of the records lacking basic information on the deceased such as sex, age or nationality. This is primarily because such a large number of bodies are not recovered from the sea and identities remain unconfirmed. Unlike regulated modes of travel, irregular travel by its very nature does not require that passenger lists be lodged with transport authorities and leaves no trace in the border control records in countries of departure. Moreover, with some exceptions – such as the foundering of the SIEV 221 off Christmas Island in 2010, which was witnessed by horrified island residents and captured on film, and the explosion on board a vessel interdicted by the Australian navy, as reported earlier – most sinkings are unobserved by third parties and may only come to the attention of authorities when passengers, or relatives awaiting their arrival, raise the alarm. While retrospectively constructed passenger lists may be able to fill some of these gaps, these often remain partial and difficult to corroborate.

6.4.2 Origins of those who died

The vast majority of those who die en route to Australia are in the process of seeking asylum, and their countries of origin reflect which nationalities make or intend to make the journey by boat to claim refugee status.

Figure 6.5: Nationalities of asylum-seekers who died en route to Australia, January 2000–July 2014

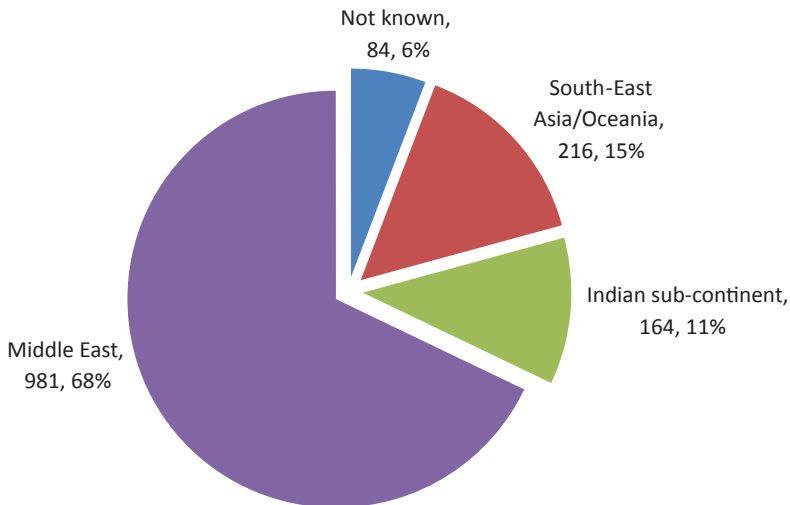


Source: Australian Border Deaths Database (statistical file).

Although there are many gaps in the nationality data stored on the Australian Border Deaths Database, it is clear that since 2000 the majority of deaths have been from the countries in the Middle East. This is confirmed in Figure 6.6, since

the general region of origin is recorded more consistently on the Database. This data indicates that the groups facing the greatest risk of death en route come from countries most likely to be rejected for lawful entry as part of pre-departure visa regimes governing lawful arrival (and, in many cases, most likely to gain refugee status post-arrival).

Figure 6.6: Region of origin of asylum-seekers who died en route to Australia, January 2000–July 2014



Source: Australian Border Deaths Database (statistical file).

Note: Middle East includes Afghanistan.

6.4.3 Cause of death

In the case of Australia, the location of death unsurprisingly shapes the cause of death. Deaths that occur en route are overwhelmingly caused by environmentally hazardous conditions, leading to drowning between Indonesia and Australia. While it is possible that some deaths occur due to exposure to elements and lack of adequate food and medical care on board (for example, it was reported that a man was “found dead” on a vessel that was intercepted by Australian authorities), and there is one known incident where deaths were caused by an explosion (such as that in 2009 which was mentioned previously), information about precise causes of death is usually missing from media reports, and deaths associated with sinkings or missing vessels are generally presumed to be due to drowning.

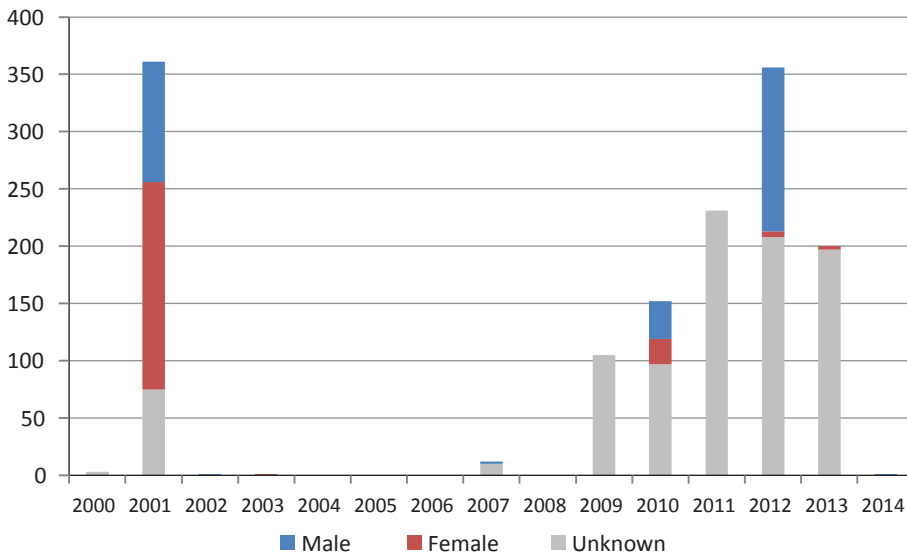
Of the three deaths that have occurred so far in offshore detention facilities, two were due to medical conditions where the distance from adequate medical care was likely to have been a factor, and one – the recent death of Kurdish asylum-seeker Reza Barati on Manus Island – was the result of deliberate violence, the underlying causes of which are still the subject of heated debate

and investigation (Cornall, 2014).¹⁶ Where deaths have not been subject to an independent coronial inquiry, the factors that have contributed to the deaths will not have been fully determined.

6.4.4 Age and sex

The Australian Border Deaths Database at its present state of development is unable to provide accurate data on the age and sex of each of those who died en route to Australia.¹⁷ The importance of monitoring age and sex was highlighted in the sinking of the SIEV X, where the large numbers of women and children who drowned was especially marked. Of the approximately 400 passengers believed to be on board, 65 men were among the fatalities, while 142 women and 146 children perished. Despite the large amount of missing data, Figure 6.7 shows that 2001 and 2010 (the year of the SIEV X and Christmas Island SIEV 221 sinkings, respectively) had particularly high levels of female fatalities.

Figure 6.7: Year-by-year deaths of asylum-seekers en route to Australia by sex, January 2000–May 2014



Source: Australian Border Deaths Database (statistical file).

In addition to the many children known to have been lost in the catastrophic 2001 sinking, at least 15 children died in sinkings in 2010. It has been observed that a larger proportion of women than men die at external border sites, including a high proportion of pregnant women (Pickering and Cochrane, 2013).

¹⁶ See alternative Senate inquiry at www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Manus_Island.

¹⁷ At the time of writing, attempts were being made to rectify this by systematically revisiting the source reports, with a view to making inferences about sex and age group (i.e. whether the deceased was an adult or child) where this can be sustained.

Although the data is limited, both women and children appear to be particularly vulnerable in circumstances of large-scale sinkings. The reasons why women die in greater proportions than men at the external border (rather than at internal border sites) are not clearly discernable from the data, yet based on the extant literature it is reasonable to conclude that in addition to the role of border control measures (such as restrictions on family reunion which may prompt dangerous journeys), gendered social practices within countries of origin and transit, smuggling practices and gendered social mores are contributing factors (for a full account of this, see Pickering and Cochrane, 2013).

6.5 A chronology of counting

The discussion so far has established that where deaths occur, the unregulated mode of travel, and the lack of formal legal responses to deaths en route to Australia all contribute to the absence of systematic data about those who die. In this section, we use some case examples from the Australian Border Deaths Database to further illustrate the practical and conceptual issues that arise at various stages in the process of counting, and accounting for, border-related deaths.

6.5.1 Confirmation of sinkings

Asylum-seeker vessels are not part of the extensive networks of administration, communication and enforcement that closely monitor regulated shipping. Of necessity, those organizing voyages that are not sanctioned by law are motivated to avoid detection through any of these channels. Knowledge about sinkings often arises from distress messages sent from on-board, sightings of debris, or concern from friends and relatives at the non-arrival of their loved ones. In these circumstances, it is possible that vessels may be lost without it coming to the attention of national authorities or other concerned parties. On the other hand, instances have occurred where media reports of lost vessels have proven to be incorrect. For example, the records of 350 presumed deaths had to be removed from the Australian Border Deaths Database when it transpired that the vessel that had been reported missing in the media had later been accounted for.¹⁸

A full discussion of Australia's rescue capabilities and practices is beyond the scope of this chapter. However, processes of counting are inextricably linked with surveillance and rescue practices since early response clearly improves both the chance that lives will be saved, and that bodies will be recovered. Controversial questions have sometimes been posed regarding if and when Australian border surveillance authorities have detected vessels that are in distress, and the actions they have or have not taken in response (for a detailed coverage, see

¹⁸ ABC News, "Dying for asylum" (21 April 2009). Available from www.abc.net.au/news/2009-04-21/dying-for-asylum/1658168.

Kevin, 2011). It has long been alleged that rescue efforts in relation to the sinking of the SIEV X were hampered by disputes over whether the vessel sank inside or outside Australian territorial waters, and reluctance to reveal whether or not it was under surveillance at the time (Australian Senate Select Committee, 2002, Chapter 8). More recently, 55 people, including two babies, were killed in an incident in July 2013, and the slow response, despite a sighting of the boat by authorities, was attributed to confusion between different national agencies (O'Brien, 2013). At the Coronial Inquest into the sinking of the SIEV 358 in which 104 men drowned, up to 16 distress calls from the vessel were reported to have been ignored due to previous false alarms (O'Brien, 2013) and disputes about whether Indonesian or Australian authorities should mount the rescue (AAP, 2013).

6.5.2 Recovering bodies and identifying the dead

International lawyer Stefanie Grant (2011b) has argued that those who perish during irregular voyages at sea, and their relatives, have a "right to identity". Although the importance of recovering bodies is a widely accepted imperative within the international community, efforts to retrieve the bodies of perished asylum-seekers have, at times, been accorded a low priority. This has significant humanitarian implications in terms of the suffering of relatives, and also hampers the collection of statistical information on deaths occurring in these circumstances. Some examples have already been given where delays or alleged delays in the response of rescue agencies resulted in failure to recover bodies. The sinking near Christmas Island in June 2013, in which 55 people drowned, prompted media reports that bodies were deliberately left in the water, even after rescue vessels had arrived. The commander of the Border Protection Command told reporters that the search for survivors had to be prioritized over the recovery of bodies, a decision that was driven by lack of resources since other vessels were deployed elsewhere (Ireland, 2013).

In other circumstances, government officials have been reluctant to release the names of the deceased, even where bodies have been recovered and identifications made. Thirteen years after the sinking of the SIEV X, the names of many of those who died have still not been publicly released, despite a Senate motion calling on the Australian Government to produce the lists of SIEV X victims that were reportedly compiled by the AFP, the Australian immigration authorities and the International Organization for Migration.¹⁹ According to reports, a list of passengers was compiled by the facilitator of the voyage but was thought to have been confiscated by Indonesian police. Although no credible explanation has been given for the failure to release the names of the SIEV X victims, it seems that the handling of the inquiries as a matter of criminal investigation aimed at identifying facilitators for prosecution may have contributed to a climate of

¹⁹ Source: <http://sievx.com/FAQ.shtml>.

secrecy rather than open disclosure in the interests of the families and wider public.

6.5.3 Conduct of coronial inquiries

Coronial inquiries create the possibility of accounting for specific border-related deaths by attributing chains of responsibility and making recommendations aimed at preventing further loss of life. While these important post-fatality procedures go beyond the objective of simply naming and counting, the information obtained from inquests leave an authoritative record of the death, and can also enrich the qualitative data recorded in statistical repositories such as the Australian Border Deaths Database. However, the circumstances of unauthorized travel, coupled with government policies intended to pre-empt arrival, create significant legal and practical barriers towards achieving this level of scrutiny in relation to migration-related deaths. Where deaths occur in locations beyond Australia's territorial jurisdiction, they do not trigger legal requirements for full inquests, which exist within the legislation of individual states within Australia's federated system.²⁰ This applies to the majority of deaths occurring en route, and also to deaths in offshore detention centres, which are established by ad hoc agreements with independent Pacific nations and operated on behalf of the Australian Government by private security firms.

The killing of Reza Barati at Manus Island detention centre during violent disturbances in February 2014 has generated calls for a comprehensive and fully independent inquiry to establish the circumstances of his death. In the immediate aftermath, the Australian Government commissioned an ad hoc inquiry (Cornall, 2014), which has been supplemented by separate inquiries by the Opposition-controlled Senate (Laughland, 2014; Gordon et al., 2014) and the Government of Papua New Guinea (Whyte, 2014). The Australian Senate Inquiry is due to report in September 2014.²¹ While the identity of the victim and the recognition of this death as a border-related fatality are not in dispute in this case, the special conditions created by offshore detention policies highlight the differential response to deaths in custody in this context when compared with deaths in other custodial settings within Australia (discussed in the next section).²² This death has also reinforced wider concerns about the risks posed by offshore detention and processing, and the absence of credible investigative procedures.²³

²⁰ A doctrine of state responsibility for official actions taken by governments beyond their sovereign territory is emerging within international law, but has not been tested in domestic courts. In any case, it may not cover circumstances where no direct involvement of Australian law and policy is apparent.

²¹ See www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Manus_Island.

²² For more detail on coronial processes in Australia, see Powell et al., 2013.

²³ See, for example, Knott, 2014.

Even where deaths occur in offshore detention centres under the direct control of the Australian Government, it is far from automatic that a coronial inquest will follow. In October 2011, the Supreme Court of Western Australia ruled against holding an inquest into the death of Fatima Irfani, who collapsed with a brain haemorrhage in Christmas Island detention centre in January 2003 and died after being flown thousands of kilometres for hospital treatment in Perth.²⁴ Within a month, Fatima’s husband was returned to Kabul with his three small children, with no question of a full inquiry being conducted. By the time supporters had managed to put their case for a full inquiry, it was considered that too much time had elapsed to justify further investigation. This case highlights the importance of placing deaths in immigration detention on the same footing as other deaths in custody.

6.5.4 Inclusion of border-related deaths in national deaths in custody statistics

It has already been noted that no official collection of border-related deaths exists within Australia. However, one category of border-related deaths – namely deaths in immigration custody – could potentially be incorporated into an existing national collection held by the Australian Institute of Criminology.²⁵ In addition to the data collection function, the recording of a death as a “death in custody” triggers a requirement for a coronial inquiry into the particular circumstances of the death. Official deaths in custody reporting has only included deaths in the custodial settings of prison, juvenile detention and police custody on the Australian mainland, and during the apprehension of criminal suspects or escapees by police or prison authorities. Deaths that occur in immigration detention centres or while authorities attempt to take suspected “unlawful non-citizens” into Migration Act custody either on land or in Australia’s territorial waters are not considered to be deaths in custody for the purposes of investigation and national monitoring. However, in both contexts, a duty of care exists which distinguishes these deaths from drownings that occur without the direct knowledge or intervention of Australian authorities and should create a mandatory requirement to record and respond to the deaths.

Judgements about whether or not a death at sea qualifies as “in custody” may be difficult to make on the basis of limited information. One clear-cut example is the explosion of the so-called SIEV 36 off Ashmore Reef while it was under the control of Australian border authorities (Northern Territory Coroner, 2010). Definitional disputes may also arise in grey areas where Australian authorities are alleged to have had knowledge of, or been in indirect contact with, stricken vessels due to aerial surveillance or other intelligence. Since 2000, none of the deaths during offshore interdiction or in offshore detention for which coronial

²⁴ *Supreme Court of Western Australia Irfani v The State Coroner [2011] WASC 270.*

²⁵ See www.aic.gov.au/about_aic/research_programs/nmp/0004.html.

inquiries were conducted was officially recorded as a death in custody (Powell, Weber and Pickering, 2013). Indeed, there is no mechanism to enable this to occur (*ibid.*). The transnational dimension of deaths that occur in offshore immigration detention locations is clearly an aspect that was not anticipated in the establishment of the deaths in custody collection. However, as with deaths in criminal justice settings, all of these deaths raise questions concerning duty of care, prevention of future deaths, and the determination of culpability.

The failure to classify these fatalities as deaths in custody effectively “bureaucratizes away” opportunities to consider the deaths of these non-citizens either as homicides or as deaths arising from the specific risks associated with irregular migration or offshore detention. This exclusion is achieved by rendering deaths in the immigration enforcement system as somehow “other” to the ordinary business of detention and imprisonment and the various forms of oversight and accountability that apply in these custodial circumstances. This is a significant omission in human rights protection considering the burgeoning use of offshore interdiction, forced deportation, and administrative detention of unlawful non-citizens, not only in Australia but also worldwide.

6.6 Improving data and saving lives

6.6.1 Conclusions: Counting and accounting for deaths

The failure to comprehensively document and investigate deaths of asylum-seekers at sea or in immigration custody while other fatal incidents invoke large-scale and international ad hoc responses, as in the case of missing flight MH380, suggests that certain lives effectively count for more than others, both at a domestic level and within the international community. The illustrative cases previously discussed also reveal an equity gap in the way that deaths in immigration custody are responded to when compared with deaths within the criminal justice system, with no legal requirement in place to require a coronial inquiry in the case of the former, or to record summary data about the deaths in the national deaths in custody collection.

Inadequate responses to deaths during irregular journeys not only jeopardize efforts to identify chains of responsibility and prevent further deaths but also increase the suffering of relatives in places of origin or intended destination who have no way of knowing what has happened to their family members. Grant (2011a) has argued that the right to family life places a duty on governments to document all border-related deaths and establishes the right for families to know about the fate of their loved ones.

The construction of asylum seeking as a problem of organized criminality rather than as a human rights concern, a trend that is occurring globally, has been

particularly devastating both in terms of multiplying risks to asylum-seekers who make unauthorized journeys (Pickering, 2004; Weber and Grewcock, 2011), and in diverting the official response once deaths occur towards the imperatives of criminal investigation and border protection, and away from humanitarian concern for survivors, victims and their relatives. Refusal to release information on security, operational, jurisdictional and commercial grounds adds further to the information vacuum.

The statistical patterns and individual examples discussed in this chapter of deaths of asylum-seekers en route to Australia have identified the following methodological problems in relation to the collection of such data:

Practical problems:

- Sinkings often occur in geographically remote or unknown locations.
- Since voyages take place outside normal regulatory frameworks, there is an absence of official records of embarkation or progress.
- Lack of access to legally sanctioned modes of travel promotes undocumented journeys, which further complicates identification of victims and determination of personal details.

Political issues:

- No Australian agencies have an explicit mandate to collate information on border-related deaths.
- Bereaved relatives are relatively powerless or invisible, either because they reside abroad or because they have fragile immigration status or lack the political capital derived from citizenship.
- Disputes may occur over jurisdiction for responding to deaths or effecting rescue or recovery of bodies due to the contracting out of detention and processing arrangements to other countries and the extension of aerial and naval surveillance beyond Australia's territorial waters.
- The construction of irregular travel as a form of criminality clouds the perception of those who die at sea as blameless victims and is used by authorities to justify withholding of information on security and operational grounds.

Definitional complexities:

- How do we record personal information such as age, sex and nationality in the absence of detailed reports?

- Should deaths that occur in countries of transit (for example, while in Australian-funded detention centres in Indonesia) be included in counts of deaths en route to Australia?
- Which maritime boundaries are relevant in classifying offshore deaths that occur within or beyond Australian jurisdiction – territorial waters, extended economic zone, aerial surveillance zone?
- How do we determine which deaths are to count as “deaths in custody,” given that this is a relevant categorization in Australian law?

Ultimately, clarifying the purpose for which information on border-related deaths is collected is just as important as the task of overcoming these practical and political obstacles. As Grant (2011a) has argued, while an international database of migration-related deaths would be a great asset to relatives struggling to trace their missing loved ones, in the context of the widespread demonization of irregular migration, civil society groups will have cause for concern that such information could be used instead to further restrict the mobility of particular groups.

6.6.2 Recommendations

We urge that all possible efforts are made to reverse the criminal taint that has become attached to irregular migration, particularly when undergone for the purpose of seeking asylum, and to those who find themselves in immigration detention. Deaths at sea or in detention should be treated first as human tragedies, and not – or at least not primarily – as criminal events in which the “victims” are reduced to the role of witnesses or treated as though they were suspect themselves.

Since deaths during migration are in a very real sense “transnational deaths” (Grant, 2011b), our recommendations contain both international and domestic elements – based on principles of equity and the application of international standards for better counting, accounting for, and prevention of deaths arising from irregular migration. We believe that internationally agreed and resourced procedures are needed to deal with deaths in international waters or regions of disputed or diluted sovereignty; and that these protocols can also provide guidance for responses to deaths in Australian territory.

A comprehensive and accountable post-fatality response must go beyond mere counts of border deaths. These protocols must be guided by established human rights principles and duties under criminal law, humanitarian law and maritime law which emphasize “prevention, restoration of family links, clarification of the fate of missing persons, the right of families to know, prosecution of human rights violations, the legal status of missing persons, and the ‘management’ of the dead and identification of their remains” (Grant, 2011a:143).

As the main agencies operating in border zones and ultimately responsible for events in offshore detention, states will remain the primary source of information in relation to border-related deaths in many circumstances; however, due to the highly politicized context in which border-related deaths occur, counting should be done by organizations not involved in border control and migration management regimes – at both national and international levels.

At the national level, bodies such as the Commonwealth Ombudsman or the Australian Human Rights Commission have the credibility and independence to handle reports of border-related deaths – where applicable, referring cases to state coroners for investigation, or to the national deaths in custody monitoring programme for statistical recording, while also liaising with relevant international bodies.

At the transnational level, there are a range of agencies that already have the capacity to respond to large-scale disasters or individual deaths that occur away from the deceased person's country of origin or develop relevant protocols (Grant, 2011a). This includes the International Committee of the Red Cross (particularly in relation to identification and proper handling of bodies), and the UN Inter-Agency Standing Committee (responsible for the Operational Guidelines on Human Rights and Natural Disasters).

There should be legal requirements for governments to cooperate with designated national and international authorities in the event of migration-related deaths within their jurisdictions, under agreed protocols for information exchange. This requirement to report is particularly important in a climate of increased secrecy around the release of information that is associated with the militarization of offshore border control in many contexts. Explicit agreements are needed to cover sinkings in international waters.

Discussions about national and international protocols should include in a meaningful way affected migrant communities and human rights NGOs, as well as border control authorities, in order to establish a human rights-driven framework that is not dominated by state concerns.

Grant (2011b) has made the interesting, if ambitious, suggestion that the resources needed to establish such an international framework to respond to border-related deaths could be raised by states diverting funds that are currently directed towards border control, in recognition of the role played by border control in the circumstances of the deaths.

Those of us concerned with building empirical datasets for the purposes of understanding trends and preventing deaths must remain mindful of the politics and ethics, as well as the methodology, of the count. While the facticity of numbers at work in counting border-related deaths plays a vital role in

establishing the nature and scale of harms, there is an even greater importance in establishing an inclusionary account of border-related deaths.

To overcome the use of death counts for purposes of greater exclusion, harm and death, we need to develop alternative ways of *accounting* for border deaths. This will require expanding the conversation beyond agreements for responding to deaths that occur during attempts to cross borders, in order to confront the full range of factors that contribute to these deaths, including the ways in which states currently control their borders.

The head of the Australian search team in the case of missing airliner MH370 is quoted as saying, in response to the evidence that the aircraft's tracking system had been turned off: "I think that's something that we, as a world community, have to correct as soon as possible". If asylum-seekers and other migrants are to share in a future of safer travel, then concern over border-related deaths should become an equally high priority for the international community.

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A sinking ship

Rokaya Satar and Najah Musin are among the few survivors of the SIEV X boat tragedy that occurred in October 2001 in international waters off the coast of Indonesia. Rokaya lost her husband and two young daughters in the tragedy. Najah lost her son, four brothers and a sister.²⁶

When they came to us and showed us the boat, we were told that this boat was not the one to get us to Australia. It was only a transit boat that would get us to the boat that would bring us to Australia. (Rokaya)

“The boat broke up within seconds; the waves washed the family members apart. I saw a woman giving birth in the ocean, I saw my brother being washed away by the waves, I called out to him but saw him weeping.” (Najah)

Rokaya and Najah were among many others on the boat making the journey to Australia from Iraq. Most were families who fled Iraq via the Islamic Republic of Iran. However, once there, migrants were banned from renting housing and getting jobs, and their children were not allowed to attend school. Seeking opportunity, the migrants travelled to Indonesia from where they would cross to Australia by boat. The boat was overcrowded, packed with 400 others, including about 150 children who were crammed into the cabin of the boat with their mothers, while the men stayed on deck.

Already before the incident, some people were seasick and many were afraid and crying. The ship sailed along the coast of Indonesia for about nine hours before the engine stopped working and the vessel cracked and began to sink. Some passengers tried to fix the engine and to take water out of the boat, while others started moving left and right in a panicked attempt to keep the boat balanced in the water. Only about a hundred life jackets were available.

The boat broke up within seconds; the waves washed the family members apart. I saw a woman giving birth in the ocean, I saw my brother being washed away by the waves, I called out to him but saw him weeping. (Najah)

In the panic that followed, many passengers were pushed under by others who were looking for family members or trying to get out of the sinking cabin. Rokaya lost both her daughters this way. She later found them dead.

²⁶ This story is an adaptation of an original transcript of the videotaped interview with the survivors in the week following the shipwreck. It was published on sievx.com, which gained access to the document via Tony Kevin, who presented the document to the CMI Inquiry as an attachment to his first submission.

I saw my small daughter Alya floating, eyes open, dead. A little later, we saw the body of my elder daughter. My husband looked quite strong until he saw his daughters and he started choking. He said, "I have lost my family, I have brought you to this, I do not deserve to live," he said "I cannot stay, I do not want to see you die in front of me." As he was talking, he was looking very tired, he was crying, his grip became loose because of his exhaustion. Then a wave came and washed him away from the timber. I felt alone until the middle of the night. I heard cries from others from time to time, but I could not see the other survivors. Later, I saw two people. I yelled out to them: take me with you, I am alone, they pulled my plank towards theirs where there was another woman holding on. The other woman became tired and sank under the water twice and died. [. . .] We remained until the boats came and rescued us. (Rokaya)

About a hundred passengers managed to survive the initial sinking by holding on to the floating debris. When night came, many more died in the water of exhaustion, hunger, thirst and the consumption of fuel-polluted seawater. Some without life jackets died of the cold. The next morning, 45 survivors were rescued by an Indonesian boat.

Annex

Region	Name of organization/ institution	Included in count	Area covered	Period		Frequency	Sources
				Start	End		
Global	International Committee of the Red Cross (ICRC), Missing Persons	Dead and missing persons as a result of armed conflict or a situation of internal violence; not focused on migrants specifically.	Global	1870	Ongoing	Records each incident discovered. Data available on request.	Families, direct witnesses, government authorities and any other sources to help identify, track, report, and reunite missing people and families.
Europe/ Mediterranean	UNITED for Intercultural Action	Deaths occurring en route to destination and attributable directly or indirectly to immigration policies once in destination. These include those whose bodies are found and those missing and presumed to be dead.	European borders (external and internal), Mediterranean, North Africa, Mayotte	1 January 1993	Ongoing	Reports each incident discovered.	Data is generally collected through media, own research, information received from the 550 network organizations in 48 countries, and from local experts, journalists and researchers.
Europe/ Mediterranean	Fortress Europe	All people dying trying to enter Europe. These include, for instance, those who die while crossing the Mediterranean and those who die in Africa who are presumed to be on their way to Europe.	European borders, Mediterranean, North Africa, Mayotte	1 November 1988	Ongoing	Reports each incident discovered.	Media reports.

Region	Name of organization/institution	Included in count	Area covered	Period		Frequency	Sources
				Start	End		
Europe/ Mediterranean	Asociación Pro Derechos Humanos de Andalucía (ADPHA)	Deaths occurring en route to destination and attributable directly or indirectly to immigration policies once in destination. These include those whose bodies are found and those missing and presumed to be dead.	Southern border of Spain; Strait of Gibraltar	1997	Ongoing	Annual report	Monitors and verifies data collected from governments, non-governmental organizations, media and interviews.
Europe/ Mediterranean	Italian Special Commissioner for Missing Persons	Missing persons thought to have died at sea or on land; not focused on migrants specifically.	Italy (external borders and within the country)	31 January 2008	Ongoing	Periodically updates each verified incident discovered in national online registry; semi-annual and annual reports.	Public and private entities: media outlets, non-governmental organizations and local government bodies.
Europe/ Mediterranean	The Migrants Files	Deaths occurring en route to destination and attributable directly or indirectly to immigration policies once in destination. These include those whose bodies are found and those missing and presumed to be dead.	European borders (external and internal), Mediterranean, North Africa, Mayotte	1 January 2000	Ongoing	Reports each incident discovered.	Combines data from UNITED, Fortress Europe and PULS.

Region	Name of organization/ institution	Included in count	Area covered	Period		Frequency	Sources
				Start	End		
Europe/ Mediterranean	No Border Network	Incidents in which asylum-seekers and migrants have died while trying to enter Europe.	European border, Mediterranean, North Africa, Mayotte	2 January 2002	24 November 2010	Reports each incident discovered.	Media reports.
Horn of Africa*	Danish Refugee Council (DRC)	Dead or presumed dead in transit near border.	Yemen, Red Sea and Gulf of Aden coastlines	1 January 2008	30 June 2012	Not published systematically.	Own data, shared data from the Mixed Migration Task Force.
Horn of Africa*	Society for Humanitarian Solidarity (SHS)	Dead or presumed dead in transit near border.	Gulf of Aden	07 February 2011	Ongoing	Reports each incident discovered to local bodies and partner NGOs; updates online database periodically.	Coast patrols, government security forces and fishermen.
Horn of Africa*	(Office of the) United Nations High Commissioner for Refugees (UNHCR)	Dead or presumed dead in transit near border.	Gulf of Aden	1998	Ongoing	Reports each incident discovered in press releases. Releases annual figures on data.	SHS, own offices.

Region	Name of organization/institution	Included in count	Area covered	Period		Frequency	Sources
				Start	End		
United States–Mexico border	United States Border Patrol	Dead in transit near border.	Southwest US border	01 October 1998	Ongoing	Annual report.	Own data.
United States–Mexico border	Humane Borders “Arizona OpenGIS Initiative for Deceased Migrants”	Dead in transit near border.	Southwest US border (Arizona, Pima County Office of the Medical Examiner jurisdiction)	1 January 2001	Ongoing	Reports each incident discovered, data uploaded quarterly.	Based on examinations conducted through the Pima County Office of the Medical Examiner.
United States–Mexico border	<i>Arizona Daily Star</i>	Dead in transit near border.	Southwest US border (Arizona)	2001	Ongoing	Reports each incident discovered.	Pima, Cochise and Yuma County Medical Examiners.
United States–Mexico border	Coalición de Derechos Humanos/ Arizona Recovered Remains Project	Dead in transit near border.	Southwest US border (Arizona)	10 January 2000	Ongoing	Reports each incident discovered.	With the cooperation of Arizona county officials, as well as the consular offices of México, Guatemala, El Salvador, Honduras and Brazil, and the Binational Migration Institute.

Region	Name of organization/ institution	Included in count	Area covered	Period		Frequency	Sources
				Start	End		
United States– Mexico border	Pima County Office of the Medical Examiner	Dead in transit near border.	Southwest US border (Arizona, Pima County Office of the Medical Examiner jurisdiction)	1 October 1990	Ongoing	Reports each incident discovered.	Own data (based on examination of human remains found in jurisdiction).
United States– Mexico border	Webb County Medical Examiner’s Office, Laredo	Those found dead near border.	Southwest US border (Texas, Webb County Medical Examiner’s Office jurisdiction)	2007	Ongoing	Not published systematically.	Own data (based on human remains found in jurisdiction).
Australia/Pacific	Australian Border Deaths Database, Border Crossing Observatory, Monash University	Deaths occurring en route to destination and attributable directly or indirectly to immigration policies once in destination. These include those whose bodies are found and those missing and presumed to be dead.	Australian territory and Pacific in relation to Australian border control	21 December 2000	Ongoing	Reports each incident discovered.	Media reports, own networks and individual reports.

Region	Name of organization/institution	Included in count	Area covered	Period		Frequency	Sources
				Start	End		
Australia/Pacific	Abolish Foreignness: Fortress Australia	Deaths occurring en route to destination and attributable directly or indirectly to immigration policies once in destination. These include those whose bodies are found and those missing and presumed to be dead.	Australian territory and Pacific in relation to Australian border control	2000	Ongoing	Reports each incident discovered.	Media searchers, reports to the website, collaboration with Border Crossing Observatory.
Australia/Pacific	SIEVX.com	Dead or presumed dead in transit.	Australian territory and Pacific in relation to Australian border control	1 January 1996	31 December 2013	Reports each incident discovered.	Parliamentary Library, public records, government reports and media.
Bay of Bengal	The Arakan Project	Any death related to the migration process from departure to destination, at sea and over land.	Myanmar and abroad	2006	Ongoing	Data available upon request.	Interviews with survivors, media reports and information shared by humanitarian actors in the region.



International Organization for Migration (IOM)