

# Fatal Journeys

Volume 4

Missing Migrant Children



**GMDAC**

IOM's Global Migration  
Data Analysis Centre



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UN MIGRATION

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*Cover Photo:* A girl rides on her father's shoulders as they cross the Serbian-Croatian border.  
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# **Fatal Journeys**

## **Volume 4**

### **Missing Migrant Children**

Edited by  
Frank Laczko, Julia Black and Ann Singleton\*



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The grave of an unknown child in the burial ground near Kato Tritos, Lesvos, Greece.  
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## Table of contents

<b>Acknowledgements</b> .....	<b>iii</b>
<b>List of figures and text boxes</b> .....	<b>vi</b>
<b>Executive summary</b> .....	<b>vii</b>
<b>Introduction</b> .....	<b>ix</b>
<i>by Julia Black</i>	
<b>Chapter 1</b>	
<b>Missing Migrants Project data: A global overview</b> .....	<b>1</b>
<i>by Marta Sánchez Dionis and Kate Dearden</i>	
1.1. Introduction .....	1
1.2. Missing Migrants Project: Definitions, data sources and regional approaches.....	1
1.3. Child migrants .....	3
1.4. Overview of migrant deaths recorded in 2018 .....	8
1.5. Update: MMP data in the first quarter of 2019 .....	40
1.6. Conclusion.....	41
<b>Chapter 2</b>	
<b>Vulnerabilities of migrant and forcibly displaced children</b> .....	<b>53</b>
<i>by Claus Bech Hansen, Jan Beise and Danzhen You</i>	
2.1. Introduction .....	53
2.2. Risks and vulnerability of migrant and forcibly displaced children .....	54
2.3. Counting uprooted and invisible children .....	62
2.4. Conclusion and recommendations.....	66
<b>Chapter 3</b>	
<b>Legal obligations of States with regard to child migrant deaths and disappearances</b> .....	<b>73</b>
<i>by Jacqueline Bhabha</i>	
3.1. Introduction: General obligations of States to protect children on the move .....	73
3.2. Obligations of States regarding child migrant deaths and disappearances.....	77
3.3. Objective 8 of Global Compact for Migration: Save lives and establish coordinated international efforts on missing migrants.....	79
3.4. Conclusion: Summarizing findings and recommendations .....	82
<b>Chapter 4</b>	
<b>Ethical considerations surrounding research on missing migrant children</b> .....	<b>87</b>
<i>by Samuel Okyere</i>	
<b>4.1. Introduction</b> .....	<b>87</b>
4.2. Children’s migration: Challenges and risks .....	87
4.3. The ethics of research on missing child migrants .....	88
4.4. Conclusion and recommendations .....	97
<b>Chapter 5</b>	
<b>Conclusion: Taking stock of a complex issue – the next steps</b> .....	<b>105</b>
<i>by Ann Singleton</i>	
5.1. What is known .....	106
5.2. What needs to be done and how to do it .....	107
5.3. The way forward .....	109
<b>Annex 1</b>	
<b>The Mytilini Declaration for the Dignified Treatment of all Missing and Deceased Persons and their Families</b> .....	<b>119</b>

## List of figures

Figure 1.	Recorded deaths of missing migrant children, 2014–2018 .....	7
Figure 2.	Migrant deaths recorded worldwide in 2018 .....	9
Figure 3.	Death rates for migrants crossing the Central Mediterranean, 2016–2018 .....	15
Figure 4.	Migrant deaths recorded in Europe, 2014–2018.....	20
Figure 5.	Causes of migrant deaths recorded in the Middle East, 2014–2018 .....	23
Figure 6.	Causes of migrant deaths recorded in South-East Asia, 2014–2018.....	26
Figure 7.	Migrant apprehensions and deaths recorded on the United States–Mexico border, 2015–2018 .....	29
Figure 8.	Migrant deaths recorded in border states of the United States and Mexico, 2014–2018 .....	30
Figure 9.	Causes of migrant deaths recorded in Central America, 2014–2018 .....	32
Figure 10.	Incidents involving migrant deaths in South America and the Caribbean in 2018 .....	34
Figure 11.	Adolescents and youth from sub-Saharan Africa are more vulnerable to trafficking and exploitation than those from other regions .....	58

## List of text boxes

Text box 1.	Missing children and organized crime: Is there a connection?.....	xi
	<i>by Gabriella Sanchez</i>	
Text box 2.	Methodological and data challenges .....	xiii
Text box 3.	Recommendations for calculating and interpreting “death rates” in the context of migration journeys.....	13
	<i>by Marta Sánchez Dionis and Kate Dearden</i>	
Text box 4.	Risks to migrating children on the southern Africa route: Evidence from Mixed Migration Centre surveys.....	60
	<i>by Danielle Botti</i>	
Text box 5.	Unrecorded deaths, as recounted by Nigerian child and youth returnees from Libya .....	63
	<i>by Mohamed Zaki and Lorenza Rossi</i>	
Text box 6.	Last Rights and the Mytilini Declaration .....	83
	<i>by Catriona Jarvis and Syd Bolton</i>	
Text box 7.	UNICEF Guidelines for Ethical Research involving Children .....	87
Text box 8.	International Committee of the Red Cross – Missing Migrants in the Mediterranean Transregional Pilot Project .....	108
	<i>by Angela Valenza</i>	
Text box 9.	Trace the Face: Helping families to find their missing loved ones .....	109
Text box 10.	An effective process to account for missing migrants .....	111
	<i>by Alessandra La Vaccara</i>	
Text box 11.	UNHCR activities in Italy: Empowering children to reduce the risks they face during migration .....	113



## Executive summary

This is the fourth in IOM's series of annual global reports on the deaths and disappearances of migrants around the world. Since 2014, IOM's Missing Migrants Project has recorded globally the deaths of more than 32,000 people. These figures are likely to be much lower than the real number of deaths, given that many bodies are never found or identified.<sup>1</sup>

Between 2017 and 2018, the number of deaths and disappearances recorded by IOM globally fell significantly, from 6,279 to 4,734. The main reason for this fall is likely to be due to the drop in the number of migrants using the Central Mediterranean route to reach Europe. The number of migrants recorded attempting to cross from North Africa to Italy fell significantly from 144,301 in 2017 to 45,648 in 2018.<sup>2</sup> However, the risk of death along this route increased in 2018. Death rates can be calculated in different ways – as explained in this report – but even the most conservative estimates suggest that 3 per cent of those crossing the Central Mediterranean perished in 2018, compared with 2 per cent in 2017. During the same period, the number of migrant deaths recorded along the Western Mediterranean route to Spain rose sharply from 224 in 2017 to 811 in 2018, as increasing numbers of migrants used this route to reach Europe. In other parts of the world, the escalating conflict in Yemen led to an increase in the number of recorded migrant deaths: at least 125 people lost their lives in the Gulf of Aden between the Horn of Africa and Yemen in 2018, compared with just 53 in 2017.

This year's global report focuses on a special theme – missing migrant children – given the growing number of children embarking on dangerous migrant journeys. According to IOM data, nearly 1,600 children have been reported dead or missing since 2014, though many more go unrecorded. Although it is known that children are one of the most vulnerable groups of migrants, data on the number of missing migrant children tend to be quite limited. This report discusses why it is often difficult to find data on missing migrants disaggregated by age, and what measures could be taken to improve data on missing migrant children to help prevent such tragedies from occurring. The focus on children is part of IOM's contribution to a recent call to action<sup>3</sup> launched by UNICEF, UNHCR, IOM, Eurostat and OECD to improve data on migrant and refugee children. We are pleased to include for the first time in this year's report a chapter written by UNICEF highlighting the vulnerabilities of children on the move. The report also includes a chapter on the legal obligations of States regarding the death and disappearance of children on the move, as well as one on the ethical considerations of research on this sensitive subject.

The main objective of the *Fatal Journeys* series is to present, as accurately as possible, the best available data on the number and profile of missing migrants globally – including the caveats that should be borne in mind when using "death rates" and other related indicators. In addition to this, the first chapter of this report explains how such data are collected and what methods are used to calculate how many persons die along migratory routes. A new feature in this year's report is the inclusion of several text boxes that highlight initiatives which are being taken by different organizations to improve data on missing migrants and to assist the families affected.

<sup>1</sup> See [Text box 1](#) for details of how IOM collects data on missing migrants.

<sup>2</sup> These figures underestimate the true number of persons attempting to cross the Mediterranean as they do not include those who may have been turned back at sea.

<sup>3</sup> Available from <https://data.unicef.org/resources/call-action-protecting-children-move-starts-better-data/> (accessed 24 April 2019).

This volume of Fatal Journeys reviews more than five years of data from IOM's Missing Migrants Project on migrant deaths worldwide. Key points are highlighted below.

### Europe and the Mediterranean

- Between 2014 and 2018, more than 17,900 people died or went missing in the Mediterranean.
- The available data indicate that the remains of almost 12,000 people who drowned in the Mediterranean since 2014 have not been recovered.

### Americas

- An increasing number of deaths on the United States–Mexico border have been recorded each year since 2014, totalling 1,907 over five years.
- The majority of migrant deaths in Central America occur in Mexico, with 576 deaths recorded between 2014 and 2018.

### Asia

- Nearly 2,200 deaths were recorded during migration in South-East Asia between 2014 and 2018, at least 1,723 of whom were Rohingya.
- In the Middle East, 421 deaths were recorded over this period, with the largest number (145) occurring in 2018.
- The majority of 288 deaths recorded in South Asia since 2014 were of Afghan migrants.

The concluding chapter of this volume of Fatal Journeys discusses ways to improve data on missing migrant children. It also outlines new initiatives to be implemented by IOM. First, IOM plans to increase its global data collection efforts to obtain better data on missing migrants – including children – from a wider range of sources, and from regions where data is often quite scarce. Second, a new pilot project focusing on the families of missing migrants will seek to obtain a better understanding of the challenges they face when searching for information about their relatives. At a global level, IOM plans to work with UNICEF to ensure that efforts to improve national migration data capacities include a focus on the most vulnerable children, including those who may become missing migrants. Without better data on missing migrants, any understanding of children's migration journeys and the risks and vulnerabilities they face will remain incomplete.

A boy rests his feet at an IOM transit centre in Niger.  
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## Introduction

by Julia Black<sup>4</sup>

This is the fourth in the International Organization for Migration (IOM)'s series of annual global reports on missing migrants. Since IOM began this series in 2014, the deaths and disappearances of more than 32,000 migrants have been documented. As noted in previous reports, these figures are likely to be much lower than the real number of deaths, given that many bodies are never found or identified. In some cases, this is because deaths occur in remote regions of the world. In other cases, this may simply be due to the lack of priority given by national authorities to collecting data on missing migrants, or the lack of capacity to collect such data.

Since 2014, IOM's *Fatal Journeys* series has provided a global overview of the number of migrants reported dead or missing. The main objective of this report is to present, as accurately as possible, the best available data on the number and profile of missing migrants globally. The report also explains, as far as possible, how such data are collected and what methods are used to calculate how many persons die along migratory routes.

A new feature of the report this year is the inclusion of text boxes that highlight initiatives by various organizations to improve data on missing migrants and to assist affected families. These initiatives include the work of the International Committee of the Red Cross and the International Commission on Missing Persons to facilitate the tracing and identification of missing migrants. In addition, the full text of the Last Rights Project's Mytilini Declaration for the Dignified Treatment of all Missing and Deceased Persons and their Families is included. The Declaration is a landmark collaborative effort to establish the rights of the deceased and their families, as well as the obligations of States thereof.

This year's global report also focuses on a special theme – missing migrant children – given the growing number of children embarking on dangerous migrant journeys.<sup>5</sup> The report focuses primarily on undocumented children on the move, as they are generally understood to experience specific vulnerabilities. Although children are one of the most vulnerable groups of migrants, data on the number of missing migrant children tend to be quite limited. This report discusses why it is often difficult to find missing migrant data disaggregated by age and what could be done to improve data on missing migrant children to help prevent further such tragedies.

The focus on children is part of IOM's contribution to a recent call for action by UNICEF to improve data on migrant and refugee children. In 2018, UNICEF, together with IOM, United Nations High Commissioner for Refugees (UNHCR), Eurostat and Organisation for Economic Co-operation and Development (OECD), called for improved data on "children on the move," recognizing that better data will help to provide better protection for children (UNICEF et al., 2018).

This report aims to contribute to discussions on ways to disaggregate migration data by age in order to better protect the most vulnerable. The importance of ensuring that no migrant is "left behind" and that data are disaggregated by age and sex is underlined in the global development framework of the United Nations' 2030 Global Agenda for Sustainable Development and the Global Compact for Migration.

The first objective of the Global Compact for Migration is to "collect and utilize accurate and *disaggregated* [emphasis added] data as a basis for evidence-based policies" through "improving and investing in the collection, analysis and dissemination of accurate, reliable, comparable data, disaggregated by sex, age, *migration status* [emphasis added] and other characteristics relevant in national contexts."

<sup>4</sup> Julia Black is the Project Coordinator for the International Organization for Migration (IOM)'s Missing Migrants Project, and is based at IOM's Global Migration Data Analysis Centre.

<sup>5</sup> As discussed throughout this report, comprehensive evidence on the risks children on the move face is scarce. However, in recent years, an increasing number of children have attempted to reach the United States from Central America (US CBP, 2018) and Europe via the Mediterranean Sea (UNICEF, 2017), two routes with large numbers of migrant fatalities documented by IOM's Missing Migrants Project (2019).

Similarly, the 2030 Agenda for Sustainable Development calls on States to:

*Increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability geographic location and other characteristics relevant in national contexts. [Target 17.18, emphasis added]*

Without such data, it is difficult to implement robust policies and programmes to address the needs of children on the move and their families.

Despite the dearth of data on missing migrant children, children who die or go missing while on the move represent a group with well-defined legal protections, both at the international and national levels. The Convention on the Rights of the Child (1989), one of the most widely ratified international treaties with 191 ratifications, defines a child as “every human being below the age of eighteen years.” The treaty is predicated on the idea that all children, “without distinction of any kind,” are entitled to a strong set of rights and protections. Most States have similarly well-defined provisions for the protection of children.

Despite this, defining “missing migrant children” is more difficult. In many cases, it is difficult to differentiate between missing children and missing data. Death is not the only way in which a child may disappear during or after migration: fearing apprehension, deportation or any other sanctions, migrants may develop ways to remain under the radar (Sanchez, 2018b). Different actors – including local and federal government agencies, as well as humanitarian agencies and non-governmental organizations – define “missing” in different ways, depending broadly on different concerns and agendas (Sigona et al., 2017). Different definitions of missing migrant children have appeared in a number of major news stories in recent years; for example, in reports of 10,000 missing unaccompanied migrant children in Europe (Merriman, 2016) and the unknown whereabouts of nearly 3,000 immigrant children placed with sponsors in the United States (Nixon, 2018).

The theme of this report can therefore be broadly interpreted in at least three different ways: (1) children who are missing and presumed dead; (2) children who are missed by family members or other loved ones; and (3) children who are absent from official records. The issue of defining “missing migrant children” is discussed in greater depth in [Text box 1](#) of this report, and the specific definition used by the different authors in the report is noted in each chapter.

This report focuses on the issue of missing migrant children because it encapsulates the larger data challenges pertaining both to missing migrants and to children on the move. In addition, the report focuses on missing migrant children because their absence “represent[s] a final and terrible indicator of the need for better policy, practice and data to meet humanitarian and protection obligations” (Singleton, 2018).

This volume of the *Fatal Journeys* series is divided in two main sections. The first part focuses on global and regional trends and presents the latest data on the number of migrant deaths and disappearances, focusing especially on developments in 2018. The chapter also includes an overview of existing data on missing migrant children. The second part, which includes three chapters, focuses on the many thematic issues related to missing migrant children.<sup>6</sup>

The first chapter of the report, by Kate Dearden and Marta Sánchez Dionis,<sup>7</sup> provides a detailed global overview of available data on deaths and disappearances of people on the move. While the text focuses on fatality trends worldwide, it highlights data on children wherever possible.

<sup>6</sup> All of these chapters were first presented and discussed at an expert workshop hosted by the Migration Policy Centre of the European University Institute in October 2018.

<sup>7</sup> With advice from Julia Black and Ann Singleton.



The second chapter focuses on the “Vulnerabilities of migrant and forcibly displaced children.” Authors Claus Hansen, Danzhen You and Jan Beise from UNICEF discuss the dearth of evidence on migrant and forcibly displaced children and propose a conceptual framework to improve understanding of children’s vulnerabilities. The chapter includes guidance on what constitutes vulnerability, as well as a discussion of “vulnerability chains” and “trigger vulnerabilities” – that is, factors that may amplify or diminish vulnerability. It also explores how vulnerability manifests itself for migrant and forcibly displaced children in real-life situations.

The third chapter, by Jacqueline Bhabha, focuses on the “Legal obligations of States with regard to child migrant deaths and disappearance.” This chapter provides an overview of State obligations to protect children on the move and prevent their death or disappearance during and after migration. Objective 8 of the Global Compact for Migration – which calls on States to “save lives and establish coordinated international efforts on missing migrants” – is also discussed. Finally, the chapter features the benchmarking work, aimed at policy reform, undertaken by the Initiative for Child Rights in the Global Compacts.

Integral to any work on the subject of children on the move are the ethical considerations when undertaking research to understand their vulnerabilities and needs. The fourth chapter of the report, written by Sam Okyere, discusses the “Ethical considerations surrounding research on missing migrant children.” The chapter examines issues such as voluntary and informed consent; privacy, confidentiality and anonymity; beneficence and harm avoidance; and key considerations when reporting findings and results.

The concluding chapter discusses ways to improve data on missing migrant children. It also outlines two new initiatives to be implemented by IOM. First, IOM plans to increase its global data collection efforts to obtain better data on missing migrants, including children, from a wider range of sources, and from regions where data is often quite scarce. Second, the Organization will launch a new pilot project focusing on the families of missing migrants to better understand their needs. Finally, in conjunction with UNICEF, IOM will try to ensure that efforts to improve national migration data capacities include a focus on the most vulnerable children, including those who may become missing migrants.

### **Text box 1. Missing children and organized crime: Is there a connection?<sup>8</sup>**

*Gabriella Sanchez<sup>9</sup>*

In contemporary narratives of migration, the disappearances and deaths of adult migrants in transit are almost singlehandedly attributed to smugglers, traffickers and organized criminals. The cases pertaining to migrant children are not an exception. The tragic stories involving cases of migrant children going missing or dying as a result of being smuggled or trafficked often generate strong reactions from the public. Most narratives tend to attribute these tragedies to organized crime, depicted in turn as highly complex transnational networks targeting infant, young, female and inherently vulnerable children. Parents are also often part of these images, portrayed as playing a role in their children’s misfortunes, by virtue of having relied on smugglers for their journeys. Accompanied by devastating images of loss and pain, these stories further fuel the distaste for those who facilitate migrant journeys and place responsibility on parents for their disturbing outcomes.

<sup>8</sup> This text box is based on Sanchez, G. (2018) [Children and irregular migration practices: Missing children or missing data?](#) in *Migration Policy Practice* Vol. VIII, No. 2.

<sup>9</sup> Gabriella Sanchez is the head of Migrant Smuggling Research at the Migration Policy Centre, European University Institute, Florence, Italy.

The role of criminal actors in the forms of victimization migrant children face in the context of their journeys must not be denied. Yet to link children's tragic outcomes while on migration pathways to smuggling facilitators alone is amiss. It is certainly fundamental to create mechanisms that allow for the identification and reduction of exploitative and violent forms of smuggling (for example, by making safe, legal and widely accessible mechanisms for migration available to all). But the portrayal of migrant children's deaths or disappearances as occurring only at the hands of smugglers or heinous traffickers deflects attention from the ways in which migrant children themselves pursue ways to remain invisible or unaccounted for in order to fulfil their personal aspirations, or to avoid their institutionalization, detention or deportation.

"Missing" migrant children are not always missing and presumed dead. [Allsopp and Sigona](#) have documented how migrant children purposely avoid official protection mechanisms once within Europe, abandoning shelters without notice (and on occasion, even encouraged by protection staff) as a result of poor living conditions, their inability to secure employment, or the restrictions preventing them from joining formal education systems. [Achilli et al.](#) have also identified in Greece and Jordan cases of unaccompanied migrant children who "avoided accessing humanitarian support or registering officially with national authorities" and instead entered the informal labour market, working in occupations where they were particularly prone to face long work hours, accidents, and wage theft; some children reported having to perform transactional sex in order to make a living. [A study by the Migration Policy Centre](#) involving Bangladeshi migrants in Italy also revealed that young men (16–24 years old) avoid or abandon protection settings once they become aware of their ineligibility to work, pressured to contribute to household expenses in their country of origin and/or to pay off the debt acquired to finance their journeys. All three studies identify how migrant children are also prone to abandon asylum claims, become dependent on work performed in informal and dangerous settings, and forgo medical care or educational opportunities in their attempts to avoid detection, apprehension and/or deportation by immigration authorities. These decisions have a greater impact on migrant children's safety and well-being. However, it is often easier to [attribute](#) these "absences" or "disappearances" from official records to the actions of organized crime than to examine the institutional and structural shortcomings behind them.

Explanations of children's migration and its challenges rooted in anecdotal or partial, decontextualized evidence and practice (as in the case of the claims that attribute children's mobility to organized crime) not only sensationalize children's experiences but also further obscure the risks they face and leave unchanged the migration policies and practices that negatively impact them. Children's decision-making processes and their understanding of the risks and exploitative and/or dangerous situations they face are fundamental to data collection and analysis efforts. Involving children in this process, as well as the development of practices that ensure the protection of their identity, privacy and intimacy, in a way prevents their further marginalization, is therefore paramount.

## Text box 2. Methodological and data challenges<sup>10</sup>

This report is based on analysis of data on migrant fatalities from a wide range of sources. The data presented are, for the most part, not based on estimates but on reports of deaths and disappearances of migrants. The data sources are indicated in each chapter of this volume, and the source for the global figures is the Missing Migrants Project (MMP) [database](#).

While reporting of migrant deaths has improved, IOM is acutely aware that there is still a great deal more that needs to be done to improve data collection in some regions of the world. Caution is therefore needed throughout this report in interpreting the numbers. In most cases, they reflect only that which has been recorded, compiled and reported by a wide range of organizations and individuals, and then gathered by the MMP. The reported numbers of dead and missing migrants collapse together two categories: (a) those known deaths recorded because of the discovery of a body or of some human remains; and (b) those who are reported (usually by survivors) to be missing and who are assumed to have died, often reported on an “incident” basis. These two categories of data are recorded separately in the Missing Migrants database, but are usually reported as a combined total.

Even when deaths are recorded, many migrant fatalities are never identified. Local authorities responsible for the investigation of these deaths are often severely under-resourced, and the consequent ad hoc and/or uncoordinated processes of collecting, recording and preserving data taken from unidentified bodies obstructs processes of identification.

Globally, the data present only some partial insight into the total numbers of people who are dying during migration. Estimating global migrant deaths is difficult largely because of a lack of reliable and comparable data sources.

Readers of this report should note in particular the following:

- It is difficult to compare migration data between regions and countries and over time.
- Data sources used in each country and region vary widely and are often not published regularly or updated.
- Definitions of both “migrants” and “deaths” are inconsistent across sources, and the definition of “migrant death” varies between data sources.
- It is often difficult to identify that a death has taken place during migration – e.g. if a person is staying in a transit country and working to earn money for the next segment of travel, or is trapped in a country and unable to leave.
- Deaths in immigration detention are excluded.

<sup>10</sup> This text box is an excerpt from [Part 2 of Fatal Journeys 3](#).

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# Chapter 1 | Missing Migrants Project data: A global overview

Marta Sánchez Dionis and Kate Dearden<sup>11</sup>

## 1.1. Introduction

Since 2014, IOM's Missing Migrants Project (MMP) has documented the deaths and disappearances of more than 32,000 women, men and children. In 2018 alone, MMP recorded 4,734 deaths. It was the fifth consecutive year that MMP recorded more than 4,000 deaths during migration. Historical data estimate that at least 75,000 people have died on migration journeys since 1996.<sup>12</sup> The extensive challenges involved in collecting data mean that these numbers are most definitely undercounts, and that neither the identities of most dead and missing migrants nor the context in which they died will ever be recorded.

This chapter offers an overview and analysis of the data collected by MMP between 1 January 2014 and 31 December 2018, with a focus on deaths and disappearances recorded in 2018. Summaries and analyses of MMP data are presented by region and highlight what is known about those who die and the context of their deaths in relation to the local migration context. The chapter starts with a focus on one of the most vulnerable groups of migrants crossing borders: children.<sup>13</sup> It examines what can be inferred from existing fatality data about the risks faced by children during migration journeys, and the regions where they are most likely to die during migration. MMP data show that nearly 1,600 children have been reported dead or missing since 2014. This figure is likely to be significantly lower than the actual count, given the large numbers of children migrating around the world and the fact that information on age is available for just 30 per cent of deaths recorded in the MMP database.

## 1.2. Missing Migrants Project: Definitions, data sources and regional approaches

There are no universally accepted definitions of “missing migrant” or of “death during migration”. This has implications for the data collected and recorded. For example, MMP does not record: (a) deaths of long-term foreign residents in other countries; (b) deaths that occur during internal migration within the country of origin or destination in refugee camps, detention facilities or

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<sup>12</sup> This figure builds on the 40,000 people estimated to have died since the year 2000, as cited in the 2014 edition of IOM's *Fatal Journeys: Tracking Lives Lost during Migration*. The revised estimate of 75,000 is higher due to the inclusion of more years (1996 through 2018). The number is a compilation of available data and estimates on migrant deaths for regions around the world. As such, it represents a bare minimum of the actual number of migrant deaths. In some regions, data exist for only a few years of the relevant time period, and even those data are often incomplete. In other regions, there are no data at all. The actual number of migrants who die during their journeys is unknown. However, this estimate demonstrates that even when incomplete, the number of deaths during migration is far too high. Sources for this estimate include the following: The Migrants Files, UNITED for Intercultural Action, United Nations High Commissioner for Refugees (UNHCR), government authorities, interviews with survivors, IOM Field Offices and media reports.

<sup>13</sup> The term “children” and “child” are used in this report to refer to “every human being below the age of eighteen years,” in accordance with the [United Nations Convention on the Rights of the Child](#).

during deportation; and (c) deaths that take place after forced return to a country of departure or to the migrant's homeland; other sources include some or all of these.<sup>14</sup> Missing persons reports are also not included in the MMP figures unless there is reliable evidence that the person died (e.g. their remains were found, or they were lost at sea). Therefore, MMP's working definition of "missing migrant" starts from the perspective of those discovering, reporting or managing the deaths, rather than that of the families with whom missing migrants have lost touch. Just because a person's identity is unknown to those managing a body, or goes unrecorded in a database such as MMP, it does not mean that they are not missed by their family.

Even within the narrow definition of "missing migrants" used by MMP, the Project's records only represent the minimum number of those who have died during migration. This is due to the many challenges in collecting such information, which are discussed in more detail in the regional subsections below. MMP must use a variety of information sources for the incidents that it records, including coast guard and border authorities, social and traditional media reports, surveys of migrants and forensic data – each with its strengths and weaknesses.<sup>15</sup> Sources are chosen based on the availability and reliability of data and they vary greatly by region. The MMP codes each record with a source quality rating (on a scale of 1 to 5), which accounts for the number and quality of sources used for each record.<sup>16</sup>

Each incident is recorded by the geographical region in which it was reported to have happened. The regional categories used by MMP are based on current migration patterns and contemporary common language usage.<sup>17</sup> Several differ from the United Nations Statistics Division's regional (and subregional) categories; for example, migrant deaths that take place in the United Nations-designated region of "Western Asia" are categorized by MMP under "Middle East." Some United Nations-designated regions are also combined because they have similar patterns of migration; for example, Europe is one region in MMP data, instead of four. Additionally, due to their particular migration contexts relating to instances of migrant deaths and disappearances, the United States–Mexico border and the Mediterranean are considered distinct regions in the Project's records.

Still, it is difficult for any strict geographical categories to keep pace with the realities of migration, as routes can change and become less defined. For example, the "Western," "Eastern" and "Central" routes are commonly referenced as the three routes across the Mediterranean Sea to reach Europe;<sup>18</sup> however, there is evidence that these routes increasingly overlap. For example, in 2018, 12 per cent of people who arrived in Italy by sea departed from Turkey (IOM, 2018e). This does not fit into any of the three commonly referenced routes. Furthermore, since June 2018, hundreds of migrants have been rescued in the Central Mediterranean but have been taken to ports in France and Spain, instead of Italy and Malta, which are the typical countries of arrival for this route (Edwards, 2018). Despite these complications, MMP collects and analyses its data by region largely because migration itself is profoundly regional: most people migrating internationally stay within their home region (UN DESA, 2017). A regional analysis can account for deaths that occur in places that are not easily defined by a particular State's territory, such as at international borders or over international waters. These considerations should be taken into account when reading the following overview of MMP data.

<sup>14</sup> For example, see [UNITED for Intercultural Action](#), [Asociación Pro Derechos Humanos de Andalucía](#) and the Associated Press (Hinnant and Janssen, 2018; as discussed in the Conclusion of this report).

<sup>15</sup> For an overview of the strengths and weaknesses of the data sources used by MMP, please see Black et al., 2017.

<sup>16</sup> Visit IOM's MMP website for more information on [methodology](#) and [regional classifications](#).

<sup>17</sup> In addition to the main regional scheme used, MMP data are also tagged by subregions aligned with the United Nations Statistics Division's geoscheme, as discussed further in the regional classifications section of the website.

<sup>18</sup> The "Western Mediterranean route" is defined above. The "Central Mediterranean route" is considered to be the migration route from the North Coast of Africa to Italy and Malta, while the "Eastern Mediterranean route" is used to describe the irregularized migration route by water from Turkey to Greece and Cyprus.

## 1.3. Child migrants

Millions of children migrate across borders to join family members, flee from conflict and violence, or search for educational or employment opportunities and access to basic services. As of 2017, 30 million (1 in 80) children worldwide were living outside their country of birth (UNICEF, 2018b). Among the world's child migrants are more than 12 million child refugees and approximately 1 million asylum-seeking children, who have moved across international borders, with their families or on their own, to flee armed conflict, violence or persecution (UNICEF, 2017).<sup>19</sup> Existing estimates suggest that the number of children moving on their own has increased in recent years: in 2015–2016 there were five times as many children estimated to be migrating alone than in 2010–2011 (UNICEF, 2018b).

For many children, particularly those who travel irregularly, migration journeys can deeply impact their development and pose serious risk to life at any age. There is growing awareness that not enough is known about the movement of children and young people. Irregularized<sup>20</sup> migration of children is often invisible in data and policy, as discrepancies in legal categories and bureaucratic practices hinder the collection of reliable, accurate, timely and comparable data (Humphries and Sigona, 2016).

Inconsistencies in definitions and data collection greatly complicate any attempt to understand the complexities of children's mobility experiences. A call to action released by UNICEF, IOM, the United Nations High Commissioner for Refugees (UNHCR), Eurostat and the Organisation for Economic Co-operation and Development (OECD) in February 2018 highlighted the need for better data to inform policies and programmes to protect children on the move (UNICEF, 2018a). Disaggregated data are essential to understand the ways in which the migration pathway and the risks experienced en route affect adults and children, as well as girls and boys, differently (Singleton, 2018). Information on whether children are accompanied by a parent, family member or guardian, or whether they are travelling alone, is also particularly important to determine potential levels of vulnerability during transit and on arrival (IOM, 2019a).

### 1.3.1. Defining “missing migrant children”

The United Nations Convention on the Rights of the Child (CRC) defines a child as a “human being below the age of 18.” But a global and standardized definition of a “missing child” does not exist. Instead, a wide range of definitions of “missing children” is used by the authorities worldwide, most of which build their definition around the lack of information on a child's whereabouts (Sigona, Chagse and Humphries, 2017).

The term “missing migrant children” is often used to refer to unaccompanied minors who: (a) are registered by authorities at arrival and are institutionalized into the care of child protection services, placed in accommodation centres, or detained; and (b) subsequently disengage from these services and abscond from these institutions (Humphries and Sigona, 2016). Children may “go missing” for a variety of reasons. Some may have left to join family members in other countries, while others want to avoid apprehension and deportation by immigration authorities

<sup>19</sup> The analysis presented in UNICEF's reports related to international migrant populations is based on estimates from the United Nations Population Division, mainly on what are known as international migrant stock data. Stock data reflect the total number of international migrants present in a given country at a particular point in time, based mostly on the country's population that is born abroad, and (where this information is not available) on holding a foreign citizenship (read more in IOM Global Migration Data Analysis Centre (GMDAC)'s [Migration Data Portal](#)). This is different from [migration flows data](#), which capture the number of migrants entering and leaving a country over the course of a specific period.

<sup>20</sup> The term “irregularized” is used in this chapter instead of “irregular” to emphasize that “irregularity” (when it comes to migration) is determined as such by States. Irregularity refers to the legal status of a person at a certain point in time or during a certain period; the term does not refer to individuals themselves. Laws and policies determine the type of documentation required for movement across borders and for stays in countries. As such, the status of migrants can change during their journey and stay in the country of transit/destination, as authorized by the State.

(Sanchez, 2018a). In some cases, children and young people may also go missing as a result of becoming victims of trafficking or other forms of exploitation.

In the most tragic of cases, children who cannot access safe mobility options may lose their lives during dangerous journeys by land and sea. Many of them may die in anonymity and/or far from home, and their deaths may never be known by their families. It is these children who are the focus of this chapter. *The term “missing migrant children” is used in these pages to refer to children who died or went missing (and are presumed dead) during their migration journey.* The next three chapters in this volume offer ways to improve our understanding of the complexities of children’s mobility experiences, raising legal and ethical considerations, and suggesting steps for improving data on missing migrant children.

### 1.3.2. Risks faced by child migrants

The circumstances in which children migrate across the world vary widely. While many young people travel safely with the required documentation and legal status, others cross borders without visas, often in dangerous and abusive conditions. The lack of options for safe and legal mobility increases the likelihood that children and their families take irregular migration pathways with the aim of avoiding detection. The absence of legal status makes children particularly vulnerable during their migration journey, especially if they are travelling without their families. The fear of being reported to the authorities, language barriers or the marginalization and discrimination children may experience in transit often means that they struggle to reach out to others in the communities through which they pass and may face difficulties accessing basic services (Reale, 2013). The disconnection from family and social networks that many children experience during their journey opens the door to increased exploitation, violence and abuse.

Most narratives surrounding migration focus on adults; children on the move are often only considered in passing or are ignored entirely. This means that the many challenges to understanding the risks migrants face are compounded when it comes to migrant children. The focus on adult migrants also leads to children often being referred to as inherently vulnerable, an approach which ignores the agency of young migrants (White et al., 2011). Children and young people do make decisions during migration: choices which allow them to adapt to changing circumstances on their journeys. The agency of child migrants is exemplified in a number of studies which show how children and young people are actively involved in decision-making during migration (Women’s Refugee Commission, 2012; Mixed Migration Centre, 2018; Timéra, 2018). These choices are sometimes aimed at avoiding risks while on the move, such as being forced into violent gangs (Navarrete García and Vértiz Hernández, 2018). Unaccompanied children, in particular, challenge perceptions of children as dependent or passive actors, and as such face risks that are linked to their lack of an immediate support network. Heidbrink (2014), for example, reports that child migrants from Guatemala, El Salvador and Honduras reported being placed in detention until a family member could pay for their release.

Despite the adult-centric approach of many studies on migration, research from around the world give an indication of the risks faced by children on the move. These risks are highly contextual and depend on a wide variety of factors. In situations of forced displacement, for example, child migrants are particularly at risk of becoming separated from their family members (UNHCR, 2017), which leads to emotional trauma and may expose them to further risks during their journey (ICRC, 2004). In many contexts of mass internal and international displacement, such as in the Democratic Republic of the Congo, Yemen and Myanmar, children are among those most affected (d’Costa, 2017; Anzellini and d’Costa, 2018). In *Harrowing Journeys*, IOM and UNICEF (2017) found that children and youth aged 14–24 were more likely to report instances of exploitation and abuse if they had lower levels of education or if they were travelling alone. Many of the risks children face during migration journeys are specific to particular migration routes. The same IOM-UNICEF study (ibid.) further found that children and youth reported different risks on different routes, with those who had arrived in Europe via the Central Mediterranean route reporting three times as many instances of abuse than those who travelled via the Eastern Mediterranean.



Gender also influences the risks children face during migration. Evidence from surveys collected in East Africa, West Africa and Afghanistan by the Mixed Migration Centre (2018) indicate that while certain abuses are reported by both male and female migrants, such as physical violence, kidnapping and forced labour, women and girls reported far more instances of trafficking than men and boys, particularly instances linked to sexual exploitation and forced prostitution. Sexual and gender-based violence (SGBV) against women and girls on the move is well-documented across migration routes worldwide (Parish, 2017). For example, a joint assessment by UNHCR, United Nations Population Fund (UNFPA) and the Women's Refugee Commission (2016) found that women and girls who had migrated to Europe reported SGBV cases both during their journey and in the countries within Europe where respondents were interviewed. Another study with Central American unaccompanied child migrants, particularly girls and lesbian, gay, bisexual, transgender and intersex (LGBTI)-identifying children, endured multiple forms of sexual violence during migration (Kids in Need of Defense and Centro de Derechos Humanos Fray Matías de Córdova, 2017).

The challenges and risks faced by specific groups of migrants should be brought to the forefront of the migration policy agenda. This means not just children but also, inter alia, boys and girls, unaccompanied and accompanied minors, and those who are forcibly displaced or choose to migrate for other reasons. Beyond risks, more research is needed about the impact of migration on children from their own perspective (Sanchez, 2018a). There is a need to disaggregate data and research by factors such as age, sex, disability, ethnicity, class, status and sexual orientation to inform rights-based migration policies aimed at reducing the risks faced by all children on the move.

### **1.3.3. Documenting the deaths of child migrants**

Data suggest that hundreds of children die or go missing during migration around the world every year. MMP has recorded more than 250 deaths of children annually since it started systematically compiling data in 2014. However, determining how many children die or disappear is a great challenge, and it is likely that any death count barely scratches the surface of the tragedy.

Documenting deaths and disappearances of children during their journeys is challenging because information about age is often not available. In many cases, especially when deaths occur at sea or in remote locations, the remains of the fatalities are never found. When remains are found, the lack of physical evidence can limit the estimation of age. When sources such as medical examiners, non-governmental organizations (NGOs), the media or other migrants report deaths, they often just include the number of lives lost, which means that child migrants who die during their journeys may not be identified as such. Nevertheless, death records that include information on age can provide some insight into where and how children die or go missing during migration.

Worldwide, MMP recorded the deaths of 1,593 children during migration between 2014 and 2018. Their specific age is known in only 27 per cent of these cases. Often, sources will only mention that the person who died was a "child" or a "baby," making it difficult to assess the exact age of the child. Of the children whose ages were provided, 76 were babies under age 1, and 98 were between the ages of 1 and 5.

Though the scarcity of age-disaggregated data means that it is difficult to say which migratory route is most dangerous for children, available data indicate that most children died in the Mediterranean, with 678 deaths documented between 2014 and 2018 (Black et al., 2017). The majority of recorded deaths occurred in the Eastern Mediterranean, where at least 443 children are known to have lost their lives while attempting to reach Greece from Turkey. However, this is probably because children crossing the Eastern Mediterranean tend to travel with their families, so survivors can help report who has been lost. In 2018, 49 children, mostly from the Syrian Arab Republic, Iraq and Afghanistan, lost their lives in the short stretch of sea separating Turkey from the Greek islands, an increase from the 18 child deaths documented in 2017.

The perilous Central Mediterranean sea crossing has claimed the lives of at least 200 children since 2014. However, this number, while devastating, is likely to be an undercount of the scale of the tragedy, as information on age is only available for 14 per cent of the incidents recorded in the Central Mediterranean in the MMP database. The sad reality is that the majority of remains of those who died are never recovered from the sea: according to MMP data, the remains of over 70 per cent of people whose deaths were reported in the Central Mediterranean between 2014 and 2018 were never found. In 2018, at least 48 children drowned somewhere between North Africa and Europe. The capsizing of a boat near Al Khums, Libya on 1 September 2018 accounted for almost half (20) of all children whose deaths were recorded by MMP on this route. However, the children's remains were not recovered, and no information was collected from survivors who may have helped identify who they were, where they came from and whom they left behind.

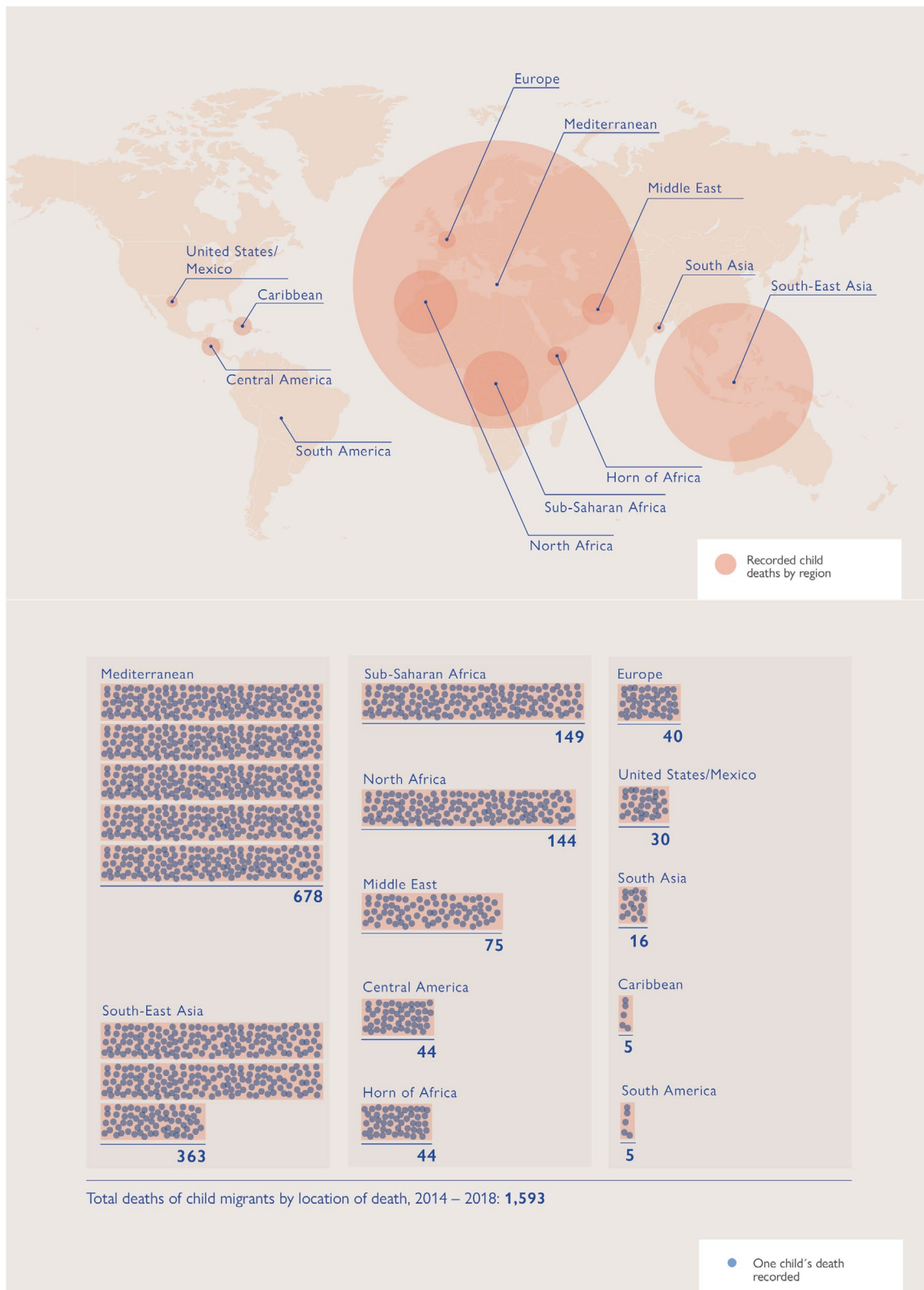
The Western Mediterranean is the route where the least information is available on those who died. Age is known for less than 10 per cent of incidents recorded on this route between 2014 and 2018. During this period, MMP documented the deaths of 35 children – 60 per cent of which occurred in 2018. However, data collected by NGOs running emergency hotlines for boats in distress at sea indicate that the number of children dying in the Western Mediterranean could be much higher. Between September 2015 and December 2016, Spanish NGO Caminando Fronteras (2017) documented that a third of the 388 people who lost their lives attempting to reach Spain were children, with 122 documented deaths.

While records appear to indicate that land routes to Europe are less hazardous than the Mediterranean Sea crossing, overland journeys continue to claim many lives. From 2014 to 2018, at least 40 children died while travelling by foot, bus, truck or train across Europe. Children and young people face specific risks as they transit alone or with their families trying to avoid detection by the authorities. Vehicle or train-related incidents were the most recorded cause of death for children in Europe. Twenty-six deaths were due to accidents while walking along the side of highways or railroad tracks, car crashes while travelling on overloaded vehicles, or from falling from trucks.

MMP records show that 337 children died while migrating in Africa over 2014–2018. Scarcity of data on the deaths of migrant children in Africa means that exact numbers are unknown. However, testimonies of migrants collected through surveys collected by the Mixed Migration Centre's Mixed Migration Monitoring Mechanism Initiative (4Mi) suggest that children die crossing lakes and rivers and traversing land routes on foot or in overloaded vehicles, whether heading towards North Africa, eastward to the Gulf countries or towards Southern Africa. The highest number of children's deaths was recorded in North Africa, where MMP documented 144 deaths since 2014. At least 66 children died in Sudan during overland travel from the Horn of Africa to Egypt or Libya, while 48 lost their lives transiting through Libya. In West Africa, at least 113 children are known to have died since 2014. More than half lost their lives while transiting through Niger, en route to Algeria or Libya. The sea passage from the Horn of Africa across the Gulf of Aden and the Red Sea has claimed the lives of at least 44 children since 2014. Meanwhile, 34 children have died on the route towards Southern Africa.

South-East Asia has been one of the deadliest regions in the world for children on the move. While the exact number of deaths is unknown, it is estimated that 363 children have died or have gone missing since 2014. More than 70 per cent of these deaths occurred in the Bay of Bengal and the Andaman Sea, while a further 21 per cent took place in the Naf River, which marks the border between Myanmar and Bangladesh. In August 2017, escalating violence in Myanmar's Rakhine state resulted in large-scale displacement of Rohingya refugees – the majority of whom were women and children – across the border into Bangladesh. Between August 2017 and December 2018, at least 90 Rohingya children died while fleeing Myanmar, but no one knows exactly how many perished, as this count only includes reported deaths. The most recorded cause of death was drowning, with several documented cases of babies and small children slipping from their parents' arms when their boats capsized (Reuters, 2017).

**Figure 1. Recorded deaths of missing migrant children, 2014–2018**



Source: IOM's Missing Migrants Project, 2019.

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The United States–Mexico border and northward journeys originating in South and Central America are also dangerous for children. From 2014 to 2018, at least 84 children died. More than a third of these deaths occurred on the United States–Mexico border. In 2018, an estimated 11 children lost their lives along the border, compared with seven in 2017. Available data from the United States Border Patrol (USBP) also show that more children are migrating to the United States, especially children unaccompanied by family members or guardians. In fiscal year 2018, 50,036 unaccompanied children were apprehended on the United States–Mexico border, a 21 per cent increase from 41,435 in the previous fiscal year (USBP, 2018a). Over 96 per cent of the unaccompanied children apprehended in 2018 came from Guatemala (22,327), Honduras (10,913), Mexico (10,136) and El Salvador (4,949).

## 1.4. Overview of migrant deaths recorded in 2018

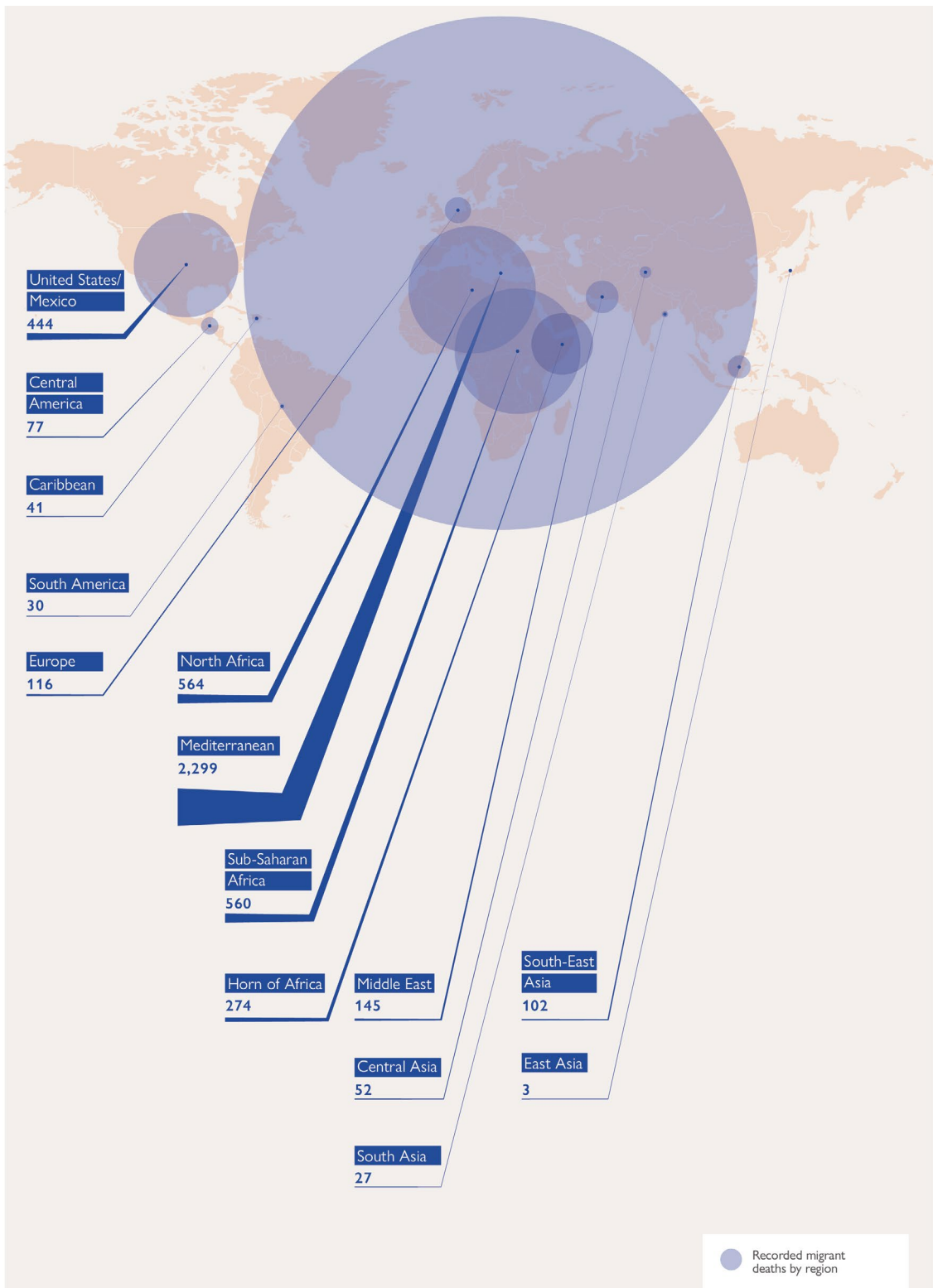
In 2018, 4,734 people were known to have died on migratory journeys around the world, compared with 6,279 in 2017. This fall in the total number of deaths documented in the MMP database was chiefly due to fewer recorded fatalities in 2018 during crossings from North Africa to Italy and Malta (the “Central Mediterranean route”), compared with 2017. However, in 2018, the Mediterranean Sea, which had claimed the lives of at least 17,919 people in the past five years, continued to account for the highest number of reported deaths and disappearances during migration. A key change in 2018 was the significant rise in the numbers of people who died on the Western Mediterranean route from the coasts of Northern Africa to mainland Spain and to the Spanish territories of Melilla and Ceuta. Irregularized arrivals to Spain doubled in 2018 as deaths nearly quadrupled, with 811 people known to have lost their lives along this route, compared with 224 in 2017. The impact on total MMP numbers of changes in flows and death rates in the Mediterranean is likely to be a reflection of the greater completeness of data from this region and the lack of data from others, rather than a true reflection of the Mediterranean’s dominance in numbers of global deaths.

Despite the ongoing war and humanitarian crisis in Yemen, in 2018 more people crossed the Red Sea and the Gulf of Aden to reach the country from the Horn of Africa, compared with those who crossed from North Africa to Europe (IOM, 2018h). The perils of the migratory route to Yemen were underlined by the drowning of 156 people in several shipwrecks in 2018.

Compared with other regions, in the past five years there were fewer migrant deaths recorded in South America. However, largely due to the context of the displacement of millions of Venezuelans from their country, at least 30 people lost their lives during migration in the region in 2018. In contrast, no deaths involving Venezuelans were recorded in the previous year.

While some migration routes, such as those out of the Bolivarian Republic of Venezuela, are newly appearing in MMP records, others have consistently been sites of death. Since 2014, 1,907 people have died along the United States–Mexico border, including 417 in 2017 and 444 in 2018. Compared with the decreasing numbers of people detected on this migration route, MMP data indicate that crossing this border is increasingly life-threatening for migrants. A more detailed discussion of these findings from MMP data, as well as for other regions, follows in the sections below.

**Figure 2. Migrant deaths recorded worldwide in 2018**



Source: IOM's Missing Migrants Project, 2019.

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### 1.4.1. Mediterranean

Over the past 30 years, the Mediterranean Sea has become a site of escalating numbers of migrant fatalities. Between 2014 and 2018, MMP documented the cases of at least 17,919 people who died or disappeared in the Mediterranean. When looking at data compiled over time by different organizations, 36,700 people are estimated to have lost their lives in their attempt to reach Europe since 2000.<sup>21</sup>

The history of the Mediterranean is a history of migration, as the region has been shaped by intense and varied intercultural exchanges and the multidirectional mobility of people for thousands of years. Before the 1990s, there were no regular reports of deaths during sea crossings. However, since 1990 not a single year has passed without deadly tragedies (Last et al., 2017).

There are many challenges involved in documenting deaths and disappearances of migrants crossing the Mediterranean. On sea crossing routes, bodies often are not found. MMP data indicate that the remains of almost 12,000 people who had drowned in the Mediterranean since 2014 are yet to be recovered.<sup>22</sup> Often, the only information available comes from surviving migrants. However, survivors' fatality estimates may vary and may be hard to verify. MMP always uses the lowest reasonable figure for missing persons, which means that it is likely to be an undercount of the number of lives lost. When human remains are recovered, information from the authorities (e.g. coast guards) is relayed to IOM field missions, which then share it with the MMP team. Data collected by NGOs are a valuable source of information when there are limited official data sources. In areas where there is no NGO presence, local news reports are also a useful source of information on migrant deaths and disappearances.

#### *Western Mediterranean*

The Western Mediterranean has been a crossing point between North Africa and Spain for thousands of years. It is home to several routes: (a) the sea journey from Morocco across the Strait of Gibraltar; (b) the sea passage from Morocco and the western coast of Algeria across the Alborán Sea; and (c) the land route into Ceuta and Melilla, two autonomous Spanish exclaves located in North Africa. Another frequently used migration route to Spain involves the sea crossing from the north-western coast of Africa (Cabo Verde, Gambia, Guinea-Bissau, Mauritania, Morocco and Senegal) to the Canary Islands (the "Western Africa route").

Deaths and disappearances of migrants on their journey to Spain have been a consistent point of concern for at least three decades. The first recorded death on this route known by MMP occurred on 1 November 1988, when the remains of a 23-year-old Moroccan man washed up on the shores of a beach in Tarifa, a town in Spain's southern province of Cádiz. It was the first time a shipwreck was recorded in the Gibraltar Strait; the incident claimed the lives of 18 people (Cañas, 2018). In the 30 years since, at least 7,780 people lost their lives attempting to reach mainland Spain and the Canary Islands (porCausa and Andalucía Acoge, 2018).

Since MMP started to systematically record deaths on migration routes in 2014, it has documented the deaths of 1,649 people on their journeys to Spain. More than 80 per cent of these deaths (1,324 deaths) occurred on the Western Mediterranean route, compared with 325 deaths recorded on the Western Africa route to the Canary Islands. Historical data from the Andalusian Association for Human Rights (APDHA) show that the latter route to the Canary Islands was deadlier a decade ago, with 1,049 deaths recorded in 2006 compared with 118 in the

<sup>21</sup> Estimate calculated using data compiled by [The Migrants Files](#) from 2000 to 2013 and data compiled by IOM's MMP from 2014 to 2018. The Migrants Files includes deaths that occur within Europe due to conditions in detention, efforts of migrants in an irregular situation to evade detection, and at times even death following return to origin countries. However, 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.

<sup>22</sup> This number refers to the number of people reported as missing in the Mediterranean for whom no remains have been found.

Western Mediterranean (APDHA, 2006). However, it is difficult to collect reliable information on migrant deaths on this route, as it remains a largely unmonitored sea crossing where boats may disappear without trace.

The shifting geography of deaths is likely to be connected to changes in border enforcement strategies. The arrival in the Canary Islands of a record 31,678<sup>23</sup> people in 2006 prompted Spanish authorities to implement new policies aimed at decreasing flows on this route (Carling, 2007). Increased surveillance and cooperation with West and North African countries have resulted in fewer than 1,500 people arriving in Spain annually via this route since 2006. In 2018, Spanish authorities recorded 1,307 people reaching the Canary Islands.

Conversely, arrivals via the Western Mediterranean route have increased in recent years. In 2017, 21,996 people arrived in Spain by sea via the Western Mediterranean, nearly three times more than the 7,941 arrivals recorded in 2016. The upward trend in arrivals continued in 2018, when 57,218 people arrived in Spain by sea via this route. In the second half of 2018, the Western Mediterranean route to Europe became the most frequently used, accounting for over 60 per cent of all people arriving irregularly via the Mediterranean.<sup>24</sup>

As more people crossed the Western Mediterranean to reach Spain in 2018, more lost their lives, with 811 people recorded dead or missing compared with 224 in 2017. The increase in recorded deaths in 2018 was linked to an increase in attempted sea crossings from North Africa to Spain, as well as to a shift in routes to the more dangerous Alborán Sea crossing. In 2017, almost half of all deaths (104 deaths or 46%) were recorded in the Strait of Gibraltar, a narrow stretch of water separating northern Morocco from mainland Spain. Meanwhile, 77 deaths (34%) were documented in the Alborán Sea, a 180-kilometre-wide sea basin bordering Morocco and Algeria to the south and Spain to the north. In 2018, the turbulent waters of the Alborán Sea became the site of an appalling loss of life, with 545 women, men and children drowning in an attempt to reach Spain. The overseas crossing to mainland Spain accounted for 67 per cent of all deaths recorded in the Western Mediterranean in 2018. At least 154 people lost their lives in the Strait of Gibraltar that same year, while 96 deaths were documented in waters near Ceuta and Melilla. In particular, there was a significant increase in the number of deaths recorded off the western coast of Algeria, where at least 88 people died or went missing in 2018, compared with just seven in 2017.

Unsafe travel conditions increase the risk of incidents during sea crossings. According to local NGOs, alongside traditional wooden boats (*pateras*), many migrants are now crossing the Western Mediterranean in rubber boats and small inflatable boats of extremely poor quality (Caminando Fronteras, 2017; APDHA, 2018a, 2018b). Boats used for Alborán Sea crossings often start to deflate before reaching Spain; in addition, the poor quality of the engine means that the boats often go adrift, with almost no chance of reaching the Spanish mainland without assistance (CEAR, 2018).

Despite efforts to track deaths along the Western Mediterranean route, there are strong indications that many more people may have been lost without a trace while attempting to reach Spain in 2018. Based on information provided by several NGOs running emergency hotlines,<sup>25</sup> MMP documented the disappearances of four boats – and with them at least 179 people – in 2018. Often, the only information available comes from the testimonies of families searching for their missing loved ones. NGOs operating in Spain and Morocco have received many additional reports from family members of loved ones lost in shipwrecks, but these could not be confirmed. None of these apparent deaths or disappearances are recorded by MMP.

<sup>23</sup> Unless otherwise noted, data on fatalities were sourced from IOM's MMP. Data on arrivals in Spain were sourced from the Spanish Ministry of Interior and IOM's [Displacement Tracking Matrix](#) (DTM). Data on interceptions by Moroccan and Algerian authorities were not available.

<sup>24</sup> Although no official data on interceptions by North African countries are available, media reports citing figures from the Moroccan Ministry of Interior indicate that the number of people intercepted at sea has increased, with 29,715 people being returned to Moroccan shores in 2018 (2M.ma, 2019)

<sup>25</sup> In particular, [Alarm Phone](#) and [Caminando Fronteras](#).

In the majority of cases, the name, nationality, sex and age of the fatalities are not known by those reporting their deaths. In MMP data, information on either age or sex is not available for 34 per cent of incidents recorded in the Western Mediterranean since 2014.<sup>26</sup> Nonetheless, the deaths of 318 men, 95 women and 35 children were documented on this route between January 2014 and December 2018.

*Ayoub Mabrouk was 21 years old when he attempted to cross the Gibraltar Strait to search for a better future in Spain. He left on a boat with 44 other Moroccan young men on the night of 3 November 2018, but the boat capsized before reaching the Spanish coast and only 22 of them survived. Ayoub's body was found on a beach near Caños de Meca, Cádiz a few days later. He came from the city of Salé, near Rabat, where he had recently started university. He had two brothers and four sisters, and was a three-time kickboxing champion in national competitions. (Espinosa, 2018)*

### Central Mediterranean

The Central Mediterranean route – the overseas crossing from North Africa to Italy and Malta – has been used by thousands of migrants each year since at least the mid-1990s. Migrants travelling on this route generally aim to reach Italian shores. They leave from a variety of North African countries bordering the Mediterranean: most depart from Libya, and there are smaller numbers of departures from Tunisia, Egypt and the eastern coast of Algeria.

The Central Mediterranean has long been the deadliest overseas route to Europe, with more than 15,000 deaths and disappearances recorded between North Africa and Italy since 2014. Between 2011 and 2017, it also accounted for the largest number of people crossing by sea to Europe, with the exception of 2015 when thousands of people crossed the Aegean Sea to reach the Greek islands from Turkey. After several years of relatively high levels of maritime migration to Italy, the number of people reaching Europe via the Central Mediterranean dropped significantly in the second half of 2017, and even further from July 2018 onwards. In parallel, the number of people being returned to North African shores has increased. Interceptions by the Tunisian and Libyan coast guards in 2016 accounted for 8 per cent of all search-and-rescue operations in the Central Mediterranean. In 2018, out of the total number of people who attempted to cross this route, 49 per cent was pulled back to Tunisia and Libya.<sup>27</sup>

At least 1,314 people lost their lives attempting to reach Europe via the Central Mediterranean in 2018, compared with 2,853 people in 2017. The decrease in the number of recorded deaths is likely linked to the lower numbers of people travelling on this route – 45,648 people were recorded to have attempted to cross the Central Mediterranean in 2018, down 68 per cent from 144,301 people in 2017. Despite this, thousands of people continue to die each year in the Central Mediterranean, and there is considerable evidence that conditions for those embarking on this journey have worsened. Available data show increasing risk to the lives and safety of people travelling on this route: in 2018, one in 35 people attempting the crossing perished, while in 2017 it was one in 50.<sup>28</sup> A similar rate for large shipwrecks resulting in hundreds of deaths was observed, despite a decrease in the total number of shipwrecks. Of the 61 shipwrecks recorded

<sup>26</sup> Sources, such as national authorities, NGOs or the media, often only report the total number of remains recovered or individuals gone missing, with no details provided regarding their age or sex.

<sup>27</sup> The term “attempted crossing” is used in this chapter to express the sum of people who attempt to cross the Mediterranean: irregular sea arrivals in Italy and Malta, interceptions by Libyan and Tunisian authorities (data on interceptions by Algerian authorities are not available), and deaths and disappearances at sea. Unless otherwise noted, data on fatalities were sourced from IOM’s MMP. Data on arrivals in Italy and Malta were sourced from national authorities via IOM’s DTM. Data on interceptions were sourced from IOM Libya and IOM Tunisia.

<sup>28</sup> The mortality rate was calculated by dividing the number of migrant fatalities (the numerator) recorded in 2017–2018 by the number of migrants who travelled on the route (the denominator) during this period. The denominator includes the number of people who arrived in Italy and Malta, the number of people who were intercepted at sea and returned to Libya and Tunisia, and the number of people who died or went missing at sea. Please see [Text box 3](#) on using mortality rates in migratory routes.

in 2018, seven were large-scale incidents in which more than 100 people died or went missing. In 2017, eight out of 159 recorded shipwrecks were large-scale incidents.

The reduction in search-and-rescue capacity in the Central Mediterranean is likely to have contributed to the worsening conditions for migrants taking this route (MHub, 2018). The restrictions placed on search-and-rescue NGOs, including the lack of authorization to access safe ports for disembarkation, forced many of them to cease operations in the Central Mediterranean in 2018 (EU FRA, 2018). Additionally, European Union (EU) states agreed in March 2019 to temporarily suspend the deployment of Operation Sophia's naval assets in the Mediterranean (Council of the European Union, 2019). Beyond the tragic loss of life, a concerning consequence of the reduced number of dedicated search-and-rescue operations is the increased invisibility of migrant deaths. In this context, the risk that shipwrecks are occurring far from the eyes of the international community has intensified.

Despite migrant deaths being a constant phenomenon in the Central Mediterranean for many years, the recovery of the remains of those lost at sea is generally not prioritized. As a result, basic information which could help identify the dead is often lacking. The limited information available suggests that the majority of those who perish in the Central Mediterranean are men, with 1,447 recorded deaths between 2014 and 2018. In the same period, MMP documented the deaths of 564 women and 200 children. However, as information on the deaths of women and children are highly dependent on the identification of the bodies, it is likely that higher proportions of women and children are included in the data on unidentified remains (Pickering and Cochrane, 2012).

### **Text box 3. Recommendations for calculating and interpreting “death rates” in the context of migration journeys**

*Marta Sánchez Dionis and Kate Dearden*

In the context of migration, “death rates” are calculated on the basis of the number of known deaths in relation to the number of known attempts to use specific migration routes over specific time periods. These rates can be used as proxies to [assess](#) the risk of dying and to help [understand the contexts of deaths during migration](#) beyond total numbers of fatalities. For example, although the total number of deaths in the Central Mediterranean decreased in 2018 compared with 2017 figures, the “death rate” – or the number of fatalities as a proportion of total journeys – increased in 2018 (see Figure 3, below). Nevertheless, it is important to weigh the value of making and publicizing these calculations when they are based on incomplete and unreliable data.

#### **Challenges and limitations**

##### *The calculation itself*

Data required to calculate death rates are only available for a few migration routes globally; even then, there are significant weaknesses that call into question the accuracy of such calculations.

- **Calculating death rates for migrant journeys is heavily affected by the lack of reliable and complete data on migrant deaths and disappearances.** There are many challenges involved in documenting the deaths and disappearances of migrants during their journeys, and all existing death counts have [gaps](#). Because the majority of deaths are of migrants travelling by irregularized means, they often occur in remote areas chosen because of a lack of legal routes. As a result,

bodies often are not found, and deaths may not be reported to the authorities. On routes requiring a sea crossing, it is even more likely that people can die without a trace. For these reasons, data on migrant fatalities are best understood as minimum estimates.

- **Death rates for migration routes are further influenced by the lack of reliable data on irregular migration flows.** Mortality rates are usually measured in a *clearly defined population* – however, measuring this population is very difficult in the context of migrant journeys. The very nature of irregular travel makes quantifying **irregular migration flows** extremely challenging. Changes in policies and administrative practices related to border control may prompt an increase in irregular migration figures, which may not necessarily reflect an actual rise in flows. For example, increased surveillance and patrolling may mean that a growing proportion of migrants are detected or apprehended. These issues make it difficult to compare flows data collected over time.
- **Even when migration flows data are available, they are not always disaggregated by sex or age, hindering the adjustment of the death rate according to the composition of the population.** To calculate such a rate correctly, the denominator needs to reflect changes to the population during the chosen time period, especially when there is an over-representation of certain groups. Another difficulty in establishing the population being assessed in the context of migration flows is that death rates are based on the total number of individuals in a population, not the total number of attempted journeys. It is possible that available flows data counts the same individuals more than once, if for example they have used (or attempted to use) the same migration route several times.

#### *General considerations*

- **As a result of the limitations of the data required their calculation, death rates on migration routes are not statistically significant.** Both the data on migrant fatalities (used as *the numerator* in these calculations) and on migration flows (used as *the denominator*) are incomplete.
- **The time period chosen for calculations can bias death rates.** For example, in the Central Mediterranean, many people often die at the same time because the boat in which they are travelling sinks. Therefore, a person's chances of survival on this migration route are **highly correlated** with those of other travellers on the same route. As such, death rates calculated for a short time period can be skewed by incidents in which there are a high number of deaths, and will not reflect the actual risk of migration during that period. This also works in reverse: if there are no deaths during a specific time period on a migration route, it does not necessarily mean that there is no risk of death.
- **There are no standard criteria<sup>29</sup> to define a situation on a migratory route as an emergency – not to mention, agreement on *what* action(s) should be taken or *by whom*.** Mortality rates can be **used** to document the impacts of humanitarian situations, such as war, famine and outbreaks of disease. However, the context

<sup>29</sup> There are different trains of thought and practice around what mortality rate constitutes a humanitarian emergency. The standard threshold has been a crude mortality rate of 1 death per 10,000 people a day, or 2 deaths per 10,000 per day for under age five. The [Sphere Project](#) and [UNHCR](#) use a threshold of two times the “normal mortality rate” for the same population.



of irregular migration is unique from other humanitarian contexts, because it is nearly impossible to determine the standard death rate for the general population for the purposes of comparison (in other words, to have an idea of the “normal” mortality rate). People trying to migrate across the Mediterranean Sea to Europe, for example, come from many countries, span ages and face varying risks. Migration journeys are just that: journeys in which people are on the move. In other words, migrant flows change constantly in terms of size and composition and do not represent a normal population structure.

**Figure 3. Death rates for migrants crossing the Central Mediterranean, 2016–2018**



Figure 3 illustrates how the death rate for the Central Mediterranean migration route varies depending on how the denominator is defined and measured. If the denominator is defined as the total number of people who attempt the crossing (including data on arrivals to Italy, interceptions en route and fatalities – “Death rate A”), the calculation shows that, in 2018, for every 35 people who attempted the Central Mediterranean Sea crossing, one person died. If the denominator is the number of people who arrived in Italy (“Death rate B”), the mortality rate is one death for every 20 people crossing to Europe over the Central Mediterranean.

#### Recommendations to better assess, interpret and use a “death rate”

- (a) Producers of mortality rates should always clearly report the numerator and denominator data used and describe the formula by which the death rate was calculated.

- (b) To decrease bias, calculations should be conducted over longer time periods and be accompanied by an assessment of other limitations and biases regarding the data and methodology. Any breaks in the data time series and quality over time need to be included.
- (c) Producers of mortality rates should also consider doing “*sensitivity analyses*” of possible scenarios for releasing such figures. These analyses should consider the pros and cons of putting these figures in the public domain.
- (d) Communicators who choose to cite death rates in the context of migration, such as journalists and policy advisors, should always include information on the limitations and potential biases of such figures. The underlying message when communicating about migrant fatalities should always remain: regardless of death rates, even one life lost is too many.
- (e) Finally, we encourage those reading rates to critically interpret the figures in light of the limitations discussed here. Readers should keep in mind that because migrant fatalities are undercounted and attempted crossings are underestimated, death rates are often very imprecise estimates. As such, such reported death rates should only be seen as *indicative of trends*, rather than as highly reliable measures.

### *Eastern Mediterranean*

The interconnected history and geography of present-day Greece, Turkey and Cyprus mean that people have moved in both directions across the Aegean Sea for thousands of years. In the last decade, migration via the Eastern Mediterranean route – from Turkey to Greece and Cyprus – has remained constant, with hundreds of thousands making the sea crossing each year. Thousands of inhabited and uninhabited islands across the Aegean Sea intertwine the geography of Turkey and Greece. Some islands in Greek territory are as close as 1.2 kilometres to the Turkish mainland,<sup>30</sup> and the two nations’ maritime borders remain contested.

In 2015, the Greek islands became the site of the largest population movement to Europe since the end of the Second World War, with over 853,650 people crossing the Eastern Mediterranean to reach Greece (IOM, 2015).<sup>31, 32</sup> The dangerous conditions in which people migrate across this body of water have claimed many lives over recent years.<sup>33</sup> In 2015 and 2016, amid a surge in the number of migrants using this route, the number of lives lost also peaked, with 804 deaths recorded in 2015 and 434 in 2016. Following the EU–Turkey Statement in March 2016 (Council of the European Union, 2016), which intended to stop irregularized migration between Turkey and Greece, the number of people who attempted this journey in 2017 – including those who arrived in Greece and those intercepted at sea and brought back to Turkey – dropped to a few thousand per month. In 2018, the number of people using this route was still far below the peak prior to the EU–Turkey Statement. However, people fleeing conflict and those wishing to reach Europe continue to attempt the journey, often in overcrowded inflatable boats. On average, 4,532 people per month attempted to reach Greece or Cyprus via the Eastern Mediterranean between April 2016 (when the EU–Turkey Statement came into effect) and December 2018. The deaths of 304 people were recorded on the route over this period.

<sup>30</sup> For example, the shortest distance between the Greek island of Samos and mainland Turkey.

<sup>31</sup> From 2006 to 2014, a total of 909,020 people arrived in Greece via the Eastern Mediterranean sea route.

<sup>32</sup> Data on irregularized sea arrivals to Greece and Cyprus are from the interior ministries of both countries via IOM’s *DTM*. Data on migrants travelling by irregular means intercepted by the Turkish Coast Guard are available from its [website](#).

<sup>33</sup> From January 2000 until the end of 2018, at least 2,391 people lost their lives attempting to cross the Eastern Mediterranean (Data for 2000–2013 were recorded by Fortress Europe, and data for 2014–2018 were recorded by IOM’s *MMP*).

In 2018, 174 people are known to have died in the Eastern Mediterranean, up 180 per cent from 62 people in 2017. For comparison, the increase in observed attempted crossings from 2017 to 2018 was only 15 per cent.<sup>34</sup> Together, these figures indicate that the Eastern Mediterranean route was riskier for migrants who tried to cross in 2018.<sup>35</sup> One reason for this may have been smugglers' efforts to adjust their routes to avoid detection by the authorities. In 2018, there were more reports of boats leaving from different towns on the Turkish coast, as well as from the coast of Lebanon, compared with the previous few years. Sixty-one people are known to have died in four separate shipwrecks off northern Cyprus in 2018, whereas no prior incidents had been recorded by MMP in this area. New points of departure may mean that there is little search-and-rescue capacity nearby, making these journeys more dangerous if boats get into trouble at sea.

Compared with the Western and Central Mediterranean crossings, relatively more is known about those who have gone missing or died in the Eastern Mediterranean. One significant reason for this is that more bodies are recovered and brought to land in the Eastern Mediterranean.<sup>36</sup> Furthermore, boats leaving the Turkish coast towards the Greek islands in the north-eastern Aegean are relatively small. There is a high proportion of family members travelling together,<sup>37</sup> so passengers may be able to help identify those who have been lost.

The nationalities of 55 per cent of recorded fatalities (845 out of 1,533) on the Eastern Mediterranean route between 2014 and 2018 are known. Of the fatalities, the highest numbers came from the Syrian Arab Republic, Iraq and Afghanistan – the same main countries of origin of those who arrived in Greece during this period, and three of five countries with the highest numbers of people forcibly displaced in the world (IOM, 2018e).<sup>38</sup> The sex is known for 31 per cent of the dead (477 out of 1,533) and the approximate age is known for 34 per cent (527 out of 1,533, including 443 minors). However, further information is unknown for the vast majority of the recorded dead. Such information includes individuals' identities, the location of their remains and whether families know of the deaths of their missing loved ones.<sup>39</sup>

Although the number of migrants attempting to reach Europe via the Eastern Mediterranean has decreased since April 2016, there has been increased use of other migration routes from Turkey into Greece – notably across the Evros/Meriç River,<sup>40</sup> which marks the border between the two countries for 203 kilometres (Biriz Karaçay, 2017). This is further discussed in the following section on Europe.

## 1.4.2. Europe

Despite the continued decreases in irregularized arrivals of people by sea to Europe since 2015 (IOM, 2018e),<sup>41</sup> MMP records indicate that migrating by irregular means not only to, but also within, the European continent has arguably become more dangerous. In 2018, MMP recorded the deaths of 116 people migrating on the continent, compared with 98 in 2017. Transport-related accidents accounted for 47 per cent of migrant deaths in 2018, followed by drownings

<sup>34</sup> In 2018, 32,742 people arrived irregularly by sea in Greece and 26,678 were intercepted and brought back to Turkey. In 2017, 29,595 arrived in Greece and 21,937 were intercepted and brought back to Turkey. Data for Greece are available from the IOM DTM. Data for Turkey are available from the Turkish Coast Guard website.

<sup>35</sup> Please see [Text box 3](#) on using mortality rates on migratory routes.

<sup>36</sup> In 2018, the bodies of 60 per cent of the dead in the Eastern Mediterranean were recovered, compared with 43 per cent in the Western Mediterranean and 21 per cent in the Central Mediterranean (MMP data).

<sup>37</sup> Between January and June 2018, 36 per cent of sea arrivals to Greece were minors; 87 per cent of these young people were travelling with their families or guardians (UNHCR, UNICEF and IOM, 2018).

<sup>38</sup> In 2016, migrants with these nationalities made up 86 per cent of registered people who arrived irregularly by sea and land in Greece. In 2017, these three nationalities represented 78 per cent; in 2018, they accounted for 70 per cent. Despite the prevalence of these three groups, 140 nationalities have been registered as having entered Greece irregularly since 2009.

<sup>39</sup> For more information on identification rates of recovered remains in regions where these data are available, please see Table A in Black et al., 2017.

<sup>40</sup> This river is called "Evros" in Greek and "Meriç" in Turkish.

<sup>41</sup> Based on the number of people detected as arriving irregularly at EU borders (Frontex, 2019b).

(13%).<sup>42</sup> This indicates the risks that people without legal documentation<sup>43</sup> take to reach their destinations in Europe, including riding on the outside of trains, holding onto truck undercarriages, attempting to cross fast-moving rivers at night and hiking through snowy mountainous areas without appropriate clothing. For those without official documentation, avoiding detection by the authorities is central to decision-making about their journeys. This may include efforts to conceal themselves, blend in, and/or take dangerous routes to overcome physical barriers, all of which can lead to fatalities.

For people migrating irregularly to and within Europe, crossing borders must be attempted both at the external borders of the EU, as well as at the interim internal borders between several EU Member States. In 1995, the implementation of the Schengen Agreement abolished border checks and established freedom of movement between EU Member States joining the Schengen Area, while strengthening the external borders of the EU (European Commission, 2019). In response to the steep increase in the number of people who migrated irregularly to and through Europe in 2015, several EU Member States exercised their right to reinstate temporary document checks.<sup>44</sup> As of November 2018, Austria, Germany, Denmark, Sweden and Norway had internal border checks in place “due to the exceptional circumstances resulting from the migratory crisis that started in 2015.” France also has internal border checks in place on the grounds of a “persistent terrorist threat” (European Parliament, 2018). Ten out of 28 EU Member States (Spain, Greece, Hungary, Bulgaria, Austria, Slovenia, United Kingdom, Latvia, Estonia and Lithuania) have built barriers along their borders to prevent irregularized immigration (TNI, 2018). At the EU level, reducing smuggling and irregular migration are key parts of the EU Agenda for 2015–2020 (European Commission, 2015a), making avoiding detection more challenging.<sup>45</sup>

In 2018, 41 of the 116 recorded deaths during migration in Europe occurred in the Western Balkans, higher than figures recorded by MMP in any other year on this route. In 2015, the Western Balkan route arose, as many of the approximately 857,000 people who arrived in Greece from Turkey continued north in large groups to other European countries (IOM, 2015). The presence of irregularized migrants and asylum seekers in the Western Balkans increased again from 2017 to 2018 (IOM, 2019e). This despite efforts since 2015 by countries along this route to actively block the onward movement of asylum seekers, with some countries allowing only small numbers of people to cross each day (Frontex, 2019a). As a result, only individuals or smaller groups can travel together, leading to a reported increase in demand for smugglers to help migrants find new routes to avoid detection (Karakoulakis and Tosidis, 2017; Bierbach, 2018). MMP illustrates some of the tragic consequences of these new routes and strategies to avoid border enforcement. For example, in 2018, 11 people drowned in the Kolpa/Kupa River,<sup>46</sup> and two people drowned in the Korana River, on the borders of Croatia and Slovenia and Croatia and Bosnia and Herzegovina, respectively, whereas MMP did not record any migrant deaths in these rivers in 2014–2017.<sup>47</sup>

The struggles and risks faced by people in situations of irregularized migration/forced immobility are also apparent in MMP records in other parts of Europe, such as northern France and Belgium. Although the French government dismantled “the Jungle” camp near Calais in October 2016 (BBC, 2016a), groups of predominantly young men, as well as families, continue to live in precarious conditions around ports in the north of France and Belgium (and more recently Spain) and make desperate attempts to hide in trucks or ferries that could take them to the United Kingdom (Hedgecoe, 2018; Townsend, 2018). In 2018, MMP recorded the deaths of 10 people

<sup>42</sup> The main cause of deaths (43%) MMP recorded in Europe from 2014 to 2017 was also transport. The cause is known for 91 per cent of the recorded deaths in this four-year period.

<sup>43</sup> Such required documentation may include passports and other travel identification documents, as well as visas and other proof of authorization by States.

<sup>44</sup> EU States are permitted to instate document checks on borders with other EU member countries, but only for a maximum of one year at a time if there are serious threats to public order or to a country’s internal security (European Commission, 2019).

<sup>45</sup> By 2020, Frontex intends to have 1,000 staff members, compared with 402 in January 2016 (European Commission, 2015b).

<sup>46</sup> This river is called “Kolpa” in Slovenian and “Kupa” in Croatian.

<sup>47</sup> While Croatia is an EU State, it is not a member of the Schengen Area. In June 2017, the country increased its border enforcement efforts with Slovenia (Polšak Palatinuš, 2017) and also gained access to the EU’s Schengen Information System (European Commission, 2017).

who were attempting to reach the United Kingdom irregularly from France or Belgium, including individuals from Eritrea, Viet Nam, Iraq, Ethiopia and Guinea. Seven of those people were killed after being hit by vehicles.<sup>48</sup>

Another route along which migrants face considerable risks to life is the border crossing between France and Italy, where MMP has documented the deaths of 21 people between 2016 and 2018. Ventimiglia, a town in Italy's Liguria region located less than 10 kilometres from the French border, is a major transit point for migrants trying to reach another destination in Europe. Migrants attempt to cross this border in different ways, many of them highly dangerous. At least six people have been killed by vehicles while walking on the side of motorways since 2016. In addition, eight people have lost their lives after climbing on top of trains bound for France, while at least one person died while hiking a 12-kilometre mountain track in the Maritime Alps. The reintroduction of border checks and increased militarization of the border by both countries have resulted in migrants being forced to take more dangerous routes, such as the Col de l'Échelle mountain pass across the French Alps, where the deaths of a 21-year-old Nigerian woman and two Guinean men were documented in 2018.

Shifts in policy, among other factors resulting in changes to migration routes, are also evident in MMP data on deaths during migration. For example, since the EU–Turkey Statement came into effect in March 2016 (Council of the European Union, 2016), there has been a significant drop in migratory flows of people across the Eastern Mediterranean. However, since 2017, there have been increased numbers of people crossing or attempting to cross the land border between Turkey and Greece and subsequent increases in recorded deaths.<sup>49</sup> Flows of people across this border fluctuate for many reasons, including the level of Greek and Turkish cooperation on border control and broader migration drivers (Biriz Karaçay, 2017).<sup>50</sup> In 2018, Greek authorities detained 17,473 people crossing this border irregularly; this was three times the number of people detained in 2017.<sup>51</sup> Those who crossed this border in 2018 were largely from Turkey (33%), Pakistan (18%), Afghanistan (17%) and Iraq (16%). These differed from the countries of origin of those who attempted to migrate across the Eastern Mediterranean in 2018: Afghanistan (29%), Syrian Arab Republic (23%) and Iraq (18%) (IOM, 2019c). However, like the Eastern Mediterranean sea crossing, irregularized migration from Turkey to Greece over the land border is also notoriously dangerous: between 1990 and 2013, at least 399 people died in the Evros region (Human Costs of Border Control, 2015). Many of these deaths (85 between 1987 and 2004) were due to landmines, which were finally removed in 2008 (Baldwin-Edwards, 2006; Tselepi et al., 2016). In 2018, MMP recorded 55 fatalities on this border between Europe and Asia, compared with 14 over 2014–2017. Most drowned in the Evros/Meriç River.<sup>52</sup>

*On the night of 4 April 2018, an Iraqi couple, Jihan and Dilshad, tried to cross the Evros River from Turkey into Greece in an inflatable dinghy, when their boat suddenly turned over. Their four-year-old nephew, Ahmed Fadhil, was lost in the water. The two waited and searched for Ahmed the whole next day. They were raising him after the boy's mother was killed in a car crash in Iraq. Since the accident, the boy's father called every day in the hope that he had been found. In late May, the boy's body was recovered on the Turkish side of the river. (Dobbs, 2018)*

<sup>48</sup> In 2014, 12 were recorded to have died in the same context, compared with 24 in 2015, 16 in 2016 and 6 in 2017 (IOM, 2019f).

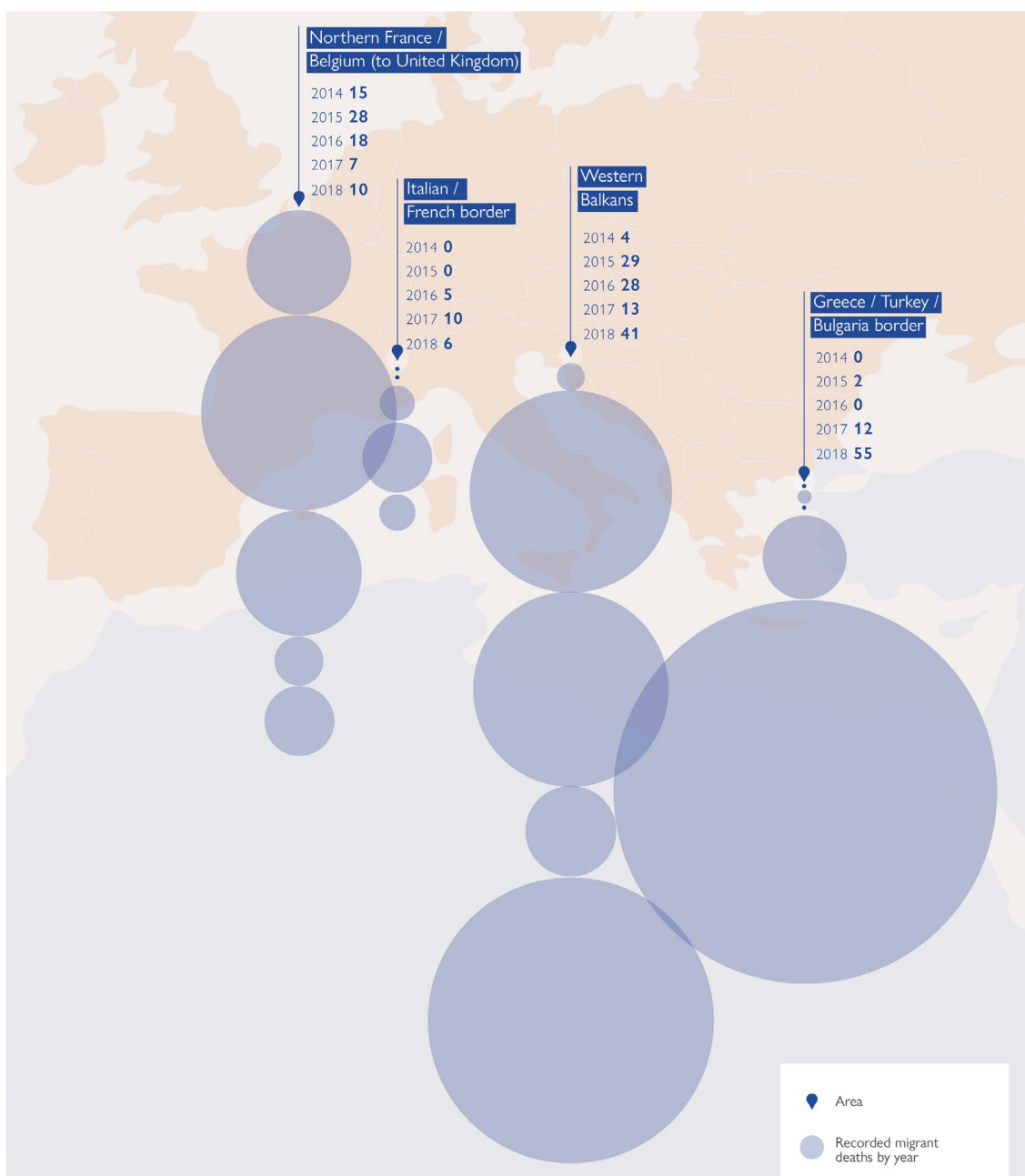
<sup>49</sup> Taking the figures for sea and land crossings between Turkey and Greece together, the Eastern Mediterranean remains the second most-used irregular route into Europe in 2018, accounting for 35 per cent of arrivals recorded (IOM, 2019e).

<sup>50</sup> For example, in 2004, 2,957 people were apprehended after crossing the border to the Greek side; this number increased to 12,178 in 2006 (Baldwin-Edwards, 2006).

<sup>51</sup> In 2017, 5,551 people are known to have crossed this border into Greece (IOM, 2019e).

<sup>52</sup> These figures include deaths that occurred in the Evros River on both the Greek and Turkish sides and east of Alexandroupoli, Greece.



**Figure 4. Migrant deaths recorded in Europe, 2014–2018**

Source: IOM's Missing Migrants Project, 2019.

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When people die while migrating in Europe, the MMP team is often notified by IOM country offices that are in contact with the local authorities managing the cases. The high attention paid to irregular migration on the continent means that local media also often report deaths, which are verified by secondary sources whenever possible. Nonetheless, as for all regions, MMP records are a low representation of the true number of people who have died, as deaths in small numbers on overland migration routes often go undetected and/or unreported. In 2018, 79 per cent of deaths recorded by MMP in Europe involved the death of a single person. It is unknown how many of these individuals were travelling alone, in groups and/or with a smuggler. Regardless, it is possible that people migrating irregularly would not necessarily report a fellow migrant going missing or dying to authorities, whether due to language barriers, not knowing who to approach and/or the risks of arrest due to their irregular status.

In Europe, MMP generally records the deaths of people whose remains were recovered quite soon after they died. This means that the fatalities' basic characteristics, such as their sex and approximate age, are more easily apparent and recorded by the police and reported by the media. The sex of the deceased is known for 69 per cent of deaths (80 out of 116) recorded by MMP in Europe in 2018; MMP data show that 88 per cent of those who died were men. The nationality is unknown for 55 per cent of people recorded dead in 2018. The deceased came from 18 different countries. The top countries of origin were: Iraq (10 deaths), Afghanistan (9 deaths), the Syrian Arab Republic (5 deaths) and Morocco (5 deaths). The approximate age is known for 48 of the 116 deaths recorded; 12 of the fatalities were children. Beyond this basic information, the majority of those who died remain unidentified due to severe challenges involved in identifying people who perish during migration.<sup>53</sup>

### **1.4.3. Asia**

From 2014 to 2018, the deaths of 2,962 people were recorded during migration in Asia. This illustrates not only the realities of people moving irregularly to seek labour opportunities, but also the risks faced by people who are forcibly displaced by conflict and statelessness. Nevertheless, deaths during migration on the continent are rendered largely invisible by the few data sources available. This is in part due to the vast geographic areas in which people migrate irregularly, with or without smugglers, in which bodies may never be found or reported (Pickering and Powell, 2017). As a result, the number of deaths is likely to be an undercount, and records should be considered indicative rather than representative across years or geography. Due to lack of data availability, this section only focuses on MMP data in the Middle East, South Asia and South-East Asia.

Contexts of conflict and instability make the collection of data on people who die during migration especially challenging. Those on the move are unlikely to report people who die or go missing, or those from whom they have become separated along the way. Furthermore, in the absence of official, systematic and intraregional information sources on migration flows in Asia, MMP must largely rely on the media for information on larger incidents in the region, such as vehicle or boat accidents. MMP also relies on the Mixed Migration Centre's 4mi surveys with migrants to capture incidents involving fewer fatalities. However, as discussed in the following subregional sections, all these data sources have strengths and weaknesses that are both general and specific to the local context.

In addition to the lack of data sources on deaths during migration in Asia, wider knowledge about the deaths and disappearances of migrants in the region is limited by the definition of "missing migrant" used by MMP. Most migration in Asia is intraregional and within countries (UN DESA, 2018). Deaths of migrant women, men and children occur as a result of poor working conditions, lack of access to medical services, discrimination and other factors associated with having irregular status in countries across Asia (IOM, 2018c, 2019f; Balasegaram, 2019). Although these cases are not within the scope of MMP, the families of these people face the same loss, grief and similar challenges of ambiguous loss as those who lose contact with their loved ones while on their migration journeys.

#### ***Middle East***

The Middle East has been the site of human mobility connecting the Global South to the North and the East to the West for thousands of years. Migration in the region today is increasingly mixed, with large flows of people migrating out of, into and through Middle Eastern countries. These migration flows are largely a result of the upsurge of labour migration to Gulf Cooperation

<sup>53</sup> *Fatal Journeys Volume 2* focuses on the challenges involved in identifying dead and missing migrants. It is available from the IOM [website](#).

Council countries in the late 20th century. The forcible displacement of millions of people because of conflicts over the past decade, including in the Syrian Arab Republic, Iraq and Yemen, is also a factor. Some of those forcibly displaced in the Middle East in the past four years made their way to Europe to claim asylum (approximately 1.1 million between January 2015 and December 2018),<sup>54</sup> while the majority remained in the region, either internally displaced or in neighbouring countries.<sup>55</sup>

Between 2014 and 2018, MMP recorded the deaths of 398 people during migration in the Middle East. In this five-year period, the highest number of fatalities (145) was recorded in 2018. As in the preceding four years, the majority of deaths occurred on the border between Turkey and the Syrian Arab Republic. In 2018, MMP for the first time recorded deaths during migration in Turkey's Edirne province, which may reflect the increased number of people trying to cross into Greece through this land border. Information on the country of origin is available for 88 per cent of deaths recorded by MMP between 2014 and 2018. At least 264 people recorded dead or missing during this period were Syrian, while 58 were Afghans. These two nationalities represented the largest and third-largest group of forcibly displaced people in the world in 2017 (UNHCR, 2017), showing how mobility can be a means of survival from conflict and insecurity, yet can still be very dangerous.

People often rely on smugglers in the absence of legal routes<sup>56</sup> to leave certain countries and enter others in the Middle East. Research in this region has found that smugglers are often members of local and migrant communities. Clients often hold feelings of trust and altruism towards smugglers, as they help clients reach safety and stability (İçduygu, 2016). However, whether people encounter local, small-scale smuggling operations or more organized, criminal-style ones, there are risks along the way. Especially in contexts of escape and travel through regions of conflict, people can become targets of violence because of their relative inability to defend themselves against those with the authority or power to make decisions about their onward journey. This is evidenced in MMP records for the Middle East: the majority of recorded deaths were violent, with smugglers, criminal gangs and the authorities reportedly to blame. The second most recorded cause of death in the Middle East (and the one which claimed the most lives in 2018) was vehicle accidents. As in other parts of the world, travelling in smugglers' cars, vans and trucks can be particularly risky, because they are often overcrowded with passengers and the driving may be reckless in an attempt to hide from the authorities. Passengers have little power in such situations.

People in the region migrate as a protection strategy, that is, to seek safety; the numbers of those forcibly displaced in the Middle East continued to climb in 2018. And yet, in situations of conflict, not everyone has the opportunity to migrate, whether due to lack of resources or physical ability, or cultural norms (Brian, 2017). Information on the fatalities can indicate some of the limitations around who has access to mobility as a tool for survival. For instance, the sex of the deceased was documented for just 47 per cent of people (187 out of 398) known to have died during migration in the Middle East between 2014 and 2018. However, men accounted for 77 per cent of the deceased.<sup>57</sup> Otherwise, little is known of the 398 people believed to have died in the Middle East during migration between 2014 and 2018. The approximate age is documented for 21 per cent of the dead (85 out of 398), of whom 88 per cent (75 out of 85) were minors.<sup>58</sup> The identities of only 42 of the deceased are known.

<sup>54</sup> Based on the number of detected irregular arrivals to Greece and Cyprus by sea. See [www.migration.iom.int](http://www.migration.iom.int).

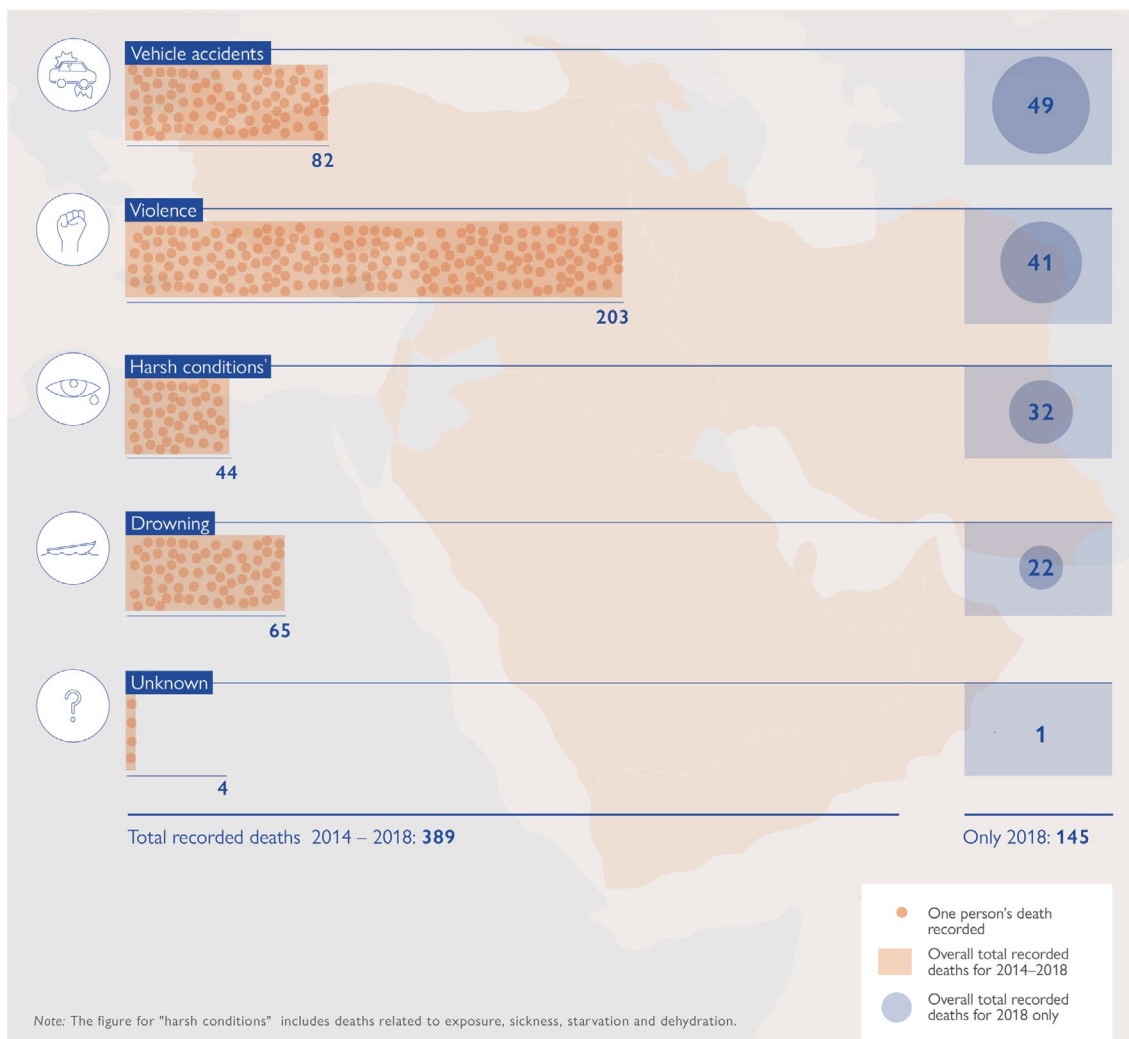
<sup>55</sup> For numbers of displaced in the region, please see <http://reporting.unhcr.org/node/28>. In 2018, more than 6 million Syrians were internally displaced within the Syrian Arab Republic, representing 49 per cent of displaced Syrians worldwide. Another 5 million were living in neighbouring countries (Horwood, Forin and Frouws, 2018).

<sup>56</sup> For example, Jordan closed all border crossings with the Syrian Arab Republic in June 2016 (BBC, 2016b). In October 2018, Jordan reopened the Nassib border crossing (Al-Khalidi and Barrington, 2018). Turkey has severely restricted its border with the Syrian Arab Republic since April 2015 (Yeginsu and Shoumali, 2015).

<sup>57</sup> UN DESA migration stock statistics for 2017 show that international migrants in Western Asia were predominantly men (UN DESA, 2018).

<sup>58</sup> UN DESA migration stock statistics for 2017 show that 23 per cent of migrants were age 19 and under (UN DESA, 2017). Please note that this figure is higher than the number that would suit the definition of "child" – that is, "every human being below the age of eighteen years," as stated in the United Nations Convention on the Rights of the Child.

**Figure 5. Causes of migrant deaths recorded in the Middle East, 2014–2018**



Source: IOM's Missing Migrants Project, 2019.

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### South Asia

In 2017, 5 per cent of the global total of international migrants lived in South Asia, the majority of whom were from within the same region (UN DESA, 2017, 2018). Cross-border movement between Afghanistan, the Islamic Republic of Iran and Pakistan has traditionally been quite high (IOM, 2014). However, in the past few years there have been increased flows of labour migrants and forcibly displaced persons across State borders and internally (Horwood, Forin and Frouws, 2018; IDMC, 2018). As in other regions around the world, the lines between these types of migration are blurred in South Asia, where many countries are of origin, transit and destination, and where the same individuals may fit into several categories of mobility in different contexts (Song, 2018).

As in other regions, the MMP data for South Asia indicate how migrants have little agency to protect themselves when travelling irregularly, especially when official and legal documents are not accessible and they plan to reach destinations outside the region. MMP recorded 288 deaths of people who died migrating within the region in the past five years, including 27 in 2018. The majority of the deaths recorded during this period occurred in Afghanistan's Nimruz province, Pakistan's Balochistan province and the bordering states of the Islamic Republic of Iran, with the main cause of death being vehicle accidents (56%). In 2018, the main recorded cause of death was violence (67%), and the main location was the border between the Islamic Republic of Iran and

Pakistan. Limited data sources, as described below, mean that the number of recorded deaths is likely an undercount. The information in these records should not be viewed as representative (either over time or by geographic location), as they are strongly biased because of the few information sources available on deaths during migration in South Asia.

Surveys such as those conducted by 4Mi reveal important information about migrants' experiences, including the risks that people face during their journeys. MMP recorded 53 people killed by violence and 32 people killed by harsh conditions (including exposure, starvation and sickness) on migration routes between 2014 and 2018, based on the eyewitness testimonies collected by 4Mi surveys which otherwise would not have been recorded. Nonetheless, only a very small fraction of the overall number of people on the move in South Asia are surveyed and deaths reported may have occurred days, months or even years before the surveys are conducted.

It is also nearly impossible to verify the identities of those whom survey participants report to have witnessed die or to confirm information about the circumstances of death. Among the 250 fatalities recorded in 2017 and 2018 in South Asia, at least 181 were men and 18 were women. Although their countries of origin were not known to the survey team, based on migration patterns and locations where the incidents were reported to have occurred, it is likely that they were from countries within the region.

*In 2018, a 19-year-old Afghan young woman who took part in a 4Mi survey shared that in her four-month-long migration journey, she had witnessed four fellow migrants – all women – die. All the deaths reportedly happened near the borders of the Islamic Republic of Iran and were a result of dehydration, starvation and violence.*

More clues about migrant deaths in South Asia come from records of the repatriations of human remains. If a loved one dies, families may want that person buried close to their homes. This can come with extremely high costs and administrative troubles, especially when the person died in another country. In 2017, the IOM Mission in Afghanistan helped repatriate the bodies of 96 Afghans who had died either in vehicle accidents or due to violence while migrating in the Islamic Republic of Iran. All 96 fatalities were males, including eight children between 14 and 17 years old. One challenge with using repatriations as a data source is that there may not be enough information about the context of death to know if it occurred during migration or under other circumstances. Nevertheless, records of repatriated bodies represent one of the few data sources with relatively complete information on the identities of the deceased.

### South-East Asia

Significant economic disparities between neighbouring countries in South-East Asia have led to large-scale labour migration within the region (Wickramasekera, 2002; IOM, 2019f). Labour migration in the region often occurs through employment agents and the majority of migrants from the region are “circular migrants”<sup>59</sup> who take work contracts in other countries for periods anywhere from one day to over a year (IOM, 2018c). However, even if people obtain legal work permits at their job sites, many migrate irregularly to avoid high costs and administrative burdens associated with regular migration (Horwood, Forin and Frouws, 2018).<sup>60,61</sup> MMP data

<sup>59</sup> The term “circular migration” refers to the fluid movement of people between countries, including temporary or long-term movement which may be beneficial to all involved, if occurring voluntarily and linked to the labour needs of countries of origin and destination.

<sup>60</sup> In 2017, UN DESA estimated that there were 3.7 million international migrants in Thailand and between 1.7 and 2.2 million in Malaysia. However, the true number is thought to be millions higher, as undocumented migrants are not accounted for in official statistics (IOM, 2019e; see also [www.iom.int/countries/malaysia](http://www.iom.int/countries/malaysia)).

<sup>61</sup> The United Nations Office on Drugs and Crime (UNODC, 2018) estimated that migrating with legal documentation from Cambodia to Thailand, for instance, cost up to 10 times more than using irregular channels, because it involved fewer administrative costs for migrants.



for South-East Asia reflect the structural risks inherent to migrating irregularly for improved job opportunities, as well as when forcibly displaced by conflict and violence. The most recent example of the latter was in 2017, when approximately 671,000 Rohingya people fled violence in their home state of Rakhine in Myanmar and sought safety in Cox's Bazar in Bangladesh (IOM, 2018i).

Since 2014, MMP has recorded the deaths of 2,192 people during migration in South-East Asia, including 102 in 2018. MMP data in the region are biased by large events, which catch the attention of the media and/or international organizations that make estimates and conduct sample surveys. For example, 800 deaths recorded in South-East Asia were in the context of the "Bay of Bengal crisis" in 2014 and 2015. The crisis refers to attempts by thousands of Rohingya people from Bangladesh and Myanmar to cross the Bay of Bengal and the Andaman Sea to reach Thailand and Malaysia. Hundreds drowned or died on smugglers' boats and camps along the way (UNHCR, 2015a). In 2017, 240 of the 301 deaths recorded by MMP in South-East Asia were of Rohingya people who fled violence in Myanmar and died en route to Bangladesh.

There are specific challenges involved in recording deaths in humanitarian emergencies, such as the exodus of Rohingya to Cox's Bazar in 2017. In such situations of instability, accounting for the missing and dead often is not one of the top priorities of those supplying aid (Dearden and Sánchez Dionis, 2017). In addition, areas affected by conflict may not be accessible to third-party actors who can document such cases. In the Bay of Bengal crisis, during which hundreds of people were thought to have been lost at sea, the UNHCR (2015b) used its presence on the ground to estimate the numbers of lives lost. In the case of the Rohingya in 2017, international presence was severely limited in Rakhine state. While the United Nations Office of the High Commissioner for Human Rights (OHCHR, 2017) conducted an investigation with survivors in Cox's Bazar in September 2017, this was only a sample and was not representative of the true number of people who lost their lives. Likely to be more comprehensive are lists, assembled by survivors, of those who were killed or who went missing. However, these are not necessarily obtainable and/or do not differentiate between people who died in conflict or while fleeing; thus, it is difficult to include these records in MMP data (Baldwin, 2018).

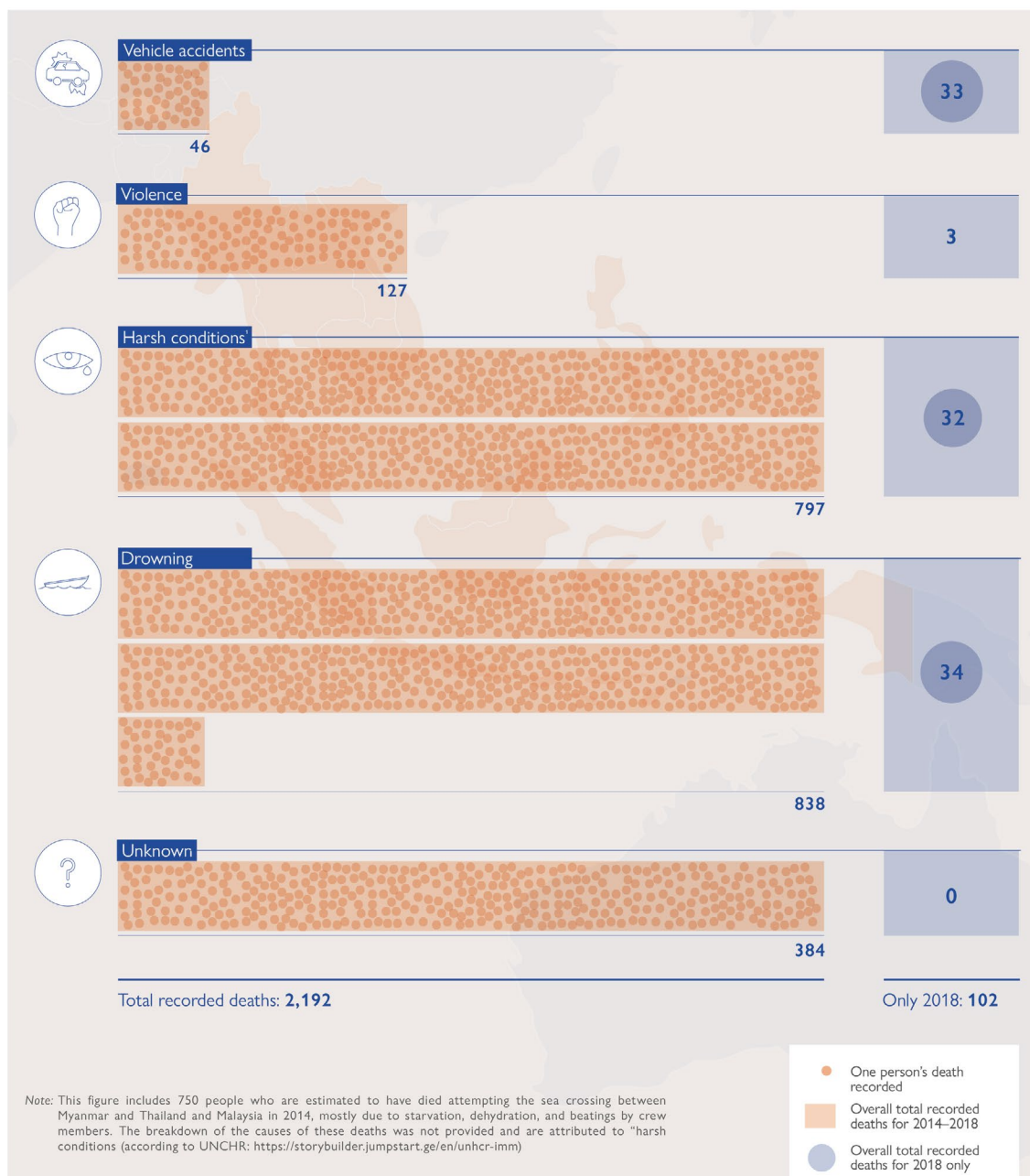
MMP data in South-East Asia are also biased by other large incidents widely reported in the media. While such reports can be useful for their immediate coverage, there can be limitations when the media is the main source of information. This is because there is rarely follow-up reporting on the identities of victims and the information may vary between sources or may be inaccurate. Over the past five years, the media have reported on nine shipwrecks off the coast of Malaysia. The ships had Indonesian migrants on board and between 19 and 61 people died during these incidents. However, beyond the assumed nationality of those who were lost, most other identifying information is not available.

*On 1 July 2018, 44 men and women boarded a boat in Batam, Riau Islands, Indonesia. They were reported to be Indonesian undocumented migrants who intended to find work in Malaysia. Later that same day, after managing to cross the Strait of Singapore, their boat capsized off the southern coast of Malaysia, near Tanjung Balau, Johor. The bodies of 11 people were found by Malaysian authorities, while 25 passengers were rescued and 8 remained lost at sea. (The Jakarta Post, 2018)*

The 102 deaths recorded by MMP in South-East Asia in 2018 were predominantly smaller incidents uncovered by 4Mi survey data and local media sources that give insight into situations in which people die without international attention. For instance, migrants interviewed by 4Mi in Malaysia recounted the details of 25 deaths that they witnessed in 2018 in Thailand's borders with Myanmar (in Ranong province) and Malaysia (in Songkhla and Pattani provinces) that were a result of dehydration, starvation and/or sickness, and lack of access to medicines. This border area is where the remains of 106 people, thought to be migrants jailed in smugglers' camps,

were found in shallow graves in May 2015.<sup>62</sup> However, these figures are likely an undercount of the true number of deaths, as data on migrant fatalities in the region are scattered and incomplete. Reports from small local media outlets provided information on 33 women and men from Myanmar who were killed in five different vehicle accidents while migrating to Thailand in 2018. Thailand has some of the highest rates of vehicle-related deaths in the world (WHO, 2013). However, it is likely that the risks on the road are heightened for migrants who may be riding in vehicles that are overfull and with drivers who must avoid being stopped by authorities.

**Figure 6. Causes of migrant deaths recorded in South-East Asia, 2014–2018**



Source: IOM's Missing Migrants Project, 2019.

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<sup>62</sup> According to MMP records.

The deaths recorded by MMP are made even more invisible by how little information there is about the people who have died. Tragically, the name is known for only 19 of those whose deaths were recorded in South-East Asia from 2014 to 2018 (less than 1%). Only 13 per cent of deaths (277 out of 2,192) recorded in the same period have information on the sex and only 17 per cent (380 out of 2,192) include an approximate age. Women accounted for 54 per cent of those fatalities for whom the gender is known, while children made up 96 per cent of those fatalities for whom an age is specified. These are higher numbers than the estimated proportion of these groups on migration journeys in the region (IOM, 2017b). While there is evidence that women and children face heightened risks on irregular migration journeys (Pickering and Cochrane, 2012; Black et al., 2017), their higher representation in data on deaths during migration is likely influenced by societal assumptions that most migrants are men and adults. Therefore, the sex and age of those who died are more often specified in the media or in surveys with migrants (the main MMP sources of data in South-East Asia) when they are women and children.

#### **I.4.4.Americas**

Every year, hundreds of people die crossing deserts, rivers or remote terrain on different migrant routes across the Americas. The true number of people who die while transiting through the region is not known, but records compiled by MMP indicate that at least 3,015 people lost their lives between 2014 and 2018.

The lack of official, accurate or reliable data concerning dead and missing migrants tells an incomplete story of migrant fatalities in the Americas. In Latin America and the Caribbean, MMP relies primarily on information gathered from media reports, as official data on migrant fatalities is almost non-existent. Social and traditional media often report on events that involve deaths during migration, though the quality, completeness and accuracy of such reports vary significantly. Furthermore, there is usually no follow-up reporting on people injured in accidents who subsequently die in hospitals. Official records kept by forensic institutes, law enforcement and death registries are not centralized and do not distinguish between migrants and non-migrants. Similarly, databases of missing persons often contain incomplete and inconsistent data and fail to distinguish missing migrants from other types of missing-person cases. Data on repatriation of bodies to origin countries could be useful, although generally it is difficult to differentiate deaths related to the process of migration from other types of deaths. Underreporting of deaths and disappearances is widespread throughout Latin America, amid fears of collusion between the authorities and organized crime groups.

The United States–Mexico border region is one of the most visible sites of migrant deaths in the Americas. The vast and harsh environment of the borderlands implies that the remains of many people are not found and therefore not reported or recorded at all. Data on the United States side of the border come from county medical examiners, coroners and sheriff's offices. In Arizona, the state where MMP has recorded the second-highest number of migrant deaths, the Pima County Office of the Medical Examiner (PCOME) is one of the main sources of data. The office has managed the bodies of 2,943 people categorized as "undocumented border crossers" between 2000 and 2017 (PCOME, 2018), and has made efforts to work with NGOs and speak in the media about this topic (Woodhouse, 2014; Reineke and Halstead, 2017). On the Mexican side of the border, local media are the main source of information, though the information they report is often not complete or verifiable. Additionally, it can be difficult to confirm whether men and women found dead near the border died in the process of trying to cross to the United States. In cases where people are found without any identifying documentation, MMP decides whether to include these cases based on the available evidence regarding the characteristics of the death. This applies to remains recovered in areas along a migration route, or to deaths related to means of travel, such as on top of a train, in the back of a cargo truck, as a stowaway on a plane, in unseaworthy boats, or by crossing a border fence.

### United States–Mexico border

Over the past two decades, thousands of people have gone missing and lost their lives while trying to cross the border between Mexico and the United States (Reineke and Halstead, 2017). Those who are not permitted to enter the United States legally often find alternative routes, which can be very dangerous. From crossing the Sonoran Desert, with its scorching heat and few water sources, to attempts to cross the Rio Grande/Río Bravo,<sup>63</sup> there are severe physical and environmental risks to people's lives. However, people from around the world (but foremost from Central America) take these risks in search of safety and job opportunities and/or to reach family members in the United States.

MMP data on migrant deaths indicate that the border between the United States and Mexico became increasingly dangerous for people trying to cross irregularly in 2018, based on the proportion of known deaths compared with the number of people detected crossing the border illegally (see Figure 7) (USBP, 2018b).<sup>64</sup> MMP has recorded increasingly more deaths on this border annually since 2014, documenting a total of 1,907 over five years, including 444 in 2018. These deaths occurred in the context of people trying to avoid detection (and deportation) by the United States Border Patrol (USBP) on the border itself, as well as within the “100-mile zone” that extends north into the United States.<sup>65</sup> Hiring a smuggler as a guide may increase the chances of success, but it can also be costly and hazardous.<sup>66</sup> The routes that smugglers use to avoid detection, along with the tremendously uneven power dynamics between smugglers and their clients, can lead to perilous situations. For example, between 20 August and 12 October 2018, the USBP in Tucson, Arizona reported that more than 1,400 migrants had been found in a remote desert area near the border (Associated Press, 2018). Although no one in these groups is known to have died while in this situation, deaths in this area of the Sonoran Desert are common. Between 2014 and 2018, PCOME recorded the deaths of 701 undocumented border crossers in the area.

Unlike in Europe, where increased border surveillance has resulted in “adjustments” to irregularized migration routes and modes of travel that are noticeable from year-to-year (and even month-to-month), the general locations where people attempt to cross the United States–Mexico border, which spans 3,145 kilometres, have remained generally the same over the past five years. This is illustrated by data on crossings detected by the United States authorities, as well as records of deaths. Most recorded deaths in the past five years have occurred between Texas and Tamaulipas (Mexico), where the border is defined as the middle of the Rio Grande/Río Bravo. Over the past five years, 242 people are known to have drowned crossing the Rio Grande/Río Bravo, with the highest number (89) recorded in 2018.

*After travelling for 26 days from her village of San Andrés Semetabaj, Sololá, Guatemala, on 23 January 2018, 25-year-old Flora Elizabeth Tián Cuy attempted to cross the Rio Grande/Río Bravo into the US, near Nuevo Laredo, Tamaulipas, Mexico. At this final obstacle before reaching the US, she was pulled beneath the water by the undercurrent and drowned before making it to the other side. Her family recounted that due to poverty and a lack of job opportunities, she was determined to reach the US where she could find a job to help support them. With the help of the Mexican Embassy and the Consulate of Guatemala, Flora's remains were returned to her family and she was buried in the local cemetery. (Julaluj, 2018a, 2018b)*

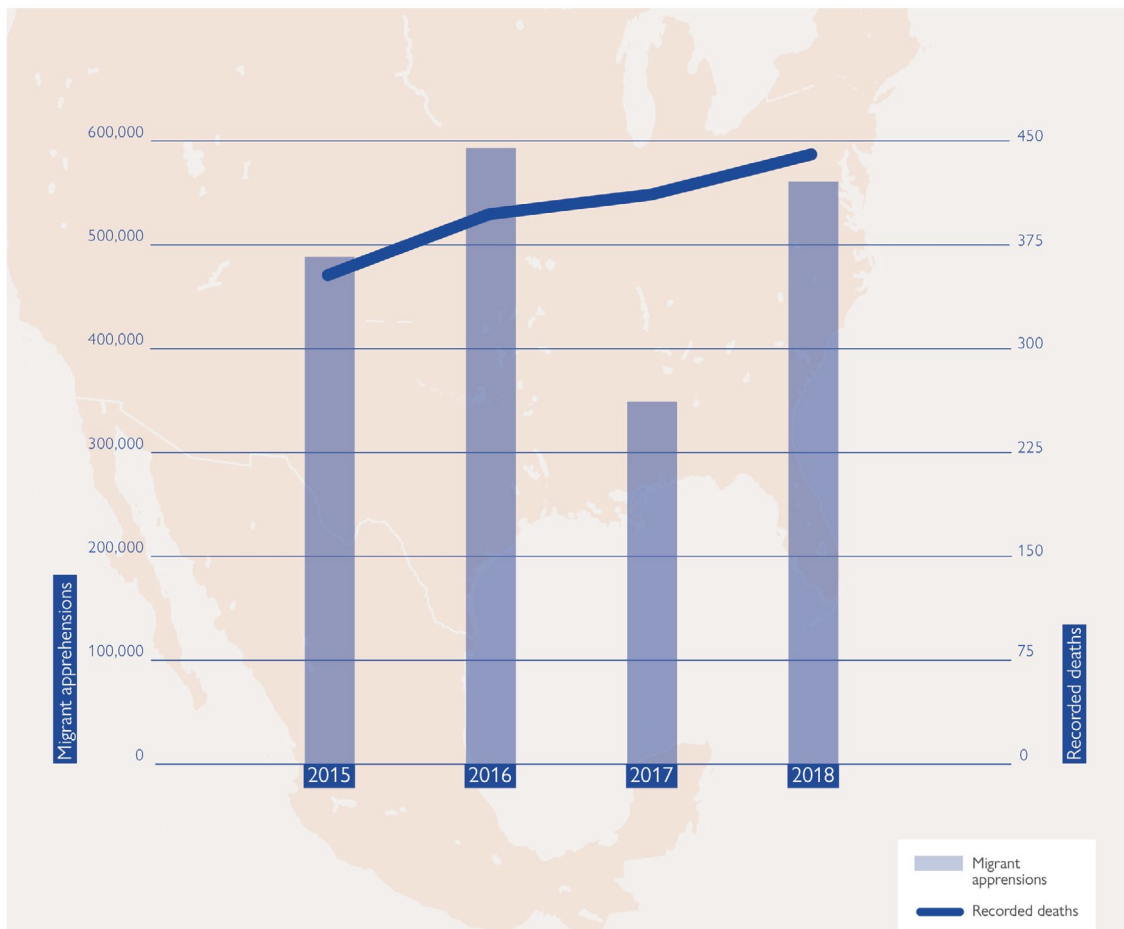
<sup>63</sup> This river is called “Rio Grande” in the United States and “Río Bravo” in Mexico.

<sup>64</sup> Like any other irregularized migration flows in the world, the true number is unknown. For the United States–Mexico border, the number of “detected crossings” by the USBP is used as an estimate.

<sup>65</sup> The USBP has the authority to stop and search people 100 miles in from the country's international borders (ACLU, 2018).

<sup>66</sup> In 2018, the fees charged per person ranged from USD 6,000 to 12,600 and were reported to be increasing (Kulish, 2018).

**Figure 7. Migrant apprehensions and deaths recorded on the United States–Mexico border, 2015–2018**



Source: IOM's Missing Migrants Project, 2019; United States Customs and Border Protection, 2019.

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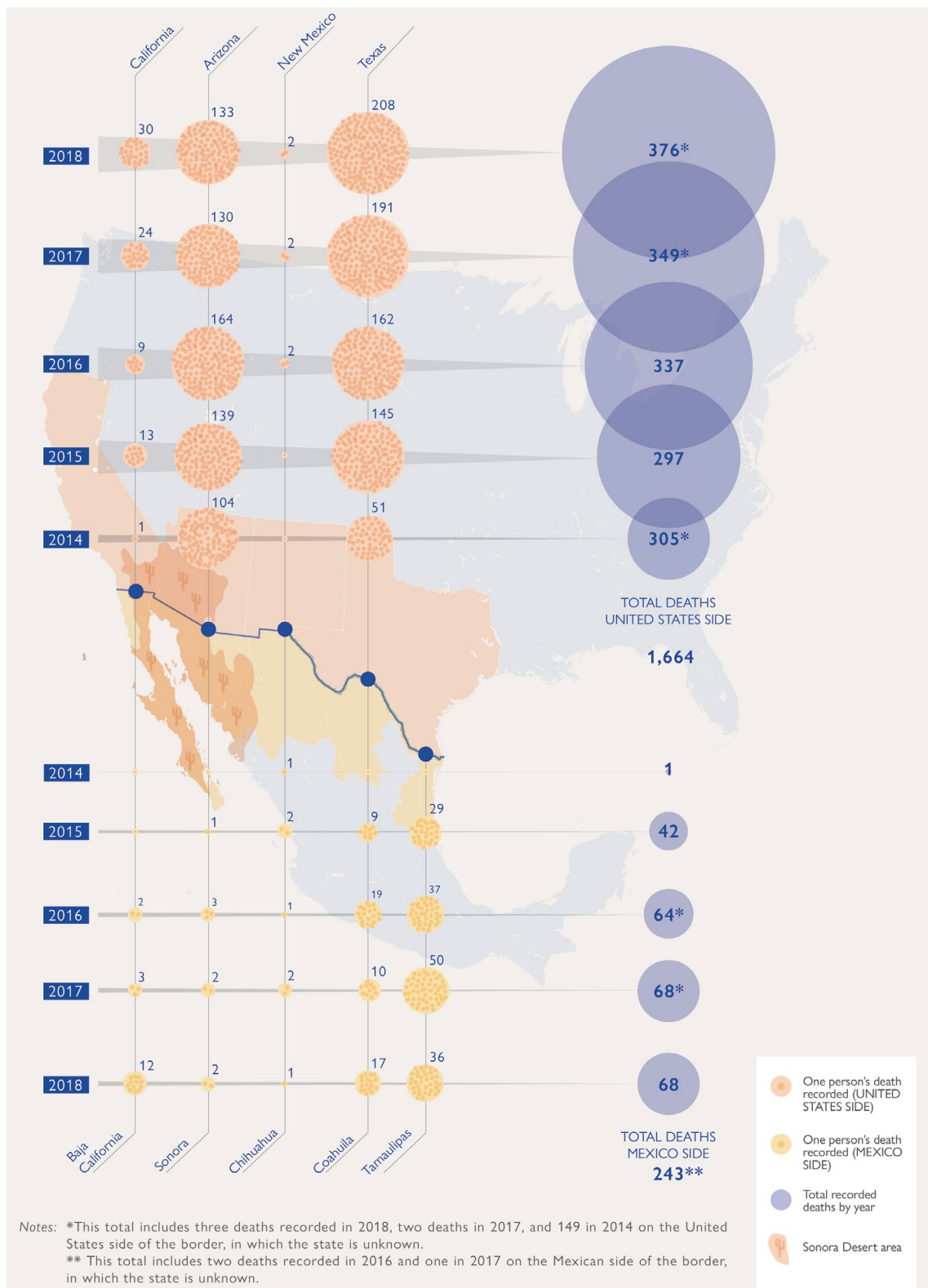
The environmental conditions that lead to the deaths of hundreds of people each year on this border crossing also hinder efforts to identify their remains. MMP data indicate that the remains of a large number of people (466 of 1,907 from 2014 to 2018) were found in skeletal or mummified condition. This means that many were not visually identifiable due to post-mortem changes to their bodies. Even if the deceased were recovered before their bodies decomposed, there still would have been challenges in identifying them beyond their sex and approximate age, due to the lack of material evidence that would aid identification processes (PCOME, 2018).

Nevertheless, relatively more is known about people who die while trying to migrate here compared with other regions in the world. The sex is known for 69 per cent (306 out of 444) of the dead recorded in 2018; among these fatalities, 91 per cent (278) were men. This is consistent with MMP's data in the previous four years, which indicate that 92 per cent of the deceased were men. The approximate age is recorded for 36 per cent of (160 out of 444) those who died on this border in 2018. Among the dead, seven (all men) were age 50 or older and 11 were minors.

A significant reason why such information is available for deaths during migration across some counties on the United States–Mexico border is the reliability of, and relative cooperation between, those collecting various data. Besides medical examiner offices committed to the dignified treatment of the dead and the rights of families, other institutions and organizations work to clarify the fate of migrants who die or go missing, including the social networks of families of the missing (Sánchez Dionis, 2018). These include NGOs that search for and collect human remains or take missing persons' reports, and consulates of countries of origin.



**Figure 8. Migrant deaths recorded in border states of the United States and Mexico, 2014–2018**



Source: IOM's Missing Migrants Project, 2019.

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## Central America and Mexico

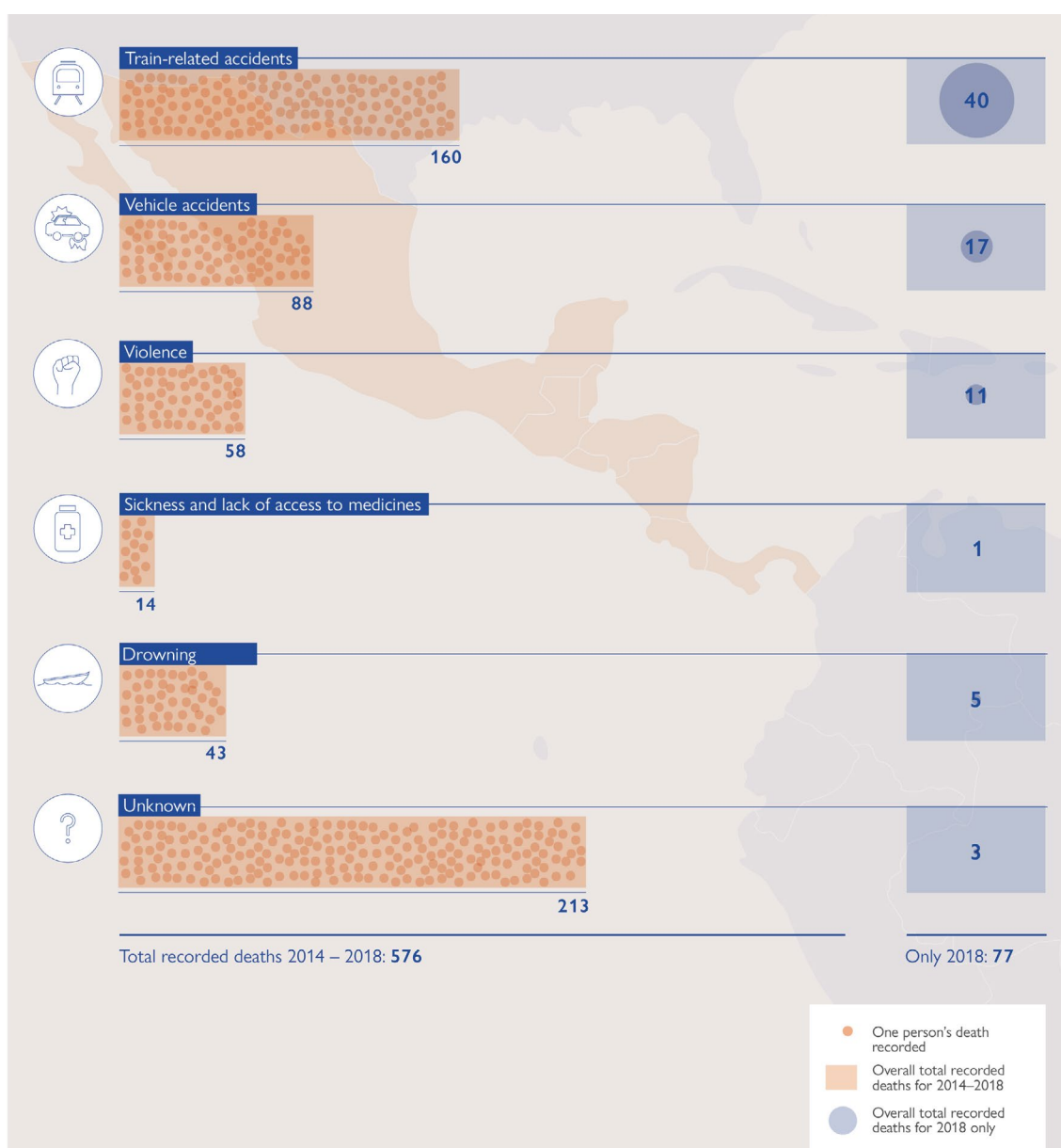
Each year, thousands of people leave their homes in Latin America, the Caribbean and beyond in an effort to secure futures that have become practically unattainable in their countries of origin. Economic dispossession, lack of access to education and employment, interpersonal and intimate violence, and structural violence have motivated people from all over the world, but mostly from Central American countries, to seek a new life in the United States or other countries within the region (IOM, 2018k). While traditionally perceived as a country of migrant origin, Mexico has increasingly become a country of transit and destination. The Mexican National Institute of Migration recorded 138,612 cases of detention of migrants in an irregular situation<sup>67</sup> in 2018, compared with 93,846 in the same period in 2017 (SEGOB, 2018b). 88 per cent of those detained in 2018 were citizens of Honduras (42.93%), Guatemala (34.4%) and El Salvador (10.3%). The number of people filing asylum claims in Mexico has also grown significantly, with 29,600 applications filed in 2018, compared with just over 14,600 in 2017 (COMAR, 2019). More than 70 per cent of the applications filed in 2018 were lodged by Central American nationals (SEGOB, 2018a). Additionally, 10,226 humanitarian visas were granted to migrants from Central American countries in 2018, more than double the 4,562 visas provided in 2017. The visa allows migrants who have asylum applications in process or have been victims of crime in Mexico to remain legally in the country for one year.

Migrants transiting through Central America and Mexico face common experiences of marginalization and vulnerability while travelling through irregular channels. In the most tragic of cases, they do not survive the journey: MMP documented the deaths of 576 people in the region between 2014 and 2018. At least 77 people lost their lives in 2018, down slightly from 93 recorded deaths in 2017. The majority of deaths documented by MMP take place in Mexico, with 496 recorded fatalities between 2014 and 2018. Before reaching the rugged terrain of the Sonoran Desert or the unpredictable currents of the Rio Grande/Río Bravo, migrants have to navigate the complex realities of often-dangerous travel through Mexico, where their lives and safety are at serious risk. In 2018, 69 people were known to have lost their lives while transiting between Mexico's southern and northern borders, a slight decrease compared with the 75 deaths recorded in 2017.

Records collected by MMP indicate that many people die due to hardships of the journey itself. Increased immigration enforcement and surveillance throughout Mexico have pushed people towards more clandestine and remote routes, devised in attempts to evade the web of State checkpoints spread throughout the country's interior (Varela Huerta, 2018; Vogt, 2018). These routes often imply taking highly unsafe means of transport, walking through desolate stretches of the Mexican countryside, and encountering systematic abuse, injury and extortion. Crossing Mexico by hopping freight trains poses many risks to migrants: MMP data show that at least 40 people, mostly men, died in train-related incidents in 2018. An estimated 155 such deaths have been recorded since 2014. Deaths in vehicle accidents are also common, with at least 74 dying in car crashes since 2014, including 15 in 2018. Violence along the route, ranging from physical abuse to sexual violence, was the documented cause of death for at least 54 people since 2014, including 11 in 2018.

<sup>67</sup> Data refers to instances of migrants detained (*eventos de migrantes presentados*) in Mexico's migration detention centres (*estaciones migratorias*) due to their irregular status, according to articles 99, 112 and 113 of the [Migration Law](#).

**Figure 9. Causes of migrant deaths recorded in Central America, 2014–2018**



Source: IOM's Missing Migrants Project, 2019.

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These figures, while horrific, are likely to be undercounts of the real number of fatalities, as rights groups estimate that thousands of migrants disappear in Mexico each year. The existence of the practice of mass kidnappings of migrants has been documented by the Mexican National Human Rights Commission, and it is believed to affect thousands of migrants every year (CNDH, 2009; 2011). Additionally, there is lack of clear data on unidentified remains that could belong to migrants. Mexican authorities estimate that there are more than 26,000 unidentified bodies in the forensic system, and the discovery of unmarked graves has become a common occurrence throughout the country (Díaz, 2019).<sup>68</sup> However, the identification of remains found in mass graves often takes years, as there is no national register of clandestine graves and no effective system in place to identify and link missing persons and unidentified bodies recovered (Wilkinson, 2019).

<sup>68</sup> Some 390 clandestine burial sites were discovered in 23 Mexican states between 2009 and 2014, containing 1,418 bodies and 5,768 unidentified remains, according to the Mexican Commission for the Protection and Promotion of Human Rights (CMDPDH and UIA, 2017). A separate investigation by a group of Mexican journalists, based on data compiled through freedom-of-information requests, put that number even higher. According to their investigation, at least 1,978 clandestine graves were discovered between 2006 and 2016 in 24 of Mexico's 32 states (Guillén, Torres and Turati, 2018).

*In February 2015, a clandestine grave containing the remains of 16 people was discovered in the municipality of Güémez, in Mexico's northern state of Tamaulipas. In July 2018, the State Attorney General's Office reported that they had identified remains belonging to nine Guatemalan migrants among those found in the grave. Their families were notified of the fate of their loved ones. Families of these nine men had to wait for three years and five months to find out what happened to their relatives. Tragically, the families of many missing migrants may never receive any confirmation of life or death. (OHCHR, 2018c)*

A strategy on the part of migrants to reduce the risks of transiting through Mexico is travelling in big groups (Negro and Achilli, 2018). On 13 October 2018, a caravan of migrants left San Pedro Sula in Honduras to embark on a journey towards the Mexican border with the United States. More caravans followed in its footsteps, in what came to be known as an "exodus" of thousands of people fleeing economic dispossession and violence. These caravans are not unprecedented, as people have been travelling in groups through Mexico for decades (Sanchez, 2018b).

Even when travelling collectively, the route north still poses numerous risks to migrants. MMP documented the deaths of 11 members of the caravan along their journey through Mexico in 2018. Nine of them came from Honduras, while two were from El Salvador. Four teenagers aged 16 and 17 were murdered upon reaching the United States–Mexico border in Tijuana while waiting for the opportunity to apply for asylum in the United States. Five deaths were attributed to the hardships of unregulated modes of transport as people traversed Mexico. Three others died due to lack of access to healthcare, while three more were victims of violence.

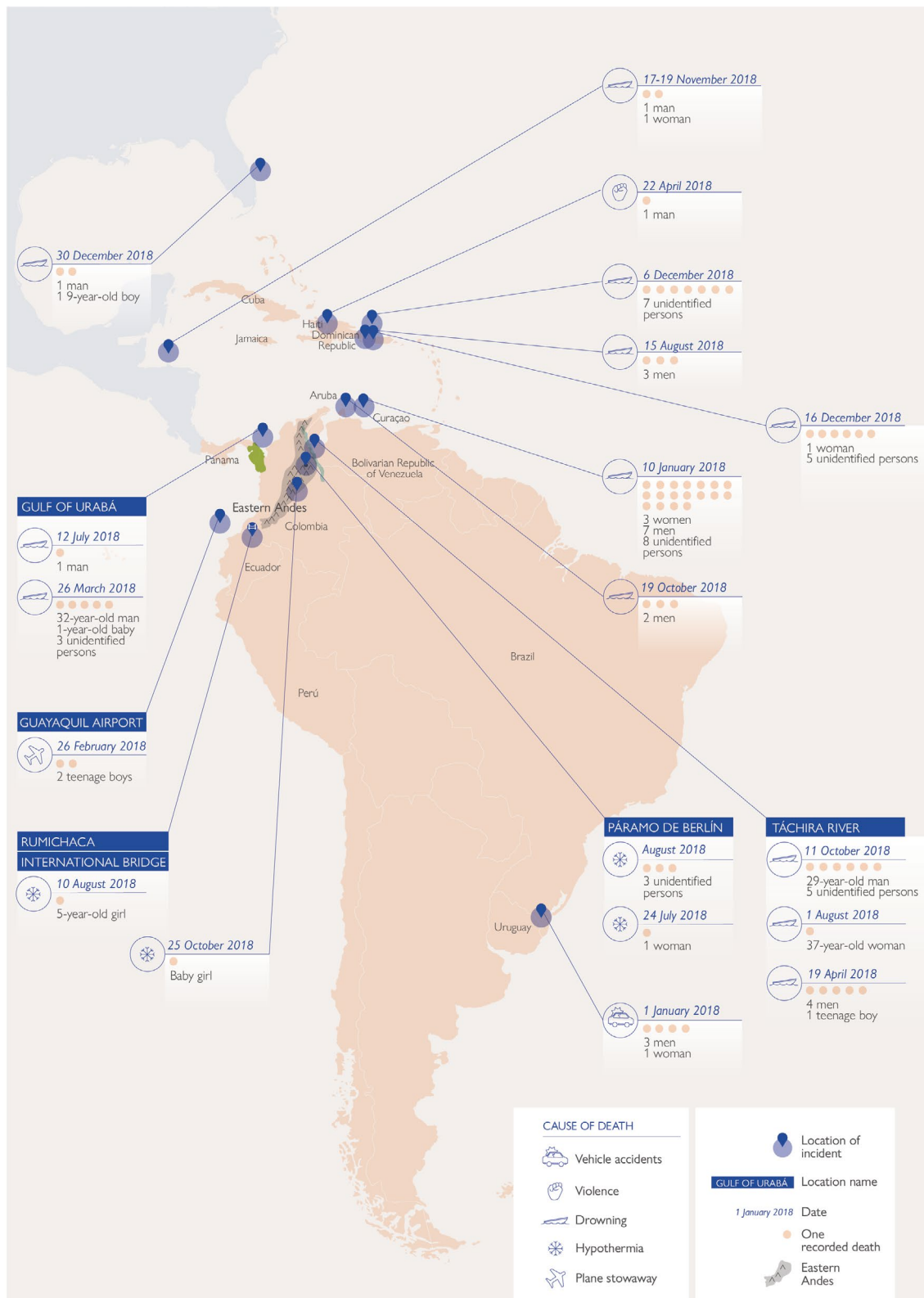
### **South America**

South America is a region shaped by a long history of migration. Intra-regional mobility is well-documented in the region, accounting for 70 per cent of all flows (IOM, 2018k). Emigration from the region has traditionally been related to work, with most people travelling to North American countries and Europe (OAS, 2015). Immigration originating in Africa and Asia has also increased in recent years, in the context of visa liberalization in some South American countries coupled with a move towards increasingly restrictive policies in traditional countries of destination in Europe (IOM, 2017a). The displacement of thousands of people from the Bolivarian Republic of Venezuela in recent years is the largest population movement documented in South America's recent history. Estimates indicate that approximately 3 million Venezuelans have left the country, with approximately 2.4 million Venezuelan migrants and refugees hosted in the Latin America and Caribbean region.<sup>69</sup>

MMP recorded the deaths of 65 people during migration across South America between 2014 and 2018. However, the precise number of deaths is not known, as very few data sources on deaths during migration exist. At least 30 people lost their lives during migration across South America in 2018, while no deaths were recorded in the previous year. The legal and policy framework on migration of most South American countries is heavily anchored on respect of migrants' rights, and regional agreements such as the Mercosur Residence Agreement have contributed to the facilitation of regular movements within the region (Acosta, 2016). The existence of safe and legal means of mobility in South America reduces the need for dangerous irregular journeys – and this is thought to be one of the main reasons that cross-border movement of people within the region is less deadly compared with other regions of the world (Brenner, Frouws and Horwood, 2019).

<sup>69</sup> See <https://r4v.info/es/situations/platform> (accessed 15 March 2019).

**Figure 10. Incidents involving migrant deaths in South America and the Caribbean in 2018**



Source: IOM's Missing Migrants Project, 2019.

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In 2018, 61 per cent of all recorded deaths occurred in Colombia, most of them in the context of the Venezuelan displacement. Colombia shares a 2,200-kilometre border with the Bolivarian Republic of Venezuela, with seven formal and hundreds of informal crossing points. Many displaced Venezuelans transit through the country to reach another destination in the region, such as Ecuador, Peru or Chile. The Colombian Migration Agency estimated that more than 593,000 Venezuelans crossed the country in 2018 (Migración Colombia, 2018).

As many as 18 Venezuelans are known to have died while transiting through Colombia in 2018. However, the true number of deaths is not known, as there are no official systematic efforts to count the dead and missing along this route. The journey usually starts by crossing one of the hundreds of informal crossing points along the border, many of which involve wading across the Táchira River, which runs along 87 kilometres of the border between Colombia and the Bolivarian Republic of Venezuela. Thirteen of the 18 recorded deaths of Venezuelans in 2018 occurred during attempts to cross the river, including those of two women, a 16-year-old teen and his 45-year-old father.

Once over the border in the Colombian town of Cúcuta, migrants who cannot afford a bus ticket continue their journey on foot to Bucaramanga – a 195-kilometre walk which involves crossing the Eastern Andes mountain range. Those who travel on foot are known as *los caminantes* – “the walkers.” They include pregnant women, children, female heads of household, unaccompanied and separated children, older people, and people with special needs and health issues.<sup>70</sup> Many are not prepared for the freezing temperatures on the road, which climbs to over 3,000 meters above sea level. Along the narrow roads of the Páramo de Berlín in Colombia, in a barren plain known as “the fridge” (*la nevera*), at least five Venezuelans are known to have died from hypothermia in 2018, including two women and a baby girl. However, accounts from other migrants and refugees seem to indicate many more deaths, but these have gone unreported and unrecorded (Armario, 2018).

Another destination for Venezuelans leaving their country are the Caribbean islands of Aruba and Curaçao, which are located only a few kilometres away from the north-western Venezuelan state of Falcón. The perilous sea crossing often involves travelling at night in flimsy boats. At least two boats were reported to have capsized in 2018, resulting in the deaths of 20 Venezuelans.

*In January 2018, 34 young people from the small community of La Vela de Coro, in Falcón, boarded a small wooden fishing boat, fit to carry no more than 15 people on board. They set sail in the evening, to reach Curaçao under the cover of darkness. However, the boat was rolled over by a wave before reaching the island, and people fell into the water. In the days following, the remains of five young women and men washed ashore on Koraal Tabak beach. It is believed 16 people managed to swim to shore. The remains of 13 people were never found. (Urdaneta Mercado, 2018)*

In 2018, MMP documented six deaths on the Colombia–Panama border, compared with seven recorded deaths in 2017 and 40 in 2016. People on this route usually travel in small boats from the northern coast of Colombia across the Gulf of Urabá to Panama. On reaching land, they continue on foot across the Darién Gap, a notoriously inaccessible region of swampland and dense rainforest spanning 100 kilometres of the border. Data from Panama’s National Migration Service indicate that 9,222 migrants entered the country irregularly via the border with Colombia in 2018, compared with 6,780 in 2017 and 30,055 in 2016 (Servicio Nacional de Migración de Panamá, 2019). Over 90 per cent (8,321) of those who crossed irregularly in 2018 came from Asian and African countries, including India, Bangladesh, Cameroon, Nepal, Congo and Eritrea.

<sup>70</sup> As identified through IOM’s flow monitoring system in the region.

### **I.4.5. Africa**

Between 2014 and 2018, at least 6,624 people are known to have lost their lives during migration in the African continent. However, this is likely to be a substantial undercount of the true number, due to the many challenges involved in collecting data on migrant fatalities in Africa. MMP relies primarily on data gathered through the 4Mi initiative discussed earlier in the South Asia section (Horwood, 2017; IOM, 2018g). Other sources of data include media reports and accounts from IOM country offices.

However, the remote land routes on which many deaths in Africa occur mean that many bodies may never be recovered. What little official data on unidentified remains may exist are fragmented in a range of different local authorities and are not systematically categorized as migrant deaths. The existence of sources such as 4Mi surveys has improved the availability of data on migrant deaths, though many reported fatalities remain undocumented or unverifiable.

#### *North Africa*

Migration is deeply embedded in the social and economic landscape of North African countries, many of which are countries of origin, transit and destination. Research shows that the journeys of people migrating across the region are fragmented, involving multiple transit countries and unclear destinations (MHub, 2015; Molenaar and El-Kamouni-Janssen, 2017; Squire, 2018). Trans-Saharan migration to the region is an age-old phenomenon, with sub-Saharan Africans migrating to North African countries for work, study or family reasons, or using the region as transit zone to Europe. Intraregional migration has traditionally been to oil-rich Libya, though recent instability in the country has made it increasingly dangerous for migrants to stay there (de Haas, 2007). Emigration to Europe is a long-standing dynamic in the region, shaped by geography and colonial ties. Guest-worker programmes and bilateral migration agreements triggered large-scale labour migration in the post-colonial era, mainly from countries in the Maghreb (Morocco, Algeria and Tunisia) (Bakewell and de Haas, 2007; Natter, 2014). However, increasingly restrictive migration policies adopted by European States following the 1970s oil crisis and the ensuing economic recession reshaped the migration landscape, with migration to Europe limited mostly to family reunification and irregularized travel. Many people, predominantly those from Egypt and Sudan, have also sought temporary work in the Gulf States.

The lack of systematic and reliable data on migrant deaths in North Africa results in the underestimation of the toll of unsafe migration across the region. At least 3,994 people are known to have died while migrating through North Africa between 2014 and 2018; however, anecdotal information indicates that many more deaths occur than are currently recorded. Data compiled by MMP, based on witness testimonies collected by 4Mi, show that 12 per cent of migrants interviewed in North Africa in 2018 personally witnessed a death on their journey. In 2018, the deaths of 564 people were documented during migration in the region, compared with 1,012 in 2017. This decrease in recorded deaths points more to different survey sample sizes than to an actual decrease in the number of people dying.

There are many gaps in our knowledge about the identity of those who left their homes searching for a better life and did not survive. Basic information, such as the sex or age of a migrant reported dead or missing, is available for less than 25 per cent of the 3,994 fatalities recorded in the region between 2014 and 2018. According to MMP records, 144 children, 261 women and 595 men died migrating across North Africa during this period.

Since 2014, over half (2,156) of all recorded deaths in the region occurred in Libya. With a land border stretching over 4,000 kilometres, Libya is a key destination and transit country for many migrants travelling from sub-Saharan Africa: IOM's Displacement Tracking Matrix (DTM) identified at least 670,920 migrants in Libya as of October 2018 (IOM, 2018d). Most migrants arrive in Libya through Sudan (from East and Horn of Africa) and Niger (from West and Central Africa). The geography of known and reported deaths follows the most common migration routes within

Libya. Between 2014 and 2018, 239 deaths reportedly occurred near the southern city of Sebha, a key transit hub deep in the Sahara desert for migrants arriving through Niger. Thirty-four deaths were recorded in this area in 2018. Migrants from East and Horn of Africa usually cross from Sudan and pass through the south-eastern region of Kufra (Libya), where MMP documented 282 deaths between 2014 and 2018. The city of Bani Walid, in Libya's northern district of Misrata, has become another common stop in the smuggling route. Since 2014, 149 deaths have been recorded in this area.

*In 2018, Bani Walid was the scenario of two tragic incidents: on 23 May 2018, at least 15 people were shot by smugglers and 25 were injured as they escaped from a clandestine migrant detention camp west of Bani Walid (MSF, 2018). On 14 February 2018, IOM reported that 19 people died (including one woman and four children) and 49 were injured when their vehicle overturned south-east of Bani Walid (IOM, 2018j). Survivors reported that smugglers had overloaded a single truck with more than 180 people and were taking them to an unknown location.*

In 2018, MMP documented 298 deaths in Libya. However, these deaths are just the tip of a pyramid of human rights violations faced by migrants and refugees in the country. As entering, staying in or leaving Libya irregularly is a criminal act under Libyan law (Healy and Forin, 2017), people with irregular status in the country are routinely detained in official and unofficial detention centres, for indefinite periods and under degrading conditions. Human rights organizations have documented severe overcrowding, unsanitary conditions, lack of adequate health care and little access to clean water and food (HRW, 2019). The OHCHR, inter alia, has documented instances of abuse, torture, physical and sexual violence, unlawful killings and forced labour in detention centres in Libya (OHCHR, 2018a). Those intercepted by the Libyan Coast Guard after an attempt to cross the Mediterranean Sea are quickly transferred to detention centres, back to the cycle of abuse and violence they were trying to escape.<sup>71</sup> Even though there is no estimate of the number of people who die in detention, there is considerable anecdotal evidence suggesting that it is far from uncommon (Hayden, 2018; OHCHR, 2018a).

Algeria is also a country of transit for migrants coming from West Africa, as well as a country of origin, destination and, increasingly, return. International organizations and NGOs report a recent surge in collective expulsions of migrants into Niger and Mali by Algerian authorities, in effect stranding migrants in the desert (HRW, 2018; Loprete, 2018; OHCHR, 2018b, 2018d). Migrants are stopped by the police in Algeria while attempting to enter the country, or are detained in streets, makeshift camps or construction sites and then transferred by truck to the Nigerian border, where they are left to walk for hours in the desert. As environmental conditions can be life-threatening in the desert, an untold number of migrants lose their lives during the trek, but their deaths may go unrecorded (Hinnant, 2018; Loprete, 2018).

Evidence from the 4Mi surveys also shows that the route from East and Horn of Africa through Sudan and Egypt can be dangerous for migrants (Horwood, 2017). The journey through Sudan is characterized by a long desert crossing, often on the back of overcrowded pick-up trucks. In 2018, MMP recorded the deaths of 209 people in Sudan and 73 in Egypt, most of which occurred in the desert. Migrants interviewed by 4Mi reported having witnessed others die due to starvation, dehydration, exposure to harsh weather conditions, vehicle accidents and violence at the hands of smugglers.

<sup>71</sup> For further discussion of the conditions migrants face in Libya, including those mentioned above as well as forced bondage, ransom, slave markets, sexual violence, and other human rights violations, please see, inter alia, CNN, 2017; OHCHR, 2018a; Chynoweth, 2019; Frei, 2019; HRW, 2019.

## West Africa

West Africa has a long-standing history of human mobility, most of which is intraregional. Based on data collected by IOM's DTM, over 95 per cent of documented mixed migration flows in West Africa since 2017 are intraregional or within the same country (IOM, 2019b). The imposition of colonial rule influenced pre-existing mobility patterns within the region, as the growth of cities in coastal areas triggered migration from the Sahel to the coast (Bakewell and de Haas, 2007). The formation of the Economic Community of West African States (ECOWAS) and introduction of the ECOWAS Free Movement Protocol made possible visa-free movement within its Member States, facilitating seasonal and temporary labour migration. Similarly, trans-Saharan mobility towards North Africa is a historically rooted phenomenon in the region (Brachet, 2018).

Most migrants and refugees from West and Central Africa pass through Niger to reach Libya and Algeria. Data collected by IOM's DTM suggest that the number of people migrating through Niger to North Africa has decreased since 2016.<sup>72</sup> However, this could be explained in part by a shift to less well-monitored routes as a consequence of the adoption and implementation of a law criminalizing migrant smuggling in Niger in 2015, which has in turn resulted in tighter migration controls.<sup>73</sup> In practice, anecdotal evidence shows that the implementation of the law has pushed migrants into invisibility, increasing their vulnerability to human rights violations (OHCHR, 2018b). New transit routes have opened, which are often more remote and therefore more dangerous than existing ones. As a result, migrants have lost their lives in vehicle accidents in remote tracks, or found themselves stranded after breakdowns, with few possibilities of rescue. In the past four years, the remains of dozens of people were recovered from the desert in northern Niger after large-scale accidents. The remains of 33 people were found in June 2015 after they apparently died in a vehicle accident, while 34 bodies were recovered in June 2016, 44 in May 2017 and 52 in June 2017.

Testimonies of migrants surveyed by 4Mi also suggest that many people lose their lives in the desert individually or in pairs. MMP has documented the deaths of 552 people transiting through Niger between 2014 and 2018. As many as 135 migrant deaths were recorded in 2018, compared with 478 in 2017. Again, the decrease in recorded deaths is likely due to variations in survey sample sizes, rather than to an actual decrease in the number of people dying. Testimonies from migrants interviewed by 4Mi show that people die due to sickness and lack of access to medicines (41 deaths documented in 2018), dehydration (47 recorded deaths), harsh weather and lack of adequate shelter (26 recorded deaths), and vehicle accidents (21 recorded deaths). At least 231 deaths were documented by MMP in other West African countries in 2018, mainly in Mali, Côte d'Ivoire, Guinea Bissau, Burkina Faso and Nigeria.

## East Africa

Historically, migration in East Africa, including the Horn of Africa, has been characterized by three main routes: southwards to Southern Africa, northwards to North Africa and Europe, and eastwards to the Gulf countries. While migration in East Africa is driven by a complex mix of factors, including conflict, insecurity, climate change, environmental degradation and economic inequality, forced displacement is a constant feature of the region, with many countries being origin or host countries for displaced persons. Recent estimates indicate that at least 3.3 million refugees and asylum seekers and 7.8 million internally displaced persons are hosted within the region (IOM, 2018a).

<sup>72</sup> In 2016, IOM's DTM tracked 333,891 outgoing migrants through its Flow Monitoring Points (FMPs) in Niger, while this number decreased to 69,430 in 2017. As of November 2018, 90,647 outgoing migrants had been tracked by IOM's FMPs in the country (IOM, 2018f).

<sup>73</sup> Law concerning the illicit smuggling of migrants (Law No. 2015-36) of 26 May 2015 (Republic of Niger, 2015). For information on diversion of routes, see Altai Consulting, 2017.

### *Deaths on the route to Southern Africa*

The 4,000-kilometre overland route from the Horn of Africa to Southern Africa is characterized by harsh conditions and often non-existent access to basic services. There is little comprehensive data on mobility along the Southern route. A recent estimate by the Mixed Migration Centre indicates that the number of people taking this route dropped from around 17,000 people per year in 2009 to approximately 14,300 annually in 2015 (Frouws and Horwood, 2017). In 2018, IOM's Flow Monitoring Points in the Horn of Africa identified 7,545 people intending to migrate via the Southern route. In this group, 18 per cent (4,268) aimed to reach South Africa. The majority of migrants travel on this route overland, either by walking or by bus or truck, with a small percentage travelling by air or by boat (IOM, 2018a).

MMP documented the deaths of 595 people along the Southern route between 2014 and 2018, including 114 people who lost their lives in 2018. Deaths were recorded due to environmental and health-related conditions (e.g. sickness and lack of access to medicines, dehydration, starvation and exposure to harsh weather conditions), as a result of accidents while travelling overland, or due to violence by smugglers. The geography of migrant deaths across the region shows that migrants have died in all key transit countries towards Southern Africa. Between January and December 2018, at least eight people died during migration in Kenya, while 39 people are known to have lost their lives while transiting through the United Republic of Tanzania during that period. Crossing the border between the United Republic of Tanzania and Zambia cost the lives of as many as 12 people in 2018, while 27 migrants are known to have perished in Mozambique and 11 in Malawi. Two people reportedly drowned in the Limpopo River marking the border between Zimbabwe and South Africa during this period.

Some people use boats to travel over the Indian Ocean when the overland route is perceived to be unsafe. Boats often depart from Mombasa in Kenya and travel southwards along the coast of the United Republic of Tanzania, arriving in northern Mozambique (Frouws and Horwood, 2017). MMP recorded 10 deaths along this maritime route in 2018. Another little-discussed migration route in the Indian Ocean is the sea crossing from the islands of Comoros to the French archipelago of Mayotte. This route claimed the lives of at least 18 people in 2018 and 31 in 2017. However, anecdotal information indicates that actual numbers are likely to be much higher (Carver, 2018). No deaths were recorded on this route until 1995, when France introduced a visa requirement for Comorians travelling to Mayotte. A report by the French Senate published in 2012 estimated that between 7,000 and 10,000 Comorians died on this crossing between 1995 and 2012 (Republic of France, 2012).

It is nearly impossible to verify the identities of the recorded fatalities in this region. According to MMP data, 72 men, 39 women and 32 children died between 2014 and 2018 – which represent only 24 per cent of the 595 fatalities recorded along this route during this period. Beyond the sex and age of this small proportion of the data set, little more is known about the fatalities.

### *Deaths on the Eastern route to Yemen*

For decades, people have crossed the Gulf of Aden and the Red Sea from Djibouti and Somalia to reach the Arabian Peninsula. Yemen has historically been a country of origin, transit and destination for migrants from the Horn of Africa, mainly Ethiopia and Somalia. Between January and December 2018, it is estimated that more than 160,000 Ethiopians and Somalis travelled on this route, compared with the 99,516 people who made the journey in 2017 (IOM, 2018b).<sup>74</sup> The route to Yemen starts overland, as people enter and transit primarily through Djibouti to eventually travel by boat across the Gulf of Aden and the Red Sea. A smaller number departs from Somalia's coastline.

<sup>74</sup> The number of arrivals should be considered indicative of larger and more complex trends since monitoring activities are limited by the ongoing conflict and other operational constraints (IOM, 2018a; 2018h).



However, some of these would-be migrants never reach their intended destination. Since IOM started recording deaths on migration routes in 2014, the deaths of 707 people have been recorded during the sea crossing to Yemen, accounting for more than 65 per cent of deaths recorded in the Horn of Africa in total.

In 2018, at least 274 people lost their lives at sea and on land during their journey on the Eastern route to Yemen, compared with 173 people in 2017. More than half of these deaths (57%) occurred during the sea crossing to Yemen. As many as 156 people are known to have drowned in six shipwrecks in 2018, up from 111 people whose deaths were recorded on this route in 2017. Testimonies of survivors of shipwrecks indicate that smugglers adopt high-risk strategies to avoid arrest, such as forced disembarkation in deep waters. Anecdotal evidence indicates that people also die during the boat trip as a consequence of overcrowding and extreme conditions on board (Akumu, 2016).

While deaths occurring at sea are relatively well-monitored, little is known about people who die while crossing overland to reach the coast. Often, the only information available comes from the testimonies of surviving migrants interviewed by 4Mi. Data compiled by MMP based on 4Mi surveys indicate that 118 people died traversing land routes on foot or in overloaded vehicles between 2014 and 2018, but certainly more deaths remain unknown.<sup>75</sup>

## 1.5. Update: MMP data in the first quarter of 2019

In the first three months of 2019, MMP recorded the deaths of 677 people on migratory routes around the world. Eighty-one per cent of these deaths were due to drowning or presumed drowning, which reflects the often-dangerous conditions people face when attempting to reach other countries by water. The high proportion of incidents of drowning in the 2019 MMP data is also due to the fact that shipwrecks often catch the attention of the media, which report on these accidents soon after they occur. Nevertheless, the number of people recorded as missing in these incidents is often based on the testimonies of survivors. This number may vary and may be difficult to verify – another methodological challenge that should be taken into account when interpreting MMP data.

As in other years, the Mediterranean Sea accounted for the highest proportion of known deaths (and drownings) recorded by MMP in the first quarter of 2019: 354 women, men and children. The number of deaths recorded on the Central Mediterranean route (206) in the first quarter decreased significantly from that of the same period in 2018 (359). However, the situation continues to be extremely concerning. While there were significantly fewer attempted crossings on this route in the first quarter of 2019 compared with the same period last year, this also meant that the approximate rate of death was much higher. One in eleven people who attempted to cross the Central Mediterranean towards Italy and Malta in the first quarter of 2019 did not survive the journey. During the same period in 2018, one in 29 people attempting the crossing perished, while in 2017 it was one in 38.<sup>76</sup> And yet, the number of recorded deaths is still likely much lower than the true number, as limited search-and-rescue capacity across the Mediterranean in the early months of 2019 meant that there were few information sources. During this period, there were reports of several boats that departed from North African shores but had not been found by State coast guards or NGO-operated boats.

The divergent standards of living between island States in the Caribbean continues to be a driver of migration; however, many people only have unsafe options to try to reach better opportunities. At least 51 people drowned in their attempts to migrate to other countries in the Caribbean in

<sup>75</sup> The context of ongoing conflict in Yemen increases the challenges for detection of deaths during migration. For more information on the difficulty of differentiating conflict-related deaths from migrant deaths, please see Brian, 2017.

<sup>76</sup> Please see [Text box 3](#) on rising mortality rates on migratory routes.

the first three months of 2019. On 2 February, a boat carrying 49 Haitians capsized off Abaco Island in the Bahamas, killing 31 people. On 11 March, a boat with 15 people on board sank en route to Puerto Rico from the Dominican Republic; one Dominican man was lost at sea. On 31 March, 19 Haitians lost their lives when their boat sank off the Turks and Caicos Islands.

In South America, 27 people are known to have died – all from drowning – during migration in the first quarter of 2019. This figure is close to the total number of migrant deaths (30) recorded in the region for all of 2018. The incident involving the most casualties occurred on 19 January, when a boat carrying 32 people sank off the coast of Chocó in Colombia. The passengers were all reportedly from the Democratic Republic of the Congo and were attempting to cross to Panama from Colombia to avoid deportation. Ten children were among the 24 people who drowned in this incident.

Many other people lost their lives while migrating over water in the first three months of 2019 along other migration routes. On 29 January, at least 70 people drowned when their boat sank off the coast of Obock in Djibouti. All victims were Ethiopians and were believed to have been making their way across the Gulf of Aden to Yemen. Sixteen survivors were brought back to Djibouti. On the United States–Mexico border, 19 people are known to have drowned in the first three months of the year. One person drowned in the All-American Canal while trying to reach California; the rest died trying to swim across the Rio Grande/Río Bravo to reach Texas. By the end of March 2019, MMP had recorded nearly 2,000 deaths, or just over one death per day, during attempts to cross this border into the United States.<sup>77</sup>

Drownings are not the main cause of death in all regions of the world. In Central America, vehicle accidents and train-related incidents remain the main cause of death for people migrating in 2019. On 7 March, a truck carrying Guatemalan migrants overturned near Soyaló in Mexico's southern state of Chiapas; the driver had lost control of the vehicle. Twenty-four Guatemalans were killed in the crash: 10 women and 13 men (including five people under 18 years old), and one other woman who succumbed to her injuries in the hospital. Thirty-three others were injured and transported to hospitals in Tuxtla Gutiérrez (also Chiapas).

As in the past five years, in 2019 there will likely be incidents of deaths and disappearances that will be recorded retroactively in the MMP database, rather than soon after they have occurred. This is especially the case for regions in Africa and Asia and on the United States–Mexico border, for which the main data sources are medical examiner records and surveys with people migrating. Therefore, the data for the first three months of 2019 should not be viewed as either definite or representative across time or geography.

## 1.6. Conclusion

IOM's MMP has worked consistently since 2014 to document and acknowledge people who perish during migration across the world. So far, records have been collected for nearly 32,000 migrants who died during their journeys for a better future. However, the lack of political will or State capacity to collect and share such data and the many technical challenges involved mean that the data collected by MMP are an undercount of the true number of deaths and disappearances during migration.

The inclusion of a commitment to “save lives and establish coordinated international efforts on missing migrants” under Objective 8 of the Global Compact for Migration encourages governments and relevant stakeholders to improve the “standardized collection and exchange of relevant information” on missing migrants (Black, 2018). Improving the evidence base is only one of the many actions required to address the issue of missing migrants. A better understanding

<sup>77</sup> Between 1 January 2014 and 30 March 2019, MMP recorded the deaths of 1,971 people.

of the risks to life during migration can help governments review the impact of their migration policies, to ensure that these do not increase the risks of migrants dying or going missing. When deaths and disappearances go uncounted, governments and other actors risk underestimating the toll of unsafe migration.

While documenting deaths during migration highlights the magnitude of thousands of lives lost, for individual families the agony of even one death is too much. Families missing a loved one are relentless in their faith that they will return someday, and unless they have certainty of the fate of that person, their lives become defined by an ambiguous loss between hope and grief. The lack of data – and therefore the invisibility of so many deaths – highlights how loss of life has become normalized and tolerated as an assumed risk of irregularized migration.

The next three chapters in this volume focus on a special theme: missing migrant children. Children’s deaths are one of the cruellest indicators of the toll of unsafe migration. Nearly 1,600 children have been recorded dead or missing since 2014. MMP records show that children of all ages – from 40-day-old babies to 17-year-old teenagers – from as many as 46 countries of origin have died and continue to die around the world in search of a better future. These deaths cannot be separated from the wider political context in which children’s vulnerability to violations of their human rights is exacerbated by the lack of safe and legal mobility options. Greater attention to human rights abuses of children, including of the right to life, is the first step to preventing more deaths in the future.

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## Chapter 1

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A boy holds a stuffed hippo at the border between Greece and North Macedonia. © IOM 2016/Amanda NERO





# Chapter 2 Vulnerabilities of migrant and forcibly displaced children

Claus Bech Hansen, Jan Beise and Danzhen You<sup>78</sup>

## 2.1. Introduction

In 2017, 258 million people were living outside their country of birth worldwide; 30 million of them were children<sup>79</sup> (UN DESA, 2017; UNICEF, 2018d). This latter number includes 12 million refugees and asylum seekers who, along with migrant children in irregular situations, are part of mixed migration flows,<sup>80</sup> whereby they travel outside the safety of regularized conditions with visas and travel documents (UNHCR, 2018; UNICEF, 2018a:1).

Children constitute a particularly vulnerable (albeit non-homogenous) group of migrant and displaced populations, under irregular conditions even more so. It stands to reason that children are usually not as resilient as adults and more susceptible to being hurt, as they have physically and psychologically not reached maturity and they are less experienced in navigating society. Evidence suggests that apart from age, factors affecting the vulnerabilities specific to children may include education, ethnicity, travel route and circumstances (accompanied/unaccompanied), and reason for travel (UNICEF and IOM, 2017; IOM, 2017b). Children are often at risk of violence and abuse; they may suffer at the hands of smugglers or may be enslaved by traffickers (UNICEF, 2017b).

Yet, data and evidence on migrant and forcibly displaced children's vulnerabilities are limited. Despite this initial evidence on children's vulnerability, there is poor analytical understanding of the concept, what constitutes vulnerabilities, how it might be amplified or diminished by different factors, and how it is manifested in real-life situations. Research is scarce and only provides limited insight into the many determining factors of vulnerability and the ways in which these interact with and reinforce one another. Apart from a few quantitative surveys (e.g. IOM, 2017b) with sufficiently disaggregated data, most of the knowledge available to researchers is based on the qualitative accounts of children's experiences. Moreover, while recent research points in the right direction, the international community is still a long way from creating internationally recognized mechanisms of data collection that could shed better light on the dynamics of vulnerabilities (IOM, 2017b).

The lack of clarity on vulnerability runs counter to the concept's growing centrality in international law and jurisprudence in recent years. Turner (2006), Peroni and Timmer (2013), Pobjoy (2015) and Flegar (2016) all provide insightful studies to this end, and Flegar (2016:1) has found that vulnerability is increasingly recognized by the European Court of Human Rights as a relevant criterion to provide international protection for migrants, necessitating further clarity of the concept. This chapter examines the relationship between vulnerability, resilience and risk to get

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<sup>79</sup> Defined as 0–17 years of age.

<sup>80</sup> Mixed migration flow is understood to mean: 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. Unaccompanied minors, environmental migrants, smuggled persons, victims of trafficking and stranded migrants, among others, may also form part of a mixed flow (IOM, 2011:2).



a better sense of the challenges and dangers that migrant and forcibly displaced children face and which, in the worst case, can lead to disappearance or death. We outline children's manifold vulnerabilities in different contexts and show how vulnerability can differ dependent on a series of factors. Due to space constraints, we focus primarily on undocumented children travelling in mixed migration movements and the vulnerabilities they face on their journeys. We focus less on the risks they experience in destination countries, upon return to their home country or a safe third country, or on the vulnerabilities of children migrating along regular pathways. As a result, we hope to further inform vulnerability as an analytical concept by setting out its parameters. This can not only lead to a better protection response for children in vulnerable situations, but also create an enabling environment for children to contribute to the communities they grow up in, allowing nations to harness the benefits of migration.

## 2.2. Risks and vulnerability of migrant and forcibly displaced children

Vulnerability is a central characteristic of any human being. Fineman (2008:9) writes that “vulnerability initially should be understood as arising from our embodiment, which carries with it the ever-present possibility of harm, injury, and misfortune.” As such vulnerability is a universal feature of the human condition. But vulnerability is also *particular* because some groups are more likely than others to face vulnerability than others (Peroni and Timmer, 2013:1059–60). Children constitute such a group and are typically considered more vulnerable than adults. They have physically and mentally not matured, and therefore are less resilient than adults to the impacts of harm. Meanwhile, stages of growth, strength and development affect the specific degrees of vulnerability: an infant is naturally more vulnerable than a 17-year-old, but they both share an increased vulnerability compared with adults.

The vulnerability of our embodiment – whether it is universal or particular – is not an independent variable. It can be reinforced or diminished depending on the environment in which we find ourselves, or on the potential threats and risk characterizing any given situation. Examples of threats that may exacerbate vulnerability and heighten the risk a person faces in the context of migrant journeys can include poor weather conditions, warfare and human trafficking. In other words, vulnerability, threat and risk are intricately linked.<sup>81</sup> This understanding of vulnerability is reflected in the definition by IOM (2017a:4), which conceives of vulnerability as:

*the diminished capacity of an individual or group to resist, cope with, or recover from violence, exploitation, abuse, and/or violation(s) of their rights. It is determined by the presence, absence and interaction of factors or circumstances that increase the risk of and exposure to, or protect against, violence, exploitation, abuse and rights violations.*

Moreover, vulnerability is best understood as a series of characteristics (e.g. age, gender, education) that define a person's capacity to resist threats, while risk can be defined as the chance to successfully resist threats in light of a person's vulnerabilities. Which of the characteristics are more decisive than others is defined by the specific context in which one finds oneself, and any research on vulnerability must take into account the intersections between the factors and circumstances that increase or decrease vulnerability. By shedding light on this intersectionality, we can arrive at a better understanding of how individual migrants can become vulnerable beyond their belonging to one particular group (IOM, 2017b:3).

<sup>81</sup> The United Nations Office for Disaster Risk Reduction (UNISDR) is a case in point. Its work comprises multiple layers of vulnerability, threats and risk, and the way these interact, to better predict and protect communities (UNISDR, 2016).



One vulnerability rarely comes alone. While intersectionality allows for a better understanding of how threats, risk and vulnerabilities interact, it is important to note that children are often exposed to what is best understood as “vulnerability chains” or “trigger vulnerabilities”, that is, where the existence of one vulnerability can spark others when children try to cope with it. For example, debilitating health may lead people to seek help or medicine from the informal economy or through illegal channels because of curtailed access in displacement. Similarly, children – accompanied, unaccompanied or separated – may turn to irregular work and crime to get money to support their family or continue their journey, increasing their vulnerability to exploitative work. In addition, vulnerabilities may change as children move through different countries and regions. This often creates a chain of further vulnerabilities such as lack of schooling, a life on the street and affiliations with crime networks that can be difficult to break (İçduygu, 2016:6; Bhabha and Digidiki, 2017; Ombudsman for Children Sweden, 2017a; Ernst, 2018).

Vulnerability chains and the different dimensions mentioned above – universal and particular vulnerability, as well as determining factors – complicate attempts to clearly demarcate the conceptual boundaries of vulnerability. Just as new, previously unknown risks may arise through contextual changes, previously unknown sides of vulnerability, too, may gain salience due to new threats and risk factors. Further, the concept is challenged by different degrees of vulnerability that characterize migratory groups. A certain tension between analytical sharpness and conceptual inclusion is a common problem. The challenge is to retain analytical precision while at the same time allowing for a degree of flexibility to inform our understanding of vulnerability, to ensure that the concept does not exclude some children.

### *Vulnerabilities of migrant and forcibly displaced children – towards a taxonomy*

Migrant and forcibly displaced children face particular vulnerabilities and are, legally speaking, rightfully awarded special protections in terms of care and entitlements through the Convention on the Rights of the Child (OHCHR, 1989).<sup>82</sup> This is a result of the acknowledgement of their vulnerabilities and the commitment to provide an environment that enhances their capacity to resist, cope with or recover from violence or abuse and ensure their equal chance for development in life. But what are the vulnerabilities of these children and how can we best identify them? Recent research suggests that children who travel alone without the protective support of family or friends, or outside regularized pathways, are more vulnerable to threats such as violence, exploitation or abuse than their peers who move to a new country with their parents through regular pathways with work or other kinds of visas (UNICEF and IOM, 2017:8). This is not to say that children travelling through regularized channels are not vulnerable, but they are better protected and have different vulnerabilities and face different risks (UNICEF, 2018c). However, the considerable data gaps we face on vulnerabilities mean that our understanding is often based not only on fragmented, piecemeal quantitative and qualitative data, especially when it comes to the risks and vulnerabilities of documented children travelling along regularized channels. Rather it is typically based on a series of other sources and fields, including medicine and paediatric sciences, which are used to infer the specific factors influencing the level of vulnerability of migrant and forcibly displaced children. This section analyses available data and evidence to provide an overview of some of the determining factors of vulnerability.

<sup>82</sup> See also Chapter 3 in this volume.

### *Individual capacity and resilience*

It is not possible to draw up an exhaustive list of the factors influencing a child's capacity to cope with adverse and harming influences. But although the evidence base is limited, recent research highlights the manifold ways in which individual capacities or characteristics can protect or put children in danger of harm. Apart from age, a UNICEF and IOM (2017:33–34) study on children's vulnerability on the Central and Eastern Mediterranean routes from North Africa and the Middle East to Europe showed that education plays a vital role. Children with a higher education level reported less experience of abusive behaviour during migration than those with little to no education. With the data currently available, we can only surmise about the underlying reasons for this difference, but it is well-documented that schooling is correlated with resilience in children in general (Cahill et al., 2014:5–8). It stands to reason that children's ability – for example, to read or communicate in different languages – enables them to inform themselves about the challenges of a migrant's journey, to familiarize themselves with different environments and to navigate them. But far more research is necessary to arrive at conclusive results.

Equally important to shaping the vulnerabilities specific to children is gender. Girls and young women typically face different vulnerabilities compared with boys and young men, and fall victim to a larger degree to sexual abuse or other certain kinds of exploitation, as shown by trafficking research. Based on recorded trafficking cases, the United Nations Office on Drugs and Crime (UNODC, 2018a:10) found that 72 per cent involved girls (23%) and women (49%). The types of trafficking vary, but sexual exploitation far outweighs other detected forms that girls and women face, accounting for 62 per cent of all cases (UNODC, 2018a:33). Despite the overwhelming prevalence of female victims of trafficking and exploitation, boys and men are also vulnerable to trafficking, albeit of a different type from that experienced by girls and women. According to UNODC (2018a)'s global trafficking report, 65 per cent of detected cases of trafficking for forced labour involved boys (10%) and men (55%).

While UNODC's account is based on detected trafficking data, other research show that migrant and forcibly displaced children of both genders face acute vulnerabilities, albeit in often different ways, during their migration journeys (IOM, 2015:6–9; UNICEF, 2018b:33–45). Evidence collected from migrant interviews and surveys tell riveting accounts (Human Rights Watch, 2014; RMMS East Africa and Yemen, 2017a; UNICEF, 2018a;). In 2016, IOM interviews with Nigerian women and girls arriving in Italy suggested that more than 70 per cent could have witnessed sexual exploitation during their journey (IOM Italy, 2017:5). Research among migrant and non-migrant populations conducted by the Counter-Trafficking Data Collaborative (CTDC), which holds the world's largest data set on trafficking cases, show that traffickers appear to use similar methods to control children and adults, although children are more likely to be dominated through physical abuse and psychoactive substances than adults (IOM and Polaris, 2018). However, since the data on missing or deceased child<sup>83</sup> trafficking victims are nebulous at best, it is impossible to estimate the number of missing among this distinct group. UNODC (2016:47) data on trafficking victims are based on recorded cases with an estimated very high hidden population, likely making the true number of victims and deceased children far higher.

<sup>83</sup> Throughout this chapter, the authors use the term "missing" to refer both to those who are missing and presumed dead and those who are missing whose fate remains unknown.

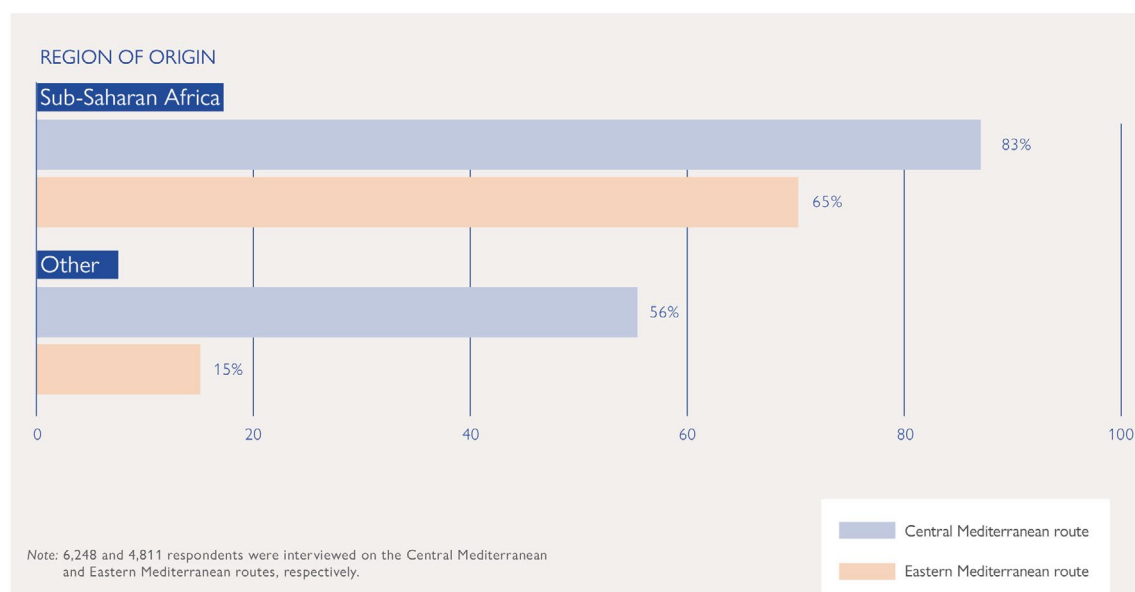
Twin brothers Aimamo and Ibrahim, 16, migrated from the Gambia on their own, their journey to be paid for in exchange for labour upon arrival in Libya. They did not expect this work to be akin to slavery. Along with 200 other sub-Saharan Africans, they spent two months working on a farm – and enduring beatings and threats. When work was done for the day, they were locked in to prevent them from escaping. After that ordeal, getting on the flimsy inflatable raft that took them to Italy was a relief.

Another migrant from the Gambia, 17-year-old Sanna, described being willing to take any work to get the money he needed to continue on his way. “But the Libyans sometimes refused to pay us,” he said, “and if we discussed it with them, they would bring a gun. You cannot do anything; we were like slaves” (UNICEF and IOM, 2017:26).

Gender discrimination, homophobia and other phobias against sexual orientation and gender identity is particularly felt by lesbian, gay, bisexual, transgender and queer (LGBTQ) children. The US State Department (2019) counts some 80 countries where consensual same-sex acts are criminalized and highlights the need for special protection. In fact, as shown by several studies (UNHCR, 2010:5–9; Zappulla, 2018), LGBTQ adults and children often face the very same discrimination they escape in home countries during their journeys and upon arrival, suggesting that current frameworks are poorly equipped to protect this particularly vulnerable group. Identifying as LGBTQ is a good example of how chain vulnerabilities work. Research has found that LGBTQ-identifying children often face discrimination or outright rejection of care in destination countries (Gruberg et al., 2018: paras. 22–23), while others are less likely to seek medical support due to fear of discrimination (Lambda Legal, 2010:12–13), thus perpetuating a downward spiral of worsening health, which can lead to inability to attend school and so on.

Country of origin and ethnicity are also characteristics that can be a source of vulnerability. Throughout history, population groups have become victims of various forms of racism and xenophobia expressed through pogroms, ethnic cleansing or genocide. Across the world, migrant and forcibly displaced children face discrimination due to the colour of their skin, ethnicity, nationality or religious beliefs. In fact, research suggests that xenophobia and racism may be a driving force of exploitation, violence and abuse against these children. UNICEF and IOM (2017:39) found that sub-Saharan children are at much higher risk than children from other regions travelling on the Central and Eastern Mediterranean routes to Europe, experiencing disproportionately high levels of violence and abuse on their journeys (see Figure 11). There are many forms of discrimination based on personal characteristics which include deprivation of statehood and limited access to services and education to name but a few known to be caused by racism and xenophobia.

**Figure 11. Adolescents and youth from sub-Saharan Africa are more vulnerable to trafficking and exploitation than those from other regions**



Source: UNICEF and IOM, 2017.

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Other factors that can have severe impacts on the vulnerability of children are their health and their physique. Poor health makes children less resilient to conditions on their journeys or in displacement. Given their unique physiology, children under 18 – particularly those who are very young – are more susceptible to temperature extremes and their consequences than adults who are better able to adapt (American Academy of Pediatrics (AAP), 2018). This is particularly true for children who are disabled and dependent on special support – all the more if they are chronically ill and/or dependent on medication that may be hard to get. Journeys or displacement often come with a considerable lack of access to essential services and doctors, and this combination only reinforces the vulnerability of children.

Social status and wealth also belong to the demographic features that increase or decrease children's capacities to withstand adverse influences and threats. Greater financial resources typically allow for safer travel either by opening up regular pathways or – if in irregular situations – by securing better conditions in smuggling contexts (IOM, 2016:59–61). Research on vulnerability to sex trafficking is suggestive in this regard. Researchers found that in-school adolescent respondents in Nigeria were vulnerable to sex trafficking due to poverty (77.2% of respondents), unemployment (68.4%), illiteracy (56.1%) and low social status (44.5%) (Omorodion, 2009:33). But this research is indicative at best and there is a need for more substantive research between vulnerability and wealth given the many other possible intersections with other determining factors. Education, for example, typically accompanies wealth, while poverty is often associated with lower levels of education. However, we do not know which of these two factors is more significant or how these factors stand in relation to other features such as ethnicity and health. Further research can help conclusively understand better which determining factors carry more significance in which situations.

### *Contextual factors influencing vulnerability*

Apart from the demographic factors influencing vulnerabilities specific to children, the context and situation of migration and displacement are crucial in influencing their capacity to resist adverse influences. And as in the case of demographic factors, it is impossible to draw up an exhaustive list of ways in which the context can produce or exacerbate the vulnerabilities faced by migrant and forcibly displaced children. Nevertheless, research into the challenges they face has produced a considerable evidence base that shed light on how the context can affect vulnerability and resilience.

Ever since the rise in numbers of asylum seekers in Europe during 2015–2016, there has been a strong focus on human smuggling as a measure of facilitating border crossings of migrants or refugees. Despite different contours of smuggling, the premise of smuggling remains a transaction between a buyer – the migrant – seeking irregular passage across one or several borders with the help of a smuggler against some form or payment (ICAT, 2017; UNODC, 2018b). By seeking this sort of transaction, the buyer makes herself dependent on the smuggler, a situation that manifestly increases the risks. The buyer quite literally often places her life in the hands of the smuggler, given the often-extreme dangers facing migrants or refugees in irregularity – be it in overfilled zodiac boats across the Mediterranean, or with “*coyotes*”<sup>84</sup> attempting to cross the desert on the border between Mexico and the United States (UNICEF, 2016b; Stone-Cadena and Álvarez Velasco, 2018). This dependency comes not only at a monetary cost. Evidence from migration routes in Africa suggests that violence and exploitation against migrants is highly likely to happen at the hands of the smuggler, including violence, deprivation of freedom, exploitation and unpaid work (UNODC, 2018b:9). Despite the dangers of human smuggling, it is important to underline that smuggling is a multifaceted business that also entails brokers who provide services that include ensuring the safety of the buyer (RMMS East Africa and Yemen, 2017a; Zhang et al., 2018). Moreover, by relying on smugglers, migrant and forcibly displaced children enter a relationship whereby they may become more vulnerable to violence or exploitation violence or exploitation.<sup>85</sup> At the same time, not all smugglers are abusers and many simply arrange passage for a fee. They can be locals along a particular migration route, who know the language and the terrain (UNICEF, 2017b:22). To better understand regional differences across the world and highlight the nuances of smuggling, there is a need to conduct more in-depth research.

The specific conditions of the journey are also crucially influential to the vulnerabilities specific to children. Typically, migrating on any route without legal status is more dangerous than regular pathways. On irregular journeys, migrants need to avoid border checks and security, and they take hazardous and unsafe measures and methods to do so. Along dangerous pathways, children are particularly exposed to perilous travel conditions, tragically exemplified by the more than 30,000 migrant deaths registered by IOM worldwide since 2014, including more than 650 children who perished on the Mediterranean alone (Missing Migrants Project, 2019). Rough landscapes and natural borders become deadly zones for migrants seeking irregular entry into a country. The Mediterranean, for example, yearly takes thousands of migrants’ lives. The same is the case for the Sonoran Desert between the United States and Mexico and the Sahara in Northern Africa.

It is not only the natural environment that influences the safety of migrant and forcibly displaced children on the journey. The security of the countries they travel through is another contributor. In 2017, more than 80 per cent of children passing through Libya experienced violence, abuse or exploitation – far more than in any other country (UNICEF and IOM, 2017:14–16; UNICEF 2017a). In other words, in destabilized, fragile States where violence is prevalent and the rule of law non-existent the vulnerability of migrant and forcibly displaced children rises exponentially. The same goes for war zones or countries that have been struck by natural disasters. The Regional Mixed Migration Secretariat East Africa and Yemen (RMMS; since 2018, the Mixed Migration Centre) has shown how in such contexts State agents such as border guards, police or militias may further exploit a child’s vulnerabilities (RMMS, 2017b: 19–21).

<sup>84</sup> This nickname refers to smugglers and guides who sell their services to people crossing the US–Mexican border.

<sup>85</sup> As discussed in Chapter 4 in this volume, the ability of children to consent to any contract is questionable.



**Text box 4. Risks to migrating children on the southern Africa route: Evidence from Mixed Migration Centre surveys***Danielle Botti*<sup>86</sup>

Research suggests that there are increasing numbers of children and youth on the move around the world, with an estimated 1 in 8 migrants estimated to be children. Yet there is a lack of robust knowledge on children on the move, particularly those moving in mixed migration<sup>87</sup> flows. This results in uncertainty about how many children are moving, why they are moving, and their experiences and protection concerns along the way. Children in mixed migration flows can be motivated to move by many factors, have different legal statuses (including refugees and asylum seekers) and face a variety of vulnerabilities. Regardless of their status, children are exposed to protection risks at every stage of the migration journey – from when they leave home, throughout the journey, and even upon reaching their destination (if they do).

In 2018, the Mixed Migration Centre’s Mixed Migration Monitoring Mechanism Initiative (4Mi)<sup>88</sup> carried out a study with UNICEF to understand more about children on the move in southern Africa along what is commonly called the ‘Southern Route’ (a migration route primarily towards South Africa). Using the 4Mi methodology – a unique mobile survey tool – data collectors accessed migrant and refugee communities to gather in-depth data in a context where irregular movements are changing rapidly. Using a specialized child protection-focused survey and strict child safeguarding measures, interviewers in South Africa, Zimbabwe, and Zambia interviewed children on the move from countries in Eastern, Central and Southern Africa.

Over 870 children (455 girls and 415 boys) between the ages of 13 and 17 were interviewed, with the average age being 15. The children came from a variety of countries, including Angola, Burundi, the Democratic Republic of the Congo, Djibouti, Eritrea, Ethiopia, Kenya, Lesotho, Malawi, Mozambique, Rwanda, Somalia, South Africa, South Sudan, United Republic of Tanzania, Zambia, and Zimbabwe. About half of the children who participated in the survey noted their main reason for leaving home was violence and general insecurity, followed by personal/family reasons, economic reasons, a lack of freedom and/or discrimination in their country of origin, and a lack of social services. Children reported that they chose destinations where they thought they would have better chances of getting a job and sending remittances home, as well as where there would be improved general security and opportunities to access better education, to reunite with family and to access to better medical care.

<sup>86</sup> Danielle Botti is the Regional Coordinator of the Mixed Migration Centre (MMC) for East Africa and Yemen based in Nairobi.

<sup>87</sup> The Mixed Migration Centre defines mixed migration as ‘the cross-border movements of people including refugees fleeing persecution and conflict, victims of trafficking and people seeking better lives and opportunities. Although entitled to protection under international human rights law, they are exposed to multiple rights violations along their journey. Those in mixed migration flows travel along similar routes, using similar means of travel - often travelling irregularly and wholly or partially assisted by migrant smugglers.’

<sup>88</sup> See <http://4mi.regionalmms.org/> (accessed 13 March 2019).

What is clear is that regardless of their reasons for migrating or their legal status in the country where they were, children on the move in Southern Africa face a variety of protection risks, including detention, kidnapping and lack of access to basic services: around 25 per cent of children reported not having access to food or clean drinking water and less than half had access to shelter or hygiene facilities. Their risks are further exacerbated if they are unaccompanied (travelling without adult family members or guardians) or lack documentation. Nearly a quarter of the children MMC interviewed were travelling alone,<sup>89</sup> and only 40 per cent began their trip with documentation. Many countries along the southern route treat illegal entry to their territory as a crime and unaccompanied children are therefore often subjected to the same human rights violations as undocumented adults; furthermore, if they are not recognized as children, unaccompanied minors face detention, deportation and violence.<sup>90</sup> Nearly 16 per cent of the children interviewed reported being held in detention, with the average length of detention being about four months. 12 per cent of children interviewed reported being kidnapped or held against their will – over 80 per cent of perpetrators were smugglers or criminals and most children reported they had been freed only after families paid ransoms.

There are serious concerns for the safety and protection of children and young people on the move, and children with an “irregular status” risk falling outside the protection (and identification) mechanisms that could keep them safe. However, child mobility can not only be understood as a source of increased risk of exploitation and abuse, but also as a source of opportunities, and children are increasingly recognized as actors, rather than merely victims. In this sense, child mobility is also a matter of child rights. There is need for more integrated and informed programmes which seek to understand the holistic experience, motivations and needs of children and young people on the move. By identifying the violations that children experience and the points at which abuses happen, MMC research hopes to support partners who can respond to the needs of these children.

Perhaps most evidently, the vulnerability of migrants increases significantly when they travel alone or are separated from their family, legal guardian and/or travel companions. In 2017, UNICEF and IOM found that children travelling alone experience higher levels of exploitation and violence than those travelling with their families (UNICEF and IOM, 2017:31–32). A secure wall of family, guardians or friends diminishes vulnerabilities. Alone and left to their own devices, children are far more exposed to their surroundings and people who seek to exploit them.

The contextual factors affecting vulnerability also include aspects such as length of travel and the accessibility of child protection, as well as health and water, sanitation and hygiene facilities on the migratory route. Typically, the length of the journey and the number of countries and borders that need to be crossed are critical because these factors deplete economic resources and, given the often-poor living conditions, exacerbate mental and physical health issues (Jervelund et al., 2008; Jonzon, Lindkvist and Johansson, 2015; UNICEF, 2018c). All of these factors crucially influence children’s vulnerability, but the limited data available on migrant and forcibly displaced children’s access to services and experiences along their journeys make it difficult to determine how they intersect.

<sup>89</sup> For children travelling with a guardian, parents, siblings, relatives, friends and neighbours were the main groups of people that accompanied the child migrants surveyed in the study. In the sample, the older the children were, the less likely it was that they were accompanied.

<sup>90</sup> See Save the Children and Regional Mixed Migration Secretariat (2016) *Young and on the Move: Children and youth in mixed migration flows within and from the Horn of Africa*. Save the Children, London. Available from [https://resourcecentre.savethechildren.net/node/10080/pdf/young\\_and\\_on\\_the\\_move\\_sep\\_2016.pdf](https://resourcecentre.savethechildren.net/node/10080/pdf/young_and_on_the_move_sep_2016.pdf) (accessed 13 March 2019).

It is important to note that migrant and forcibly displaced children's vulnerability does not end merely because their journey does. Migrants also face risks and vulnerabilities in their intended destination country and, as in the case of the journey, these are manifold and intersect in various ways. The 2018 policy of family separation in the United States has been a severe breach of the rights of the child and unity of the family, leaving children and adults severely exposed and at serious risk of grave psychological wounds for years to come. With many thousands of children ostensibly still separated from their parents by the United States immigration authorities and social services, and with further evidence unable to shed light on the true extent of the policy and the numbers of children in migrant detention (Bolter and Chishti, 2018; Dickerson, 2018; United States Department of Health & Human Services Office of the Inspector General, 2019), the situation lingers on as a tragic example of a fundamental disregard of migrant and forcibly displaced children's well-being (Filges, Montgomery and Kastrup, 2015).

Applications for international protection or migratory case work may take many months or years, during which children often do not have full access to health and educational services or live in uncertainty and fear about being returned to their countries of origin or a third country (UNICEF, 2018c:50; Sallin et al., 2016). In other situations, children and families are forced to live 'underground' because they are undocumented and have little chances of receiving a residence permit. Often such families have no regularized access to health services, school and child protection (Ombudsman for Children in Sweden, 2017a; UNICEF, 2018c:67–69). In countries that do not offer a prospect of some type of residency but instead intend to return children to their home countries or safe third countries, children often opt for a life underground – typically involving petty crime, drug addiction and collusion with criminal networks – in order to avoid deportation and return (Ombudsman for Children in Sweden, 2017b:5, 15, *passim*).

### 2.3. Counting uprooted and invisible children

Data and evidence on migrant and forcibly displaced children are poor (IOM GMDAC, 2016). Data and evidence on child vulnerabilities are even poorer. There is a lack of disaggregated, rigorous data that could provide a better understanding of children's vulnerabilities and how they interact and affect not only one another, but also how they are affected by the context of migration. Available data are typically either flow or stock data, that is, data describing the number of people passing through of a given country in a given period (flow data) or the number of people changing their usual residence (stock data) (United Nations Statistical Commission, 2017:10, 16). The vast majority of these data tell us next to nothing about children's vulnerabilities because of poor disaggregation. Only 56 per cent of all (stock) data on refugees is age-disaggregated, while only 77 per cent of the countries and territories reporting migrant stock data include data on age (UNICEF et al., 2018:3). As a result, traditional data on migrant and forcibly displaced children are of little help in improving general understanding of child vulnerabilities. Instead special methods – such as alternative surveys and other quantitative and qualitative data collection efforts – must be used to get a sense of the share of vulnerable children.

#### Measuring vulnerabilities of migrant and displaced children

Displaced populations and persons in mixed migration movements are by their very nature notoriously difficult to count. In the absence of accurate and timely data on the number of migrant or displaced children, it is often necessary to rely on estimation methods to get a sense of the size of the affected population (Singleton, 2018:334). Data on internally displaced persons (IDPs), for example, in most cases lack disaggregation by age, *inter alia* (IDMC, 2017:74). UNICEF (2016a:33) estimates the number of children among IDPs by applying the age structure of the national population to the national IDP population. This approach has an underlying assumption that the IDP population is a representative sample of the national population in terms of age

structure. This assumption likely does not hold: often IDP populations are not a random sample but are biased towards a specific regional origin, ethnicity, urban or rural settings and other criteria.

Disaggregated data on fatalities during migration movements are equally problematic. IOM's Missing Migrants Project tracks deaths and disappearances of migrants along mixed migration routes worldwide using a variety of sources, including official records, reports by news agencies or NGOs, and testimonies of survivors and others (IOM, 2017c:1–21). In most cases, only total numbers of reported cases or incidents are known and there are hardly any data on the number of children. This, in particular, applies in the case of migrants who drown and disappear on their passage over the Mediterranean Sea, one of the deadliest migration routes worldwide. UNICEF estimates the number of children among the recorded fatalities by applying the demographic information of migrants arriving safely at the destination using the same routes at similar times. UNICEF controls for the specific route (Western, Central or Eastern Mediterranean) and the month of the journey. Having better data on child fatalities would inform further research on vulnerabilities and previously unknown threats.

Since 2014, IOM has conducted the Flow Monitoring Survey (FMS), an extensive survey that sheds light on potential exploitation and abuse of migrants, providing a hitherto unavailable resource to understand vulnerabilities and the way they intersect. Through a variety of indicators, the survey has allowed for detailed analysis, including cross-tabulations and regression models providing insights into how determining factors of vulnerability interact, and thus shed better light on vulnerability (UNICEF and IOM, 2017; IOM, 2017b). At the time of writing, however, the FMS includes only a few indicators of exploitation and abuse, including unpaid labour, deprivation of freedom of movement, forced marriage and violence and abuse, leaving many of the points discussed above unanswered (IOM, 2017b).

#### **Text box 5. Unrecorded deaths, as recounted by Nigerian child and youth returnees from Libya**

*Mohamed Zaki and Lorenza Rossi*<sup>91</sup>

There is a general dearth of information, data and statistics on migrant fatalities in the Middle East and North Africa (MENA) region. Red Crescent Societies, coastguards and international actors have made impressive improvements in the documentation of migration-related deaths along the Mediterranean coast and large-scale incidents on land,<sup>92</sup> A few ongoing qualitative studies and surveys of migrants have indicated gaps in knowledge on smaller incidents. These studies and surveys are typically not focused on collection of information on abuse and death, however such information is revealed by survey participants as they describe their migration journeys.

One such study is a recent joint pilot project conducted by the Mixed Migration Hub (MHub),<sup>93</sup> IOM's Displacement Tracking Matrix (DTM)<sup>94</sup> and the Harvard François-Xavier Bagnoud (FXB) Center for Health and Human Rights.<sup>95</sup> The study was launched in Nigeria in July 2018 to examine and to better understand the experiences of

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<sup>92</sup> Such as the lorry accident in February 2018, near Bani Walid, which resulted in the deaths of over 19 migrant and refugees. See [www.iom.int/news/un-migration-agency-assists-survivors-migrants-perish-libya-truck-accident](http://www.iom.int/news/un-migration-agency-assists-survivors-migrants-perish-libya-truck-accident) (accessed 13 March 2019).

<sup>93</sup> See [www.mixedmigrationhub.org](http://www.mixedmigrationhub.org) (accessed 13 March 2019).

<sup>94</sup> See [www.globaldtm.info](http://www.globaldtm.info) (accessed 13 March 2019).

<sup>95</sup> See <https://fxb.harvard.edu> (accessed 13 March 2019).

children and youth who had recently returned from Libya with the help of IOM's Voluntary Humanitarian Return (VHR) programme. The survey team interviewed a total of 121 children and youth between the ages of 17 and 28 in the states of Edo, Lagos, Delta and Ondo. The main purpose of the pilot project, as well as the larger study, is to investigate the participants' experiences post-return and the societal, familial and governmental readiness to support their reintegration. In order to collect a complete picture of their migratory and return experiences, the children and youth were asked general questions about their main reasons for migrating, as well as their travel arrangements, their experiences en-route and in Libya and their reasons for return. The findings from the pilot will inform the design of larger study that will be conducted in five countries in West and Central Africa and the Horn of Africa.

#### Case Study

John was interviewed in Edo State in southern Nigeria. Nineteen years old at the time of interview, he had left Nigeria a year and a half earlier, just before his eighteenth birthday, in search of a better life. He had trouble finding a job and earning enough to live in Nigeria and hoped he could change that by making it to Germany. Despite independently making the decision to migrate, his parents expected that he would be able to send money to support them back in Nigeria. He set off on his own, travelling through, and stopping briefly, in the Niger. En route to Libya, he was captured by a gang, which detained him and subjected him to regular beatings in an effort to extort money from him or his family back in the Nigeria. Asked about his experiences in Libya, he said, **'No rest of mind in Libya. The Arab men used to come to kill us for fun. They would use you to work in their farm, in exchange of cigarettes. If you refuse they would beat or kill you. It was a horrible experience.'**

The questionnaire did not ask participants about any fatalities they may have witnessed on their way to Libya or in Libya itself; however, 27 separate instances involving a migrant's or migrants' death were mentioned, unprompted, during the interviews. The characteristics of the deaths described by the participants seem to be the kind that regularly go unreported and undocumented: killings of one or two people at a time, at the hands of smugglers and traffickers, or in transportation accidents. It is very unlikely that these reports would have been reported to local authorities and/or drawn media and/or NGO attention.<sup>96</sup>

#### Case Study

Rene was twenty years old at the time of his interview in Delta State. He left Nigeria in November of 2016, when he was eighteen. He decided to migrate so that he could earn enough money to help support his family. He set off from his home in Nigeria with the aim of reaching Europe. It took him two months to travel through the Niger and into Libya, where he became stranded. He recounted being beaten and abused along the way and confessed that he felt like returning home even before setting foot in Libya because **'the suffering was becoming too much.'** Describing his experience in Libya, he said, **'We woke up to see dead bodies around us at certain points.'**



The fact that such deaths go unrecorded is deeply troubling for two reasons. Firstly, it means that the number of migrant fatalities is drastically underestimated in the MENA region. Secondly, with the recent and successful political efforts to deter onward migration from Libya across the Mediterranean Sea towards Europe, many more refugees, asylum seekers and other migrants are becoming trapped in the country, and policy decisions are being made without an accurate understanding of the level of risk to migrants in Libya.

The reports of fatalities that punctuate the interviews conducted for the pilot study raise crucial ethical questions about how best to approach this type of information. The need to improve research ability to capture and document fatalities in order to better grasp the true level of risk to migrants must be weighed against the possible harm to the survey respondents.<sup>97</sup> The excerpts of interviews included here demonstrate how these young people reported killings and fatalities in their interviews; for the most part, they made general references that cannot be linked to specific incidents or provide enough context for such fatalities to be entered into IOM's Missing Migrants Project database. Moving forward, there needs to be further discussion about the ethical and methodological questions, how best to approach situations such as these, in which people volunteer some information without the detail about specific incidents.

#### Case Study

Jane was twenty-two years old when she was interviewed in Edo State. She left Nigeria in January 2016, a few weeks before she turned 20. She left Nigeria because she couldn't find work and hoped to find better living conditions elsewhere. As with many other migrants, her family expected that she would be able to help them financially. It took her a week to reach Libya, and on the way, somewhere after Kano State in Nigeria, the smugglers stopped the truck and threatened to abandon her and the other migrants unless they each paid an additional amount. Speaking about her experience in Libya, she said, **'While in Libya, I was only eating left-over food. I couldn't get enough sleep. I was cleaning all rooms in a five-story building alone every day. I was malnourished and had severe back pains. I saw people dying and could not help them.'**

## Other measures of vulnerabilities specific to children

Trafficking research offers some insights into the vulnerabilities of children more generally, given that it concerns not only migrant and forcibly displaced children. CTDC data account for five different kinds of trafficking, as well as a series of means of control that can shed light on the ways in which children's vulnerability can be exploited or perpetuated (IOM and Polaris, 2018:4-5). As shown above, however, migrant and forcibly displaced children typically face distinct risks and vulnerabilities unrelated to trafficking and thus are not necessarily captured by the CTDC, despite the fact that irregularly travelling children are particularly vulnerable to trafficking in one way or another on their journeys. That said, there is no comprehensive evidence that migrants are more vulnerable to trafficking than non-migrants, and more research into the conditions under which trafficking occurs is necessary.

<sup>97</sup> The team of enumerators were specifically instructed not to probe into potentially traumatic experiences.

Apart from large-scale quantitative data sets, considerable qualitative research has been done, often corroborating quantitative evidence. A UNICEF and REACH report (2017:3–4), for example, largely supported the findings of the FMS along the Central Mediterranean route from Africa to Europe. The report found, for example, that the length of children’s journeys often resulted in the necessity to work and thus children’s exposure to exploitation. Sexual exploitation has also surfaced as a common experience during the journeys of African migrants interviewed throughout Europe (Iacono, 2014; Country Information Service of the Finnish Immigration Service, 2015; Regional Mixed Migration Secretariat and Save the Children, 2016:43–46). Similar vulnerabilities were identified by research in the Horn of Africa and Somaliland (Ali, 2016:8; UNICEF, 2018b).

Whether data on children are collected using quantitative or qualitative methods, special safeguards and protections must be in place. UNICEF (2015a, 2015b, 2016a) has produced a series of minimum quality and ethical requirements that must be guaranteed during data collection. Generally speaking, the principle of “do no harm,” ensuring the protection of the interviewee, must always be upheld; interviewers must have training in child-sensitive interview methods; and special protections must always be in place for children below the age of 14. These safeguards are necessary not only because children are particularly vulnerable, but also given the often highly sensitive questions and the concomitant danger that they will cause individuals to relive trauma experienced on the journey. Further, States, agencies and NGOs must use utmost care and data protection when using and storing sensitive survey and interview data in order to protect children and not exacerbate their vulnerabilities.<sup>98</sup> These special safeguards make collection, analysis and storage of data on migrant and forcibly displaced children more arduous and costly. As a result, there are far less data available on children compared with adults, and this contributes to a limited understanding of vulnerability. Whatever data are available often focus on journeys and vulnerabilities travelling toward the Global North, which provides for an inherent (often Eurocentric) bias to the data and subsequent analysis.

## 2.4. Conclusion and recommendations

This chapter has sharpened the contours of vulnerability as a complex analytical concept, as it is becoming increasingly important in various areas including international law. As we have shown, the available data and evidence base on the vulnerability of migrant and forcibly displaced children are meagre and fragmented, thus thwarting efforts to develop a profound systematization of the many aspects and determining factors. The result is that the international community is struggling to adequately protect this particularly vulnerable group.

In December 2018, world leaders made a decisive step and recognized the importance of addressing the vulnerabilities of all migrants and refugees with the adoption of the Global Compact for Safe, Orderly and Regular Migration and the Global Compact on Refugees (United Nations, 2018). Both include specific provisions on children and at the very centre of the compacts – and more broadly speaking, of the 2030 Sustainable Development Agenda – is the need for better data, without which neither States nor the international community will be able to meet the ambitious goals. The same is the case when it comes to adequately protecting and empowering vulnerable children, coordinating emergency responses and developing desperately needed evidence-based policies and programmes.

In the interest of galvanizing action for global compact objectives and Sustainable Development Goals (SDGs), UNICEF et al. (2018:5–7) issued a joint Call to Action with five key recommendations in 2018. The recommendations detail how better data can support the protection of migrant and forcibly displaced children, including preventing children from going missing and providing a

<sup>98</sup> See Chapter 4 for further discussion of ethical considerations when researching topics relating to missing migrant children.

better understanding of children’s vulnerabilities in home, transit and destination countries. As States work to operationalize the global compacts and meet the SDGs, these recommendations can function as a guide towards the bare minimum actions needed in the realm of data and evidence.

The recommendations include:

- (a) Disaggregate data by age and sex.** Data on children should be further disaggregated by: standard age categories, from early childhood to adolescence; other demographic and socioeconomic characteristics like disability, education level and whether they live with their parents; and migration status.
- (b) Cover key issues relating to children affected by migration and displacement.** Migration and displacement data should include information on regular and irregular flows, human trafficking, the economic impacts of migration and refugee movements, the needs of migrants, refugees and host communities, as well as qualitative and longitudinal data on the impact of return and reintegration. Ensuring the well-being of children on the move also requires data on access to essential services such as education, health, nutrition, water and sanitation and child protection, as well as on unaccompanied and separated children, family reunification and children left behind by migrating parents.
- (c) Make better use of existing data, and share it.** More migration- and asylum-related data collection is under way than is commonly noted. Often, States collect data but do not analyse it sufficiently – nor do they share all of their data with other national agencies or countries. Currently, there are few internationally recognized mechanisms for countries or agencies to share information on migrant and forcibly displaced children.
- (d) Coordinate data efforts within countries and across borders.** Ensuring the well-being of children who move across borders or are internally displaced is an immense task that requires governments and other actors to work together. Data are key, especially information on child protection and services. Yet data often remain scattered among countries – and, within them, among agencies and ministries that do not necessarily work together.
- (e) Make special efforts to collect and analyse data on children.** Children are among the most vulnerable migrants and refugees, yet are often overlooked in data efforts. Countries and international agencies should develop a research agenda to understand and address the issues that migrant and forcibly displaced children face. A child perspective should be incorporated into all stages, from devising methods for data collection to data processing and analysis.

Achieving the goals of these recommendations requires partnerships at the national and international levels and between agencies and offices, as well as financial and technical investments. The multiple good practices and projects already in existence – whether they are aimed at improving available data or protecting migrant and forcibly displaced children – show that success is possible (UNICEF 2018a:22–23, 2017c) – success that ultimately benefits communities, economies and nations, and can help ensure that children’s fundamental rights to survival and development are fulfilled.

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# Chapter 3

## Legal obligations of States with regard to child migrant deaths and disappearances

Jacqueline Bhabha<sup>99</sup>

### 3.1. Introduction: General obligations of States to protect children on the move

States have protective obligations towards all children on their territory, whether they are citizens, permanent residents or temporary migrants. These responsibilities are best thought of as a series of nested obligations, which span a wide spectrum of responsibilities. These include particular duties towards individual children in need through to the general provision of societal services, including education and health care for all children.

The legal basis for these obligations ranges from broad-based ancient doctrines to binding and specific municipal obligations. As with other topics considered in this volume, the efficacy of any of these legal measures – whether wide-ranging or narrowly focused – depends on two overarching factors: the mobilization of political will to drive the translation of obligation into implementation and the establishment of collaborative networking to ensure effective coordination between relevant implementing agencies.

A starting point for investigating State obligations towards children is the *parens patriae* doctrine. Latin for “parent of the country,” this long-established legal doctrine derives from the ancient prerogative of the British Crown to act as the ultimate guardian of persons within its jurisdiction who are legally unable to act for themselves. Children comprise a key group among this constituency. The *parens patriae* doctrine has been incorporated into a wide range of domestic contexts, from questions of juvenile justice to compulsory education and child labour.<sup>100</sup> Where it has been incorporated into domestic law, the doctrine is enforceable irrespective of nationality, residence or other legal status. In such circumstances, therefore, it covers all non-citizen children within the State’s jurisdiction, including children on the move, whether or not they have permanent or regular immigration status.<sup>101</sup> Because of its long standing – predating as it does international conventions commonly invoked to protect the rights of children and migrants today – the doctrine establishes a crucial minimum threshold for State engagement in the protection of children on the move across the globe, namely the responsibility to act as the ultimate guardian of those unable to act on their own behalves. Human rights obligations relevant to children, detailed below, particularize the minimum level of protection required. Non-ratification of particular conventions, reservations to the articles of individual treaties, legal interpretations of specific instruments may qualify the obligations by which a given State considers itself bound. None of these, however, can detract from the basic starting point – which is that all children within a State, including all migrant children, ultimately fall within its responsibility.

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<sup>100</sup> For more details see G. Thomas, “Limitations on Parens Patriae: The State and the Parent/Child Relationship”, *16 J. Contemporary Legal Issues* 51 (2007).

<sup>101</sup> The term “children on the move” refers to children moving for a variety of reasons, voluntarily or involuntarily, permanently or temporarily, with or without their parents or other primary caregivers.

To this general State obligation to protect have been added other more specific duties – duties established over time and articulated in particular legal instruments, international, regional and national. Some of these duties are especially relevant to the protection of children on the move. Most critical, perhaps, is **the obligation not to discriminate**, an obligation set out in the 1989 Convention on the Rights of the Child (CRC), an international treaty that consolidates all human rights relevant to children in one instrument that has been ratified by all Member States of the United Nations except the United States. Article 2 of the CRC states that a child's rights may not be restricted by making distinctions on the basis of "the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national ethnic or social origin, property, disability, birth or other status." This provision establishes a wide-ranging obligation of great significance for migrant children. State policies that criminalize or otherwise stigmatize these children, for example by referring to them derogatorily as "anchor babies" or "gang members," or as "illegals" or "terrorists", clearly violate the non-discrimination obligation, adversely classifying a whole group of children on the basis of their immigration status, and suggesting or implying an inferior quality of care owed towards them by State officials who interact with them (OHCHR, 2016, Principle 6). Other policies may also be discriminatory. They include State policies that deny unaccompanied migrant children the social welfare support that States give to their national (non-migrant) children in need of protective care, for example because they have been abandoned or abused. This type of discrimination is exemplified in situations where access to trained medical and care personnel, safe and child-friendly accommodation or educational opportunity is made available to national but not to unaccompanied migrant children. Another example is the practice of holding migrant children in immigration detention – a de facto form of punishment to which citizen children are not exposed.

Another cardinal and wide-ranging State obligation owed to all children, including migrant children, is the **best interests principle**. The contexts in which this principle are relevant are broad, as set out in Article 3(1) of the CRC: "In all actions concerning children whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration." This principle concretizes the *parens patriae* duty mentioned at the outset, by requiring States to have regard for the interests of the child in every "action" that concerns him or her. There is broad consensus on the essence of the best interests principle: it is a powerful protective obligation rooted in a developmental approach that accords to children treatment and consideration that respects their fundamental dignity and that acknowledges their potential vulnerability, an acknowledgement of both their dependency and their agency (Lansdown, 2005). The precise scope of the principle of "the best interests of the child" – who should establish it, how it should be determined, what individual, familial and broader social considerations should inform it – is a matter of debate (Hashim and Thorsen, 2011). Some criticize what they consider a reductive interpretation of the best interests principle, which is often translated by administrative agencies (including those dealing with migrant children at borders or in shelters) into a rigid set of guidelines that take insufficient account of context, culture, class, evolving maturity and mobility. Others point to an essentialized notion of childhood that illegitimately universalizes a Western norm about how children should be treated in well-funded contexts (e.g. in municipalities with funding for early childhood development or the means to enable adolescents to study without having to contribute to household income). They critique policymakers for having scant regard for other, more resource-constrained realities.



An extensive range of State practices, many of them widely in evidence, violate the best interests principle because they fail to accord children treatment and consideration that respects their fundamental dignity, as the principle requires. These administrative measures include visa policies that intentionally restrict the access of refugee populations, over 50 per cent of whom are children (UNHCR, 2018), to safe and legal entry on the territory, as well as border patrol practices that willfully neglect life-saving needs of distressed migrants<sup>102</sup> on the high seas or remote stretches of border regions. The rights-violating measures also include detention policies that confine migrant children or separate them from their families, as well as deportation procedures that place children at risk of trauma or exploitation (OHCHR, 2016, Principle 5). It is not just public institutions that are bound by the capacious mandate set out in Article 3 of the CRC. “Private social welfare institutions” are also covered by the obligation. Entities – like the International Organization for Migration (IOM), which conducts assisted voluntary return and repatriation operations for hundreds of distressed migrant children stranded in Libya, transporting them back to their sub-Saharan home countries – have an obligation to consider the best interests of the children so moved: are they being returned to abusive households, to potentially dangerous conditions of homelessness or destitution, to situations likely to prompt life-threatening re-migration?

Both non-discrimination and best interests principles are embedded in a broader edifice of obligations that States have towards children, including migrant children – obligations that span civil and political rights (such as the right to freedom of thought, conscience and religion, and the right to freedom of peaceful assembly) and economic, social and cultural rights (such as the right to education, and the right to be protected from economic exploitation).<sup>103</sup> Many of these rights have acute relevance to the lives of migrant children and, regrettably, are often observed in the breach. An example was the highly publicized set of incidents during which vulnerable child asylum seekers were forcibly evicted from the “Jungle,” an informal settlement outside Calais in Northern France, before satisfactory alternative arrangements for their care had been made. The pervasive and abusive use of detention as a strategy for deterring and punishing migrant children, and denying them access to appropriate educational or health services is another egregious example of State failure to adhere to their human rights obligations.<sup>104</sup>

Several rights are particularly noteworthy in relation to unaccompanied or separated children on the move because they provide an underpinning for accessing the protection needed in the absence of a permanent, stable and supportive home environment. Among these, the right to life and the right to be heard are paramount: both rights establish a set of correlative duties that require dedicated institutional mechanisms to ensure that those duties are implemented.

<sup>102</sup> “Distress migration” has been defined as: “migration that stems from desperation, vulnerability and need, from living circumstances that are experienced as unbearable or deeply unsatisfactory and that precipitate serious obstacles to a reasonable or tolerable life” (Bhabha, 2018:65).

<sup>103</sup> For an exploration of these principles, relevant to distress child migrants in their joint capacity as migrants and children, see Joint General Comment No. 3 (2107) of the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families and Joint General Comment No. 22 (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration. Available from [www.unhcr.org/en-us/events/conferences/5b3295167/official-version-final-draft-global-compact-refugees.html](http://www.unhcr.org/en-us/events/conferences/5b3295167/official-version-final-draft-global-compact-refugees.html) (accessed 13 March 2019).

<sup>104</sup> For a description of the circumstances of unaccompanied children in the Calais jungle, see L. Doucet (2016) “Afghans endure ‘Jungle’ squalor in hope of better life”, *BBC News*, 7 May. Available from (accessed 13 March 2019). For a critique of child migrant detention by the Australian Government, see L. Singh (2018) “Challenges of upholding children’s rights in immigration policy: lessons learnt from Australia”, *Research Handbook on Child Migration* (J. Bhabha, J. Kanics and D. Senovilla Hernández, eds.).

In the case of **the right to life**, both pre- and post-harm situations require State engagement. Known risks, such as hazardous migration routes marked by sexual assault or turbulent itineraries associated with high mortality, generate intervention obligations for States: acts of willful or negligent omission are acts nonetheless, and they constitute violations of State obligations to prevent harm and to promote effective protection. Warning messages and deterrent procedures, often the strategy of choice for governments, have been shown to play little part in effectively deflecting children and young people from survival strategies where safer and more attractive options are not available or at least apparent.<sup>105</sup> Engagement with the creation of robust alternative opportunities, whether at source, en route or at destination, is a far preferable rights-based approach to protection of migrant children's right to life, than last-ditch rescue or punitive deterrence.<sup>106</sup>

Closely related to the right to life is **the right to a voice**, a cardinal and innovative principle introduced by the CRC. Whereas the *parens patriae* legacy informed the development of the best interests obligation, a protective approach in which children are cast as inherently vulnerable and in need of adult mentorship, a more modern developmental and social agency approach provided the underpinning for a right to voice, a right that highlights the child's potential autonomy and agency. The CRC requires States to "assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the view of the child being given due weight in accordance with the age and maturity of the child" (Article 12(1)). Migrant children who fear repatriation to a violent home, children on the move who are fleeing gang-related retaliation in their community of origin and unaccompanied minors seeking asylum from persecution – all depend critically on an opportunity to express their views and have them "given due weight" (OHCHR, 2016). The default government approach of assuming, without the benefit of any individual investigation, that the best interests of children are served by returning them to their country of origin violates the obligation to give child migrants a voice prior to decision-making about their case.

Finally, among the general obligations States have towards children on the move are a cluster of seemingly technical duties linked to proof of the children's legal identity. **Birth registration**, which establishes the fact, place and time of birth, is a fundamental obligation that States have in respect of all births on their territory, an obligation that arises whether or not the mother has a legal immigration status or delivers in a recognized medical facility. Birth registration is a right that the child has, a linchpin in the process of proving his or her legal identity, a crucial "feeder document" for future proof of age, of nationality, of parentage. Because of the dramatic consequences of failure to register birth – including facilitation of female infanticide, or abusive adoption or baby selling – the CRC articulates the birth registration obligation in crisp, mandatory terms: "The child *shall* be registered *immediately* after birth" (Article 7(1)). Children on the move, including those born to refugees in flight, are entitled to this protection as much as any other children. While birth registration is a critical tool in the process of acquiring a legal identity, other rights, including **the right to a name** and **the right to a nationality**, are too. In many cultures, it is customary not to allocate a name immediately upon birth but to wait for some stipulated ceremonial event, such as a baptism or first-year birthday. In a growing number of States, nationality is not automatically acquired simply by birth on the territory, but depends on the transmission of parental nationality or proof of permanent parental residence, or long-term child residence on the territory. These complications can jeopardize the acquisition of critical

<sup>105</sup> Many governments have warned child migrants against embarking on unaccompanied migration, pointing out the substantial, even life-saving risks. See R. Nixon (2018) "U.S. campaign against migration goes unheard, or unheeded, in Guatemala", *New York Times*, October 7. Available from [www.nytimes.com/2018/10/07/world/americas/guatemala-immigration-usa-mexico-border.html](http://www.nytimes.com/2018/10/07/world/americas/guatemala-immigration-usa-mexico-border.html) (accessed 13 March 2019).

<sup>106</sup> For a comprehensive analysis of the needs and obligations relevant to life-threatening migrant journeys, including those affecting children, see Mediterranean Missing (2018) *Mediterranean Missing: Understanding Needs of Families and Obligations of Authorities*. Available from [www.mediterraneanmissing.eu](http://www.mediterraneanmissing.eu) (accessed 19 March 2019).

elements of the migrant child's identity unless States abide by additional protective obligations set out in the CRC, which stipulate that: "Where a child is deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to speedily re-establishing his or her identity" (Article 8(2)). In the case of children who perish during fatal journeys or who disappear while on the move, the facts of prior registration and naming may be critical tools in facilitating tracing and, where relevant, protection.

### 3.2. Obligations of States regarding child migrant deaths and disappearances

The child protection sphere has long been dominated by a post-harm approach. Though considerable progress has been made in some areas of child protection, notably the medical and mental health fields, in advancing effective prevention programmes for children and young people through interventions that occur before the onset of ill health, the migration field lags far behind.<sup>107</sup> And yet many of the considerations – the importance of ensuring the children grow into productive and capable adults, the changing support needed by 21st century families to properly nurture their children and the transformed community resources now required to foster the development of competent citizens – are, *mutatis mutandis*, analogous.<sup>108</sup> The underdevelopment of harm prevention strategies in the migration field is all the more remarkable.

This lacuna is, perhaps, most clearly illustrated by the widespread approach of States to the significant problem of child trafficking. Despite the criminalization of trafficking through international instruments that have generated a consensus and globally adopted definition of trafficking, inter alia facilitating inter-State cooperation in addressing cross-border trafficking, most States still focus the bulk of their anti-trafficking interventions on post-facto practices, rescue and return in particular. Programmes that reduce the risk of trafficking or promote robust alternatives for families driven to sell or acquiesce to the exploitative recruitment of their children are less in evidence. The approach to child migrant deaths is equally skewed towards after the fact concern, with opportunities for ex ante prevention interventions still severely neglected. A good example of this neglect is the pitiful state of reintegration policies targeting distressed child migrants who have been deported or otherwise returned home. Whether in Central America, Nigeria or Afghanistan, it is apparent that many young returnees face the same bleak or perilous set of circumstances that precipitated their irregular migration in the first place once they return. In the absence of robust reintegration strategies that change the home landscape in respect of education, employment or other self-advancement options, sizeable proportions of returnee children and youth are tempted to re-embark on migration afresh, likely through yet more perilous and clandestine routes than those they employed in the first place.<sup>109</sup> What is urgently needed are anticipatory risk assessments, including the use of the early warning tools now widely available such as geo-spatial mapping of overland flows, air and sea routes, crowdsourced data from places with high concentrations of previous fatalities, or anthropogenic sources of light detectable from space (including electric lighting or cooking fires) from even the most remote regions. These novel strategies enable contemporaneous tracking of human mobility and facilitate much more accurate estimation of the direction and scale of population flows than has been possible heretofore. States Parties and humanitarian child protection organizations

<sup>107</sup> For a brief summary of work on prevention in the child health field, see for example R. Weissberg et al. (2003) Prevention that works for children and youth: An introduction, *American Psychologist*, June/July:425–432.

<sup>108</sup> *Mutatis mutandis* is Latin for "with the necessary changes having been made," i.e. if one makes changes for the difference between medical and legal interventions, the considerations are the same – prevention is better than after-the-fact intervention.

<sup>109</sup> Systematic data tracking these movements are not available but qualitative information suggests this is a sizeable phenomenon, particularly following trafficking and/or failed reintegration strategies. See A. Jobe (2010) The Causes and Consequences of Re-Trafficking: Evidence from the IOM Human Trafficking Database. IOM, Geneva. Available from [https://publications.iom.int/system/files/pdf/causes\\_of\\_retrafficking.pdf](https://publications.iom.int/system/files/pdf/causes_of_retrafficking.pdf) (accessed 13 March 2019). See also M. Timera and F. Vacchiano (2018) "Desiring mobility: Child mobility, parental distress and constraints on the future in North Africa", in Research Handbook on Child Migration (J. Bhabha, J. Kanics and D. Senovilla Hernández, eds.).

all have an obligation to mobilize resources to systematically take advantage of these powerful new data tools that could enable them to prevent serious, even life-threatening harm. They are, in effect, the migration equivalent of epidemiological tools long used in the health context. Yet their use is scarcely in evidence.

An innovative example of the positive spillover effects that can result from such strategic data mining is the use of crowdsourced data relating to the mass flight of Rohingya refugees fleeing violence and persecution in Myanmar, to anticipate the refugees' route. This information was used to administer emergency health checks to fleeing Rohingya, which resulted in the detection of very low levels of childhood vaccination, which in turn led to rapid vaccination of large numbers of Rohingya before they clustered in the grossly overcrowded and insanitary camps of Cox's Bazar (Bangladesh). By detecting the refugee children's route and administering vaccinations preventatively, before any epidemic outbreak, a potential health and human rights catastrophe was averted.

Distressed child migrants constitute a subset of children who, by the very fact of their displacement from home, are at higher risk of harm than the universe of children as a whole (Committee on the Rights of the Child, 2005). Loss of familiar surroundings and of supportive community are concomitants of all distress migration, but for children these may have particularly acute consequences given children's dependence on familial and community support for their survival and flourishing. Where these factors are compounded by experiences of bereavement, or of first-hand witnessing of violence or atrocities, the risks to child well-being are exacerbated. Moreover, if distressed migrant children are unaccompanied (travelling alone), or separated (from their parents or other customary carers) though in the company of other adults (e.g. smugglers, sex or labour traffickers, strangers encountered en route), their risk of harm is further elevated. States have an obligation, by virtue of the non-discrimination principle, to ensure that these children have the same access to rights as all other children. States also have an additional obligation to craft solutions that are individualized and take into account the specificities affecting these particularly at-risk children (Committee on the Rights of the Child, 2013).

At present, perversely given their known and predictable vulnerabilities, children have less access to safe, legal and regular migration options than adults. Whether this is because of their lack of economic or political heft, or because of their assumed dependent connection with accompanying adult travellers, the reality is that legal but independent child and adolescent migration – to study, to seek apprenticeships or experience, or to work – is essentially unavailable for all but a tiny elite, including the cohort of very wealthy or unusually talented children. As a result, as discussed below, the laudable goal articulated by Sustainable Development Goal 10.7 – to facilitate “orderly, safe, regular and responsible migration” – is an urgent priority, as it can act as a tool to curb current de-facto State complicity with the massive loss of life and disappearance of distressed child and adolescent migrants.

The obligations that States have in respect of the death and disappearance of distressed child migrants include all the obligations pertaining to similarly situated adult migrants, such as the conduct of emergency rescue operations, execution of appropriate reception procedures and, where necessary, retrieval and other aspects of management of the bodies of the deceased (Grant, 2016). However, State obligations in respect of children and adolescents in this context are more extensive. The urgency of tracking missing child migrants<sup>110</sup> to prevent serious harm or death is heightened because: (a) children are particularly dependent on adult support for their survival and well-being; (b) they are inclined to be more susceptible to deceit, fraud and coercion by predatory adults; and (c) the enduring impact of traumatic experiences may be significantly

<sup>110</sup> Throughout this chapter, the author uses the term “missing” to refer to the absence of children from official records.

exacerbated for young children compared with adults (Shonkoff and Garner, 2012; Steinberg, 2014). Even relatively short periods of separation from customary carers, for example as a result of trafficking or the chaos of large distress migration movements, can create panic and despair, and ensuing permanent mental harm. It follows that meticulous documentation at all stages of the process is a critical protective tool. It applies, first, to the process of documenting disappearance or separation, but it is also highly relevant when personal details are collected and recorded. Those responsible for these activities need training to ensure they carefully and confidentially track identifying personal details and vigorously pursue family tracing and reunification strategies. This may be a complex task requiring skill and judgement, given the risks of trafficking or abusive adoption attempts in emergencies or other large-scale population displacement situations. In these contexts, the professional actors involved need to responsibly identify adults holding themselves out as relatives or rescuers, ideally using detailed, well-rehearsed and supervised protocols. These competences depend on specialist training, experience and supervision to minimize the risks of error or abuse that arise in stressful situations, where high stakes decision-making needs to be conducted at scale and with speed. A host of child-specific considerations is required, including a nuanced understanding of the implications of a best interests standard and of confidentiality about personal circumstances in these emergency settings. Decision makers charged with child protection responsibilities in these contexts also need a clear understanding of the firewalls necessary to protect vulnerable children with acute humanitarian needs from punitive immigration or criminal procedures, before their needs and best interests have been assessed and attended to (OHCHR, 2016, Principle 2).

### 3.3. Objective 8 of Global Compact for Migration: Save lives and establish coordinated international efforts on missing migrants

At its important convening in September 2016, the United Nations General Assembly issued a landmark statement, the New York Declaration for Refugees and Migrants. This was the first time in its history that the United Nations had signalled its intention to convene Member States to engage collectively and collaboratively on improving the management of migration and refugee processes, a global challenge up to that time resolutely appropriated by individual States outside an international framework. The Declaration included explicit reference to the unfinished business of protecting migration-affected children. It stated:

*We will protect the human rights and fundamental freedoms of all refugee and migrant children, regardless of their status, and giving primary consideration at all times to the best interests of the child. This will apply particularly to unaccompanied children and those separated from their families.” (United Nations General Assembly, 2016, para. 32)*

A key outcome of the Declaration that gave some heft to its stated intention “to fully protect the human rights of all refugees and migrants, regardless of status” was the launch of a process to generate two new Global Compacts, one on refugees and one on migrants (United Nations General Assembly, 2016, para. 5). Though they are non-binding instruments, ultimately subject to national decision-making and implementation processes, they represent “milestone[s] in the history of the global dialogue and international cooperation on migration” (ibid.). After extensive inter-State consultation over a two-year period, the first-ever international agreement on the movements of people, the Global Compact for Migration, was finalized and signed by 164 United Nations Member States in Morocco in December 2018. The Global Compact for Migration addresses a range of protection measures of significant relevance to migrant children, set out in



23 objectives designed to open up legal migration, while concurrently discouraging irregular and unsafe forms of movement.

These objectives are well-captured in the central goal of the Global Compact for Migration, which is to advance the important Sustainable Development Goal (SDG) Target 10.7 on migration. This target calls on States to “facilitate orderly, safe, and responsible migration and mobility of people, including through implementation of planned and well-managed migration policies” (United Nations General Assembly, 2015, Target 10.7). Given children’s historic lack of such migration and mobility options, particularly in comparison with adults, this central target in the Global Compact could represent an important sea change in their future prospects. Of course, this will only be the case in practice if its objectives are adopted and rigorously implemented by individual signatory States.

The *Initiative for Child Rights in the Global Compacts* (the *Initiative*), a multi-stakeholder effort to engage policymakers with central and widely neglected child rights issues as they apply in the migration context, has identified several priority areas for improving the protection of child migrants. Among these areas are core human rights principles such as non-discrimination and consideration of the best interests of the child, as well as particularly egregious policy challenges such as detention and lack of access to services. In a working document consolidating key international law obligations in respect of migrant children, the *Initiative* adopted the SDG strategy of parsing out overarching obligations into manageable segments – goals, targets and indicators (G/T/Is) – to generate concrete benchmarks that might assist the policy reform process (Bhabha and Dottridge, 2017). Goals are intended to identify broad priorities for concerted action; targets are conceived of as milestones or steps on the way to achieving those goals, and indicators are meant to provide data for assessing whether or not progress in achieving articulated goals and targets has been secured. This benchmarking strategy is widely accepted in the human rights domain, particularly with respect to implementation of social and economic rights that, unlike core and immediately binding mandates such as the prohibition on torture or the obligation to respect family life, are susceptible to gradual improvement, technically known as “progressive realization.” By providing clear, discrete and progressive steps for improving practice in respect of complex and sometimes daunting goals, such as inclusion of migrant children in domestic child welfare systems, or ensuring legal representation and access to guardianship as appropriate for all unaccompanied children, the benchmarking process facilitates concrete, cumulative reform.

An essential precondition of successful benchmarking is the meticulous generation of accurate, targeted and disaggregated empirical data, so that a robust evidence base anchors the process of evaluating compliance with the G/T/I trajectory. This perspective informs the whole Global Compact for Migration process, and indeed the imperative of collecting quality data is set out as its first objective. For children, often described as relatively “invisible” in the migration process, this data gathering mandate could not be more critical. The extent of “missing children” in Europe (that is, children who are missing from official statistical records and/or whose whereabouts are unknown by the relevant State parties) has for some time been a topic of concern for both Europol and the European Parliament. Meanwhile other regional entities where the issue is at least as acute have yet to attend to it with the requisite skill and resources.<sup>111</sup>

Two key aims of the Global Compact of particular relevance to this inquiry and first referenced in its preamble, are “to save lives and keep migrants out of harm’s way” (para. 13) and “to promote the best interests of the child at all times, as a primary consideration” (para. 15). Of these only the first is articulated as an objective, Objective 8 (O8), while the second can be taken to be a cross-cutting principle applicable to all 23 enumerated Global Compact for Migration objectives, and explicitly noted in some.<sup>112</sup>

<sup>111</sup> See detailed recommendations set out in the Mytilini Declaration, as discussed in the [text box](#) at the end of this chapter and available in full in [Annex 1](#) of this report.

<sup>112</sup> O3 for example calls for the establishment of child-sensitive information points along relevant migration routes, a potentially important life saver for children who often receive no assistance or advice once they have left home. O4 highlights the importance of avoiding statelessness among child migrants. O5 commits States to facilitating educational opportunity, skill training and other productive exchanges for children, and to making family reunification and the support for family life more broadly an aspect of best interests compliance.

O8 is to “[s]ave lives and establish coordinated international efforts on missing migrants.” This objective thus has two overarching goals, one preventative and one remedial. The preventative goal, saving lives and preventing migrant deaths and injuries, generates obligations across a spectrum of State competencies. It entails allocating resources to create attractive alternatives for children and young people that remove or reduce the enticement of life-threatening travel. Reducing xenophobia or anti-migrant stigma, increasing educational and employment opportunity, and working towards the elimination of child abuse and other forms of exploitative and oppressive violence are all key priorities that could have important spillover effects on the incidence of life-threatening child migration. It also entails reversing some entrenched State practices in respect of migrant children. In particular, it requires State actors such as immigration officials at the border dealing with children to consider these children’s immediate needs and concerns before they address legal issues related to immigration. A child who is distressed, sick or hungry should receive protective care before being subjected to questioning about his or her immigration status. This approach, a direct application of the best interests principle, is relevant to other acute issues that present themselves at the border. For example, where a migrant’s minor age is at issue, the benefit of the doubt should first be extended to the migrant. In other words, if an immigration official is not sure whether a person claiming to be a child really is under 18, the official should treat the person as a child pending additional investigations. All too often, State practice contradicts this, with the result that children are wrongly placed in adult detention facilities until legal appeals challenging the determination of their age succeed.

O8’s preventative goal also entails enhancing anticipatory data tracking facilities, whether through GPS monitoring, crowdsourcing or surveys of migrants en route, so that at-risk child migrants are accessed and afforded safety before calamity strikes, and there is a record of them in the event that they do go missing. This entails careful and rights respecting monitoring of known hazardous migration routes, as well as of known brokers of dangerous migration strategies, whether their intentions are benign or profit-fuelled.

This monitoring must navigate the delicate line between blocking safe migration, manifestly not an appropriate monitoring function, and preventing life-threatening travel. It entails training a range of professionals already employed in migration “hot spots” to identify and pre-empt life-threatening activities, including those they initiate. The relevant actors include border patrol officials, coastal monitoring agencies, train and truck regulating authorities, law enforcement entities supervising sites where child migrants or would-be migrants congregate, with their families or alone, prior to the start of episodes of risky mobility. There also needs to be greater investment in research on dangerous and irregular migration drivers so that officials involved can enhance measures to protect migrants from harm. O8 entails not just training the aforementioned migration-related professionals, but also consular representatives in areas where life-threatening migration is a concern. O8 also entails the appointment of child protection specialists, skilled in detecting and responding to vulnerable children and geared towards working in acute migration contexts and as partners in multi-competence teams. Finally, effective prevention presupposes strong and systematic coordination and networking between the different agencies involved, so that information, including where appropriate from children and families who have survived hazardous travel in the same context, flows smoothly and accurately and is acted upon speedily.

O8’s remedial goal – establishing coordinated international efforts to locate missing or disappeared child migrants – requires many of the same strategies. Quality data, specialist training, comprehensive coordination and particular attention to the distinctive needs and vulnerabilities of children are all essential elements of the State tool box for finding migrants or, in the worst-case scenario, speedy and respectful identification of their bodies and for facilitating information sharing with their families (subject always to this being in the best interests of the migrant child). Where a child’s parents go missing during the journey, the primary responsibility for protecting and anticipating the child’s needs passes from the family to the State, with the additional challenges that arise from the intense traumatic shock provoked by such separations.

### The principle of the best interest of the child in the Global Compact for Migration

There are several objectives to which the cross-cutting principle of the best interest of the child applies:

- O3 calls for the establishment of child-sensitive information points along relevant migration routes, a potentially critical life-saver for children who rarely receive appropriate assistance of advice once they have left home.
- O4 highlights the importance of avoiding statelessness among child migrants.
- O5 commits States to facilitating educational opportunity, skills training and other productive exchanges for children, and to make family reunification and the support for family life more broadly an aspect of best interests compliance.
- O6 stresses the special urgency of implementing anti-forced labour and child labour laws when safeguarding migrants' working conditions.
- O7 highlights the particular vulnerability to abuse and exploitation of child migrants, in particular those who are separated or unaccompanied. It also underlines the importance of accounting for migrant children in national child protection systems, including in legal and administrative procedures, and in relation to consular and other cross-border cooperation frameworks.
- O9 and 10 commit States to paying special attention to the protection needs of smuggled and trafficked child migrants.
- O11 usefully stresses the importance of involving child protection authorities in best interests determinations at the border and of increasing training opportunities to ensure this becomes more of a reality than it is at present.
- O13 calls for the end of child migrant detention.
- O15 and 16 highlight the importance of strengthening access to and quality of education opportunities, including vocational training, internships and technical education for migrant children, and of promoting educational environments that are welcoming, inclusive and actively opposed to racism and xenophobia.
- O21 stresses the particular urgency of promoting child-sensitive return and reintegration programmes, but of doing so only after comprehensive best interest determinations and arranging for suitable accompaniment of the child through the return process.

## 3.4. Conclusion: Summarizing findings and recommendations

It is clear that the obligations States have in respect of distressed child migrants, both those derived from the *parens patriae* principle and from applicable international legal norms, include a robust engagement with harm prevention strategies. These strategies may involve vigorous anticipatory risk assessment procedures, the comprehensive implementation of best interests assessments and determination procedures for child migrants, and a significant expansion of child protection training for relevant official stakeholders working in different contexts affected by life-threatening child migration, including where child migrants are missing or deceased. None of these obligations and the energetic and careful practical work they entail are likely to be consistently accepted by those responsible unless the dedicated political will to support them is built and sustained. Encountering traumatized, vulnerable and needy migrants in distress is a challenging experience for officials, all the more so when the migrants are very young, when their numbers are high and when the resources necessary to meet their needs are strained or inadequate.

Though robust political will is critical to the success of migration policies for children, it is insufficient. These policies depend on a much more effective data collection, as a transparent and up-to-date source of information to inform the work and decision-making of relevant actors. Policies also depend on vigorous enforcement of non-discrimination practice as an overarching principle so that all migrants, irrespective of their age, gender, legal status or race, are treated with equal respect and accorded the same dignity in life and death as any human being.

Important progress in identifying the principles needed to ensure the dignified treatment of missing and deceased migrants and their families has been made with the Mytilini Declaration by a coalition of concerned civil society actors, but a considerable amount of work remains. Only by determined and consistent political leadership will the urgent imperative to anticipate harm to migrant children, avert it wherever possible and promptly attend to it when prevention fails to move from worthy but abstract agreements and declarations to diligent on-the-ground protective practice that is so urgently needed to ensure the rights of all children, including those affected by the challenges of contemporary migration.

### **Text box 6. Last Rights and the Mytilini Declaration**

*Catriona Jarvis and Syd Bolton*<sup>113</sup>

On Lesbos on 11 May 2018, after an earlier consultation process, the **Mytilini Declaration**<sup>114</sup> was agreed, followed by two days of discussions between experts from civil society across the world who gathered at a meeting convened by Last Rights. We believe this is a landmark in establishing the rights of and duties towards all those who experience suffering and other detriment because of the death or disappearance of loved ones during migration. We call upon all countries and international bodies to ensure that these rights are respected and that the standards contained in the Declaration are implemented as a matter of urgency. The Declaration is open for endorsement by all.<sup>115</sup>

The signatories to the Mytilini Declaration also committed to complete, by 11 May 2019, a Protocol to the Declaration, which will comprise: **Guidelines** containing standards, including on equal treatment and on children, and an **Explanatory Note** to the Rights and Principles set out in the Declaration together with a **Glossary**.

A further key purpose of the Last Rights Project since its inception has been to produce a set of clear and above all practical guidelines grounded in existing international law, which families and everyone working with and having responsibilities to the missing, the dead and their families can use to help ensure access to justice and respect for their rights. The guidelines will include, but will not be limited to, standards relating to family tracing, dignified burial in a known grave, exhumation and repatriation where relevant and the possibility to grieve and obtain “closure”. All the standards apply at an immediate, local level, as well as in the development of national and transnational working arrangements and systems such as national mechanisms which we strongly advocate.

The completion of the elements comprising the Mytilini Protocol is the immediate next step and others will follow, in particular further consultation with families of missing migrants.

<sup>113</sup> Catriona Jarvis, a former United Kingdom judge, and Syd Bolton, a children’s human rights lawyer, are the founders and co-conveners of the Last Rights Project. They are currently based in London, Lesbos and the north of France.

<sup>114</sup> Available in [Annex 1](#) of this report and from [https://drive.google.com/file/d/1n9ZZ5Lj9KkEf7Lfzqv\\_yB1R9bAy0G8B/view](https://drive.google.com/file/d/1n9ZZ5Lj9KkEf7Lfzqv_yB1R9bAy0G8B/view) (accessed 13 March 2019).

<sup>115</sup> Available from <http://lastrights.net/endorse/4594312095> (accessed 13 March 2019).

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This illustration, from the graphic novel "Como si nunca hubieran sido/As if they had never been" by brothers Javier and Juan Gallego, is a visual poem about the tragedy of those who die at sea trying to reach Europe and who are more than numbers on a list. The illustration symbolizes the women, children and men whose deaths were documented through data collected by IOM's Missing Migrants Project between January and August 2018. The images are illustrative and do not represent the actual missing migrants." License to publish granted by Penguin Random House Grupo Editorial, S.A.U. © 2018/Juan GALLEGO

# Chapter 4

## Ethical considerations surrounding research on missing migrant children

Samuel Okyere<sup>116</sup>

### 4.1. Introduction

In the wake of the Syrian conflict and mass migration of children in Latin America, there has been increased concern for child migrants who have gone missing<sup>117</sup> while fleeing from conflict, seeking protection from diverse forms of violence or searching for economic, educational and other opportunities for themselves and their families. However, the number of children affected by these issues can only be estimated because of the different travel routes employed by migrant children and differences between how individual countries categorize and count (or do not count) missing migrant children, among other factors (Bhabha, 2014a). Generally, there are significant knowledge gaps in understanding how and why child migrants go missing, their lived experiences during the periods when their whereabouts are unknown, and their eventual life outcomes. Consequently, academics, civil society organizations (CSOs), non-governmental organizations (NGOs), governments, regional bodies such as the European Union (EU) and United Nations agencies, and others with interest in this issue have emphasized the urgent need for rigorous research to better understand its dynamics and to better protect the best interests of affected children (IOM, 2016; 2017a; Bhabha, Kanics and Senovilla Hernández, 2018).

The aim of this chapter is to examine the ethical considerations associated with research and reporting on missing child migrants, including those who lose their lives during migration. The chapter first considers the overarching issue of child migration, with emphasis on the challenges and risks child migrants face: getting lost or disappearing, exposure to various forms of exploitation and, at the extreme end, losing their lives on the journey. The discussion then moves to explore the ethical considerations and pitfalls associated with researching the issue of missing child migrants under such circumstances. Through this discussion and in the concluding section, the chapter provides advice, solutions and best practice guidelines to help academics, journalists, CSOs, governments, United Nations agencies and other stakeholders navigate the specified ethical considerations and pitfalls.

### 4.2. Children's migration: Challenges and risks

Whether they are unaccompanied by family and other companions or travelling by themselves, child migrants' journeys are fraught with complications which begin prior to departure. In fact the decision to migrate can often be driven by challenges, such as violence, persecution and socioeconomic deprivation, malnutrition and other problems (Hart, 2014; Rees et al., 2015). Upon commencing the journey, these challenges are further compounded by the fact that many child migrants and their families have to use extremely perilous routes and arrangements due

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<sup>117</sup> Throughout this chapter, the author uses the term "missing" to refer both to those who are missing and presumed dead and those who are missing whose fate remains unknown.

to increasingly hostile immigration policies by migrant-receiving countries over the last two decades (Gibney, 2004; Hammerstad, 2014; Pisani, 2016). Each year, thousands of children and adults are compelled to use the services of smugglers to try to cross the Mediterranean Sea to seek protection and better lives in Europe (Human Rights Watch, 2009; Bhabha, 2014b; Save the Children, 2017). At least 15,000 adult and child fatalities occurred on the Central Mediterranean route alone between 2014 and 2018 (IOM, 2019). Likewise, in Central America, child migrants are forced to run the gauntlet of criminals and drug cartels in their attempts to seek refuge, opportunities or join relatives in the United States, with many going missing or losing their lives (Kennedy, 2014; Carlson and Gallagher, 2015; Cantor, 2016; Clemens, 2017).

Life in the places of destination can be similarly precarious as studies show (Allsop and Chase, 2017; Hillman and Dufner, 2017; Humphreys and Sigona, 2017). Child migrants and their travelling companions can be routinely denied entry or summarily deported in contravention of numerous international human and child rights conventions (Johnson, 2015; Cuellar, 2017). Many are placed in squalid facilities and camps where they face a seemingly endless wait for their asylum and protection claims to be considered (Johnson, 2015; UNICEF Australia and Save the Children, 2016; Linton, Griffin and Shapiro, 2017). The Moria refugee camp at Lesbos (Greece), which houses hundreds and sometimes even thousands of child migrants and their families from the Syrian Arab Republic, Afghanistan and Iraq, has been described by many journalists and NGOs as being unfit for human habitation due to uncontrollable amounts of filth and sewage, deadly violence and overcrowding (Nye, 2018; Stubbley, 2018). Claims of dehumanization and torturous treatment have also been made in connection with the detention of child migrants on Nauru island and elsewhere by the Australian government (Newman, 2016; UNICEF Australia and Save the Children, 2016).

The foregoing dominant issues surrounding children's migration over the last decade present many ethical challenges for academics, journalists, CSOs, governments, United Nations agencies and other stakeholders involved in research, data sharing, reporting and advocacy on missing child migrants. The following section explores these ethical considerations.

### **4.3. The ethics of research on missing child migrants**

Studying a complex issue such as missing or deceased child migrants presents numerous complex ethical considerations. Beyond those emanating from child migrants' experiences discussed in Chapter 2, ethical considerations also arise from the identities of researchers, gatekeepers and other informants. The sociospatial settings where studies of missing and deceased child migrants take place, such as refugee camps, NGO and charity offices, cities or communities hosting large migrant populations and along the migratory route, similarly pose ethical considerations for researchers (Weine et al., 2013; El-Khani et al., 2018, Oppedal, Özer and Sirin; 2018). This chapter explores some of these ethical considerations and the measures that may avoid or minimize unethical conduct in these situations. Due to the expansive nature of this subject, this guidance should be considered as a starting point, rather than an exhaustive or definitive list of the ethical implications to be considered and addressed in research, information sharing and reporting on missing and deceased child migrants.



### Text box 7. UNICEF Guidelines for Ethical Research involving Children<sup>118</sup>

UNICEF's Ethical Research Involving Children (ERIC) project identifies four key areas for ethical consideration when carrying out research involving children. In brief, these are:

- **Harm and benefits.** The primary and most fundamental consideration when researching children is to consider whether the research can be justified, and to what extent and in what capacity children should be involved. This includes a consideration of any potential harm to, and minimization strategy for, children participating in the research, as well as their families or wider communities.
- **Informed consent.** Obtaining consent from all child participants is essential, as is ensuring that they are fully informed of the research, their involvement and their ability to withdraw consent at any point. The advantages and disadvantages of obtaining parental consent and/or the consent of community leaders should also be considered carefully.
- **Privacy and confidentiality.** Information on children participating in the research must be kept confidential, through the secure storage, protection and disposal of information and data collected. Child participants always should be informed of the limits to privacy measures. In addition, child participants must be allowed to contribute or withhold information as they wish.
- **Payment and compensation.** Wherever possible, all research participants should be appropriately reimbursed for all expenses, including inter alia lost time or income. However, researchers must ensure that payment does not in any way pressure children or parents to participate in research.

#### 4.3.1. Voluntary and Informed consent

It is usually accepted that children (i.e. those under age 18), and particularly the very young, cannot provide informed voluntary consent independently in research and other activities. This notwithstanding, many also agree that calendar age alone is not a reliable basis for judging a child's ability or competence, and in many countries those aged 16 and 17 can make decisions independently of their parents and guardians. Indeed, many adolescents migrate independently and researchers often seek to engage with these independent or unaccompanied travellers as basis for understanding the experiences of other child migrants, including those who end up missing or deceased. The discussion of informed voluntary consent therefore applies to efforts to engage adult and child participants alike in studies on missing migrant children. The section begins with an overview of this ethical principle, followed by a discussion of the specifics of seeking informed voluntary consent with children.

<sup>118</sup> The information in this text box is based on *Ethical Research Involving Children* by Graham et al. (2013). Available from ERIC's website (<https://childethics.com>) and UNICEF Office of Research - Innocenti's page ([www.unicef-irc.org/article/1809-ethical-research-for-children.html](http://www.unicef-irc.org/article/1809-ethical-research-for-children.html)).



The principle of informed and voluntary consent is fundamental to all research, especially studies involving human participants. This ethical principle places an obligation on researchers to provide potential participants (and other research stakeholders such as gatekeepers) with honest, detailed information about the research to enable them to make an informed and voluntary choice whether to participate in the study or not. At the bare minimum, potential participants must be informed of:<sup>119</sup>

- The identity or identities of the researcher(s) and the institutions they work for or represent if applicable;
- The institution funding the research (if applicable) and the organization which has granted ethical clearance or permission for the study to go ahead;
- The reasons why the participant(s) or their community has been approached to participate in their study;
- Details of the nature of their involvement (one-on-one interview, focus group discussion, drawing, etc.) and how long this is expected to last;
- All details of the nature and purpose of the research;
- Any benefits the research may have for the participants, stakeholders and their communities;
- Any envisaged risks, threats, discomforts or adverse outcomes to the participants and their communities as a result of the study;
- Their rights to privacy, confidentiality and anonymity;
- Their right to withdraw from the project at any time without consulting the researcher or providing an explanation for doing so if they do not want to;
- Contact information for the person who participants or the affected community could contact if they have concerns or complaints about the study or the researchers' conduct.

This information is usually provided through written information forms, but it can also be delivered verbally. It is inappropriate, for example, to provide written participant information to those who are illiterate or unused to the very formal and legal-looking process of signing forms or thumb-printing to confirm consent (Czymoniewicz-Klippel, Brijnath and Crockett, 2010). The overarching expectation is that consent information must be provided to potential participants using language and other means that offer the clearest understanding.

Further, consent should not only be informed, but it should also be voluntary. Studies of missing or deceased migrant children require more in-depth reflection on the issue of voluntary participation due to the socioeconomic, political, identity and power differentials that usually exist between researchers and participants. Participants are often drawn from missing or deceased child migrants' families, migrant populations and other groups which are marginalized or facing socioeconomic adversity, while researchers tend to occupy the comparatively privileged status of academics, journalists, government officials, NGO workers and staff of United Nations agencies. In some instances, researchers may be employees or associates of organizations which provide services to participants and their communities. Participants may feel obliged to participate in the study in such cases: the expectation being that participation may result in being prioritized for services, whereas declining the invitation may lead to penalties or less favourable treatment by the researcher or organization. This is true for both adult and child participants alike, especially those who are most vulnerable, marginalized or in need. To prevent such misconceptions, during the recruitment process (and throughout the study) researchers must emphasize to prospective participants that involvement in the study will have neither positive nor adverse repercussions for the receipt of services they or their organizations provide.

Care should also be taken with the use of gifts and other rewards in studies of this nature. It is appropriate to thank participants for their time by providing nominal cash rewards and token gifts or meals. Gift-giving and payments may also help some participants overcome various obstacles to taking part in the study. Indeed, it is arguably unethical not to compensate participants who might be facing severe socioeconomic deprivation for their time and contribution, refund their transportation costs or assist, where possible, with other losses and inconveniences directly attributable to their involvement in the study. However, the prospect of receiving material, financial and other benefits can also make it difficult for those experiencing extreme socioeconomic hardships to decline the invitation to participate. Where the prospect of payment, gifts and other rewards is evidently the sole determinant of people's involvement in research, such agreement can be considered enticed or induced rather than free and voluntary.

The key issue then is not whether payments, gifts or rewards are given to participants, but whether this is the principal reason for their involvement. To mitigate against this risk in this specific research context, researchers who intend to provide financial and material benefits should avoid making this intention a prominent part of their participant recruitment efforts. Given its potential to result in induced or coerced, rather than free and voluntary, consent among socioeconomically disadvantaged participants, a case can be made for withholding information on gifts and payments during participant recruitment. The prospect of payment and rewards can also be withheld throughout the study to ensure that it does not serve as an obstacle to those who may wish to withdraw after having initially agreed to take part. It is not necessarily problematic to pay participants or offer gifts and rewards to thank or compensate them at the end of the study, without having advertised in advance that such would be the case.

Linked to the above, another important dimension to seeking informed consent in the context of research on missing migrant children is managing participants' expectations. Where parents of communities whose children have gone missing are approached to participate in such studies, it is vitally important for the researcher to underscore to these participants the intended uses of the data they provide. Notably, it is advisable to ensure that an impression is not created among parents, siblings, communities and actors whose children are missing that sharing their story with the researcher may aid in finding their missing child. Finding lost or missing relatives is rarely the objective of research studies and being transparent about this with affected parents and participants at the very outset of the study is critical. Failure to do so, or attempting to clarify this position after the misconception has already been created, might lead to feelings of deceit or trickery among participants.

A particularly contentious issue is the use of covert methods since informed consent cannot be achieved in its generally accepted format in covert research. Most organizations will prevent their staff from covert studies of this topic not least because it involves deception, but because it also carries serious risks for researchers and participants alike. It is also worth noting an argument by Stark (2007:778) that ethical principles such as voluntary informed consent partly exist to safeguard people's rights not to be researched, irrespective of the perceived or actual value of the study or how harmless it may be. Ultimately, covert research is not proscribed. However, its use should be rare and a last resort where it is impossible to obtain essential data or uncover crucial information via other ways, as the British Sociological Association (2002:6) advised. Also, in some cases researchers may still have to manage consent after completion of the research fieldwork (ESRC, 2015:21). In light of more recent developments in data protection, privacy and anonymity, such as the EU General Data Protection Regulation (GDPR), researchers should also consider the legality of collecting, processing, storing and sharing data from covert studies.

### *Seeking voluntary informed consent with children*

International children's rights discussions are dominated by the assumption that those below the age of 18 cannot provide voluntary informed consent because they are immature and incapable of doing so. However, constructions of (im)maturity and lack of capacity also differ across

cultures, and chronological age is not always the primary basis for making such determination (James and Prout, 1997; Clark-Kazak, 2009; Huijsmans and Baker, 2012). In some societies, 16- and 17-year-old children are largely granted autonomy and routinely make “adult-like” decisions independent of parental or adult control. Many are considered mature and capable enough to independently weigh the pros and cons of taking part in a research study. This notwithstanding, the involvement of all children in research presents heightened ethical considerations due to vulnerabilities produced by their relative biological immaturity, relatively limited life experience and insecurities. Against this backdrop, most organizations have instituted ethical guidance which sets consent from parents, guardians or adult gatekeepers in children’s lives as a precondition for approaching children and securing their own consent to participate in research.

The process usually requires researchers to first contact parents or guardians to inform them of the study and to seek consent to discuss the study with their child. With parental or guardian authorization (and supervision where necessary), the researcher can then discuss the research study with the child to check whether they might be interested in taking part. While this seems straightforward, evidence from several studies with children show that adherence can be compounded by unanticipated events in the field (Adu-Gyamfi, 2015; Cheah and Parker, 2015; Okyere, 2017). These challenges can be especially heightened in studies with participants who are on the move. Often, those with valuable knowledge on child migrants who have gone missing or died on the migration route are these children’s own peers or companions, many of whom are unaccompanied child migrants. Eliciting information from unaccompanied or independent child migrants can present a real ethical dilemma, a situation where no unblemished choice exists. Some might argue that it is appropriate to involve unaccompanied child migrants in research where there is no adult gatekeeper to oversee or witness the encounter. Others might also reason that independent child migrants who desire to share their knowledge of their missing and deceased peers should not be deprived of that opportunity just because they do not have adult travelling companions, by their own choice or due to circumstances surrounding their migration.

There is no unequivocally right or wrong position on the above and researchers faced with such decision must judge the situation on its own merits. Research specificities can vary greatly, and no single ethical guidance can resolve all ethical choices and dilemmas that can be encountered in research (BSA, 2002; Morris, 2015). However, in all cases, wherever feasible researchers should seek to involve other adults (ideally those from unaccompanied child migrants’ communities or circles) and actors such as migrant rights’ organizations who are neutral to the project in seeking to recruit unaccompanied child migrants. This can add further oversight, accountability and safeguards to the research encounter.

The ethical principle of informed voluntary consent should not be seen as a requirement which is fulfilled once participants sign or thumbprint a form or provide verbal agreement to take part in the study. Instead, this principle requires continuous ‘ethical mindfulness and reflexivity’ (Warin, 2011:805). In other words, it should be approached as a process rather than as a one-off or fixed act. Researchers must continuously consult participants (and key stakeholders) to provide updates on new developments and information of relevance to the study and their involvement in it. This is vital because the dynamics surrounding research of a complex topic such as missing child migrants can change rapidly. Information given to participants at the start of the research and on the basis of which they initially consented to participate can turn out to have been misjudged upon commencement and progress of the study (Mackenzie, McDowell and Pittaway, 2007:307). In this light, some question whether participants (adults and children alike) can actually give genuine informed consent. This is because participants (and researchers alike) usually do not fully understand the extent to which they may potentially be objectified through the research process itself, or what the full implications of the use of their photos and accounts in reports, news and the media may be (O’Connell Davidson, 2008:51). Approaching voluntary informed consent and other ethical principles as a process that spans the full research (from conception to dissemination) may offer participants a more informed understanding of the implications of their involvement in the study.

### 4.3.2. Privacy, confidentiality and anonymity

Research is a social activity with immense implications for participants because the information they provide can affect their or others' privacy, anonymity, confidentiality and safety. Studies of missing child migrants often involve children (and adults) who lack the necessary legal documentation to travel via safer migratory routes. These participants, their relatives and companions face a persistent risk of harassment, arrest and deportation because their movements and entries into various countries are criminalized. Unanticipated disclosure of their identities, location, undocumented status and other information can place them in serious jeopardy in diverse ways. For example, smugglers who facilitate the journeys might deliberately leave migrants stranded. Similarly, criminals can also carry out retaliatory attacks if these actors were to discover that migrants have made disclosures bordering on their *modus operandi*, identities and other information that are inimical to the interests of smugglers or criminal networks. Breaches in participants' rights to safety, anonymity and confidentiality can also lead to their apprehension by security personnel, immigration officials and anti-migrant vigilantes, among other outcomes that imperil the asylum claims of participants or others.

In addition to the above, unexpected news of the disappearance and potential or actual death of child migrants can cause immense grief, distress and psychological harm to their parents, relatives and communities who may not yet be aware of this news and hear of it for the first time through poor handling of such sensitive information by researchers. Participants or informants who share such distressing information may also not want it to become public knowledge at all, or at least not in the unvarnished manner in which it was presented to the researcher. Indeed, there are potential legal ramifications at stake in violations of privacy, anonymity and confidentiality. Adherence to the principles of confidentiality, anonymity and privacy is therefore of vital importance in this research field because the ways in which information is collected, handled, stored and shared carries all the three threats identified by Lee (1993). These include: "intrusive threats," which concern disclosures of information or details that are deeply private, sacred or sacrosanct to participants; "political threats," which relate to the potential for the information to be used by State authorities which could persecute participants or harm their interests such as asylum and refugee status claims and so on; and "sanction threats," which relate to the potential for the information provided by participants or about others to be used as a basis for stigmatizing or discriminating against them or attributing some form of deviance to them. For individuals and communities which may already be experiencing marginalization, persecution, discrimination, rights violations and denials of various sorts, lack of due care for their privacy, anonymity and confidentiality can be fatal.

To strengthen measures to protect participants' confidentiality, privacy and anonymity, pseudonyms, chosen by participants themselves, can be adopted and used for them throughout the study. All personal data or information such as names, numbers and places that can be used to identify participants and others must be anonymized upon collection and securely stored on encrypted or password-protected devices or locked in a safe or cabinet if in paper format. Participants must be informed of measures for safeguarding their privacy, anonymity and confidentiality as part of the informed consent process, and if feasible given advice on the project's privacy, anonymity and data protection strategy. Further safeguards can be attained by limiting the period during which raw data is held. Researchers should also aim to collect only the minimum information necessary for addressing their research objectives. This requires checking and avoiding data duplication and redundancies caused by researchers (usually on the same project) engaging the same participants on the same topic multiple times. The EU GDPR provides further helpful guidance that can help resolve ethical concerns in this area.

Protecting participants' anonymity, privacy and confidentiality is especially complex in studies which involve collection of DNA material. Although pseudonyms can be used, DNA data can never be truly anonymized, as Robitzski (2018) and Ossola (2017) observed in connection with proposals to use genetic tests to reunite separated child migrants with their parents and relatives in the United States. It is therefore important for researchers to consider if reunification

(or identification of the deceased) is possible using alternative methods. Where collection of genetic data is deemed unavoidable, researchers must ensure that participants' genetic data is not commercialized or employed for uses that can be inimical to the interests of the participants and others. An example of good practice can be found in the work of the Colibrí Center for Human Rights, as discussed in more depth in Chapter 5 of *Fatal Journeys 3* (IOM, 2017:89). The EU GDPR again offers good guidance for ethical conduct in this area: Article 5 of the GDPR stipulates that genetic data must be safeguarded against secondary uses which deviate from, or are incompatible with, the purpose for which it was originally collected.

### 4.3.3. Beneficence and harm avoidance

Research with children and other social groups who are deemed to be vulnerable or having diminished capacity and responsibility raises immense ethical concerns. These concerns are further heightened in studies concerning missing migrant children because such studies concern death, disappearance and other issues which can provoke intense emotional reactions and distress among participants and others. For this reason, this is a sensitive research topic requiring enhanced consideration of the principle of beneficence or harm avoidance. "Harm" in this context also transcends the suffering of participants or physical and emotional harm to them, and indeed to researchers too. How findings are reported can also result in reputational harm to individuals or communities or material harm through denial of opportunities as a result of the study.

Given the many potential harms surrounding this topic and the risks of traumatizing or offending participants and communities who may already be facing immense hardships and worries, some might legitimately ask if such studies should be carried out at all. However, it could be argued that the involvement of child migrants, their families and communities is crucial to studies seeking to develop a profound or holistic understanding of the phenomenon of missing and deceased child migrants. Findings will be distorted or will fail to reflect the realities of those who are most affected by the issues the study sets out to examine, with knock-on adverse consequences for policies and interventions. The inclusion of children in such studies can also be justified on the basis of Article 12 of the United Nations Convention on the Rights of the Child, which recognizes children as full members of their communities and as people whose concerns, interests and points of view should be elicited in all matters which concern them.

In the fields of sociology, child development, psychology, law, social work, geography and others, there is agreement that the meaningful and safe inclusion of children in research can enhance understanding of children's lived worlds (Alderson, 1995; Shier, 2001; Hill et al., 2004; Sinclair, 2004). Children's involvement in research, even on highly sensitive issues, can also enhance their understanding and self-esteem (Morrow, 1999; Sinclair, 2004; Kallio, 2012). More broadly, the sensitivities, potential for harm and other ethical quandaries surrounding difficult or sensitive topics should not serve as basis for proscribing research of such topics, because they often concern some of the most pressing issues of society and refusal to address them can also be outright irresponsible (Sieber and Stanley, 1988:55).

What matters most is that researchers put in place robust safeguards and measures to minimize potential harms from the study. Participants' safety, best interests and well-being should be the overriding consideration in all decisions. Safeguards should be built into methodological choices, research designs and strategies. Qualitative interviews may be unsuitable in cases where the prospect of emotional harm is exceedingly high if participants are asked to recount or dwell on certain experiences in detail. Questionnaires may be used instead. Secondary data or information sources may also be used if such data already exists and can address the research question. Using secondary sources can also minimize the level of intrusion in the lives of the participants and their communities, which can be excessive in the aftermath of a child's disappearance.



Discussions with participants should begin with less sensitive, personal or prying issues. Indirect questions, euphemisms and socioculturally sensitive language should be employed to minimize the potential for triggering adverse emotional or negative reactions (McCosker, 1995; Linkie, Smith and Leader-Williams, 2004). More complicated or emotionally taxing questions should only be introduced when participants appear sufficiently relaxed or when they begin delving into these aspects of their own accord. It is also imperative that such studies are conducted by trained or experienced researchers who can spot signs of distress and discomfiture among participants and react responsively. These signs can include certain facial expressions, participants falling silent or changing the line of conversation suddenly (Kay et al., 2003). In these cases, it is best practice to cease the interaction and only continue if the participant is ready to do so, or to refer the participant to qualified professionals or people who have been primed for such eventualities. It is prudent to end the engagement on a positive note by thanking the participant for their time, since abrupt cessation may wrongly be taken by some participants as a sign that the researcher feels their involvement has been a waste of time, which in turn may cause further distress (Alderson and Morrow, 2004:53).

Additionally, participants who have previously experienced especially acute distress or have shown adverse reactions to sensitive topics should not be recruited. It can be difficult for researchers to know this when they have only just met participants or when they are new to the community in which the research is set. Thus, fieldwork safety and plans for minimizing harm and mitigating other ethical concerns should be devised in consultation with knowledgeable migrants' rights organizations, suitable guardians, community insiders, gatekeepers, professionals from relevant backgrounds and people with more informed knowledge of the research setting. It is also possible that in some cases the research encounter may be the first time participants are sharing information about their missing or dead children, friends and siblings. For this reason and the high likelihood of distressing disclosures in such studies, researchers should engage qualified counsellors, mental health practitioners, faith leaders and community leaders to provide debriefing sessions for all involved in the study.

Another good approach to ethical plans for sensitive research is for researchers to develop good rapport with participants. While this comes with its own challenges, building relationships with participants is the primary "condition under which people come to know each other and to admit others into their lives," as Oakley (1981:58) put it. The extent to which research participants may open up to researchers is often dependent on the relationship between them. Connecting with participants on a "human," personal or emotional level may minimize their reservations and encourage them to share distress and emotional burdens either produced by the study or their lived experiences. Trust, empathy and respect between participants and researchers can also minimize or equalize power imbalances, which can lead to abuse and harm in some instances.

#### **4.3.4. Reporting findings and results**

Researchers' duty of care to participants extends to the sharing of data and dissemination of findings. Results and findings must be reported accurately and truthfully. The issue of missing or deceased child migrants is intrinsically linked to wider debates on migration, borders and mobility, as discussed in earlier sections of this chapter. The research process and reporting of findings can therefore be surrounded by the classic "objectivity" versus "taking sides" dilemma as to whether – and the extent to which – reports should delve into politically sensitive issues such as States' increasing tendency to prioritize border controls and migration deterrence over child rights and human rights obligations.

The view of this chapter is that it is acceptable and desirable to advocate for participants' well-being or interests. This may require emphasizing their hardships and dilemmas and advocating for responses to these. It can also involve highlighting the factors and actors whose actions directly and indirectly contribute to the conditions under which child migrants go missing or lose their lives. These factors include the adoption of increasingly hostile migration and asylum

policies by certain countries and governments, denial of safe travel options, maltreatment of child migrants, predatory travel organizers and others. However, it is unethical to sensationalize or deliberately distort participants' accounts and research findings to serve such a purpose. Sensational news may attract attention, but it also creates disbelief of participants' accounts and loss of public support for their cause over time. Researchers can also suffer reputational damage when it emerges that they may have stretched the truth in their accounts.

Researchers' obligation to protect their participants can be augmented by disclosing abuses and safety concerns to the public through reports and information sharing. Indeed, professionals such as social workers have a mandatory obligation to report such abuses. However, it is also important to verify or corroborate information from research participants, if feasible. Where this has not been possible, it is necessary to qualify these accounts accordingly when reporting them. The issue of reporting disclosures also requires deep reflection because there are implications for privacy, confidentiality, anonymity and so on when participants (and others) are "outed" through reports and data sharing. Where participants' safety cannot be guaranteed, or they face reprisal attacks or persecution from which they cannot be protected, disclosure of the information they provided may not be advisable. Ideally, the decision to disclose the information should be taken in partnership with the participant.

Reporting findings and data sharing should also be carried out with due regard for how they may impact participants. The three threats identified by Lee (1993) as potential outcomes of unethical research conduct – intrusive threats, political threats and sanction threats – can support decision-making on this issue. The overarching concern should be whether the data shared or reported can be used to sanction participants or inform measures which are inimical to their interests. Reports or data from even small exploratory studies can be used by service providers or State actors to persecute or deny settlement, refugee and asylum status or deny welfare needs to participants and entire groups of people if due care is not taken. In writing their reports, researchers, journalists and NGOs should also avoid causing "harm through language" – the use of stereotypes, pejorative terms and descriptions which can inadvertently offend, stigmatize and "otherize" participants and entire communities or provoke racist and xenophobic responses against them. Chapter 3 of *Fatal Journeys 3* (IOM, 2017:47–54) offers excellent guidance on appropriate language, avoidance of sensationalism and other strategies for responsible reportage on migration disasters

The presentation (and misrepresentation) of statistics or estimates is an area of special concern in reporting research results. It is important to acknowledge the limitations of quantitative data and avoid contributing to the erroneous popular perception that statistics and numbers represent unassailable truth or pure facts. As Best (2002:1) noted, statistics do not exist independently of the researchers or people who produce them. Researchers choose the questions to ask, what to count, how to go about counting and which aspects of the data to emphasize or de-emphasize. Thus, for transparency and integrity reasons, academics, journalists, CSOs, governments, United Nations agencies and others who study, share data and disseminate statistical information on missing child migrants should make clear the choices, compromises and circumstances within which the numbers they are presenting came into being.

An equally significant ethical issue is the use of images of the participants' missing or deceased children in reports, advocacy and other dissemination activities. There are privacy and consent considerations at stake. First, the dead cannot consent to having their images published. Second, the publication of such images can impinge on the need to treat the dead, their families and communities with dignity and respect. A third concern is the importance of giving grieving families space to mourn their loss. More broadly, it is often difficult to fully appraise the sociocultural, political and other repercussions of naming deceased child migrants or publishing full-face pictures of them (Pink, 2007). An unanticipated outcome of publication of what eventually becomes an "iconic" image of a dead child and the way news is reported is that the story of an individual death becomes a debate about tragedy and humanitarian failures, instead of drawing attention to the more fundamental issue of EU States' immigration policies (Hodder, Legg and Heffernan, 2015).

Journalists, academics, NGOs, CSOs and other actors seeking to publish such images must therefore consider the implications for those whose images they wish to share, how the images are going to be received and interpreted by various audiences, and whether the publication of such photos have any real value or benefit to those affected, as Davidov (2004) advised. White and Singleton (2017) also advised against naming deceased child migrants in photo captions, given the emotional and other harm this can cause their families and loved ones. If photos must be used, faces and other features that could easily be used to identify the person could be blurred or de-emphasized to provide some degree of privacy and anonymity. Some scholars disapprove of blurring faces in reporting social research findings (e.g. Banks, 2001). However it is still a useful means of mitigating some of the ethical concerns associated with this issue (Pink, 2007).

Finally, it is best practice for researchers to share reports and findings with participants. Sometimes the boundary between participants and researchers is not clearly defined as researchers can also be participants of the study and vice versa. Irrespective of the situation, it is good practice to share the findings and draft report before publication with those involved in the study. This provides opportunities for participants to correct misrepresentations or distortions of their accounts and a final chance for researchers to confirm participants' consent to the use of their data in the report and to their involvement in the project more broadly.

## 4.4. Conclusion and recommendations

Studying the issue of missing child migrants presents many ethical challenges. Academics, journalists, CSOs, governments, United Nations agencies and other stakeholders who are involved in researching, sharing data and reporting on this topic must therefore carefully consider and put in place appropriate migratory measures. No single ethical code of conduct or plan can address all research scenarios and dilemmas. This is especially so in this area of research, where participants may be on the move and data collection occurs in areas and under conditions in constant flux. Plans formulated prior to the fieldwork can turn out to be ill-suited to the reality in the field.

On the strength of the above, the chapter's first recommendation is that ethical principles of voluntary informed consent, beneficence, harm avoidance, justice and dignity for participants, their families and affected communities should be approached as a process rather than as "one-off" fixed acts. Ethical considerations and strategies should span the full research cycle, from seeking funding to publication of results and advocacy.

In seeking free voluntary consent, participants must be given as much time as possible, or as they may require, to decide on their involvement or otherwise in the study. Researchers should be cautious of the use of gifts and payments or of creating expectations that cannot be met or which can serve as basis for inducing involvement in the study instead of free voluntary consent to participate.

Children are vulnerable and special measures are required in seeking their voluntary informed consent for research. However, children are not a homogenous group and different approaches can be applied with children of different ages and abilities on issues of informed consent, harm avoidance and wider involvement in the research. Regardless of age and maturity, "child-friendly" or conducive spaces must be used for data collection. As UNICEF USA<sup>120</sup> and the NGO Kids in Need of Defence (KIND)<sup>121</sup> both highlight, gender and sexual-based violence are key determinants of the migration of particular groups of child migrants such as girls and those who identify as lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI) in Central America. These groups of child migrants are at increased risk of being apprehended, kidnapped, raped,

<sup>120</sup> See [www.unicefusa.org](http://www.unicefusa.org) (accessed 6 March 2019).

<sup>121</sup> See <https://supportkind.org> (accessed 6 March 2019).

murdered or disappearing off the migration trail and public records. It is therefore imperative that researchers put additional measures in place to safeguard these child migrants' safety, anonymity, privacy and other rights.

Researchers should engage as research consultants or advisory board members people from participants' communities, others knowledgeable of the research setting, migrant groups and rights organizations, and professionals from relevant backgrounds. These actors can advise on fieldwork safety, plans for minimizing harm and mitigating other risks, appropriate or socioculturally sensitive ways of seeking voluntary and informed consent, and strategies for dealing with disclosures of harm and abuse. They can also provide feedback on the proposed research design and strategy and highlight other considerations which may not be immediately apparent to researchers who are new to, or unfamiliar with, participants' cultures and the research setting.

It is possible that participants may share information about missing or dead children, friends or relatives during the research. For this reason and the possibility of distressing disclosures in such studies, researchers should engage qualified counsellors, mental health practitioners, faith leaders, and community leaders to provide debriefing sessions for all involved in the study.

In reporting findings and sharing data, researchers, NGOs, journalists and other actors must find a balance between using sensationalized attention-grabbing headlines and images, on the one hand, and using data or reporting information in ways which do not objectify, stigmatize or catalyse actions which maybe inimical to the interests of participants and their communities, on the other. Researchers can and should "take sides" by advocating for participants' well-being or interests in this important child rights area. However, it is unethical to deliberately distort findings to serve this or any other purpose. The limitations of quantitative data or statistics should be clearly acknowledged to avoid feeding perceptions of numbers as pure facts.

NGOs, academics, United Nations agencies, journalists and research studies often face funding limitations, tight project deadlines and organizational requirements which can constrain their capacity to implement all the measures discussed in this chapter and elsewhere. However, participants' interests should be the overriding factor in all studies. Thus, where conditions do not allow researchers to meet the necessary safeguards, alternative research designs and data collection methods should be considered, such as secondary data sources, questionnaires and other methods which may not require all the safeguards outlined in this chapter.

Finally, due to the expansive nature of research ethics and limitless range of ethical considerations and dilemmas which can crop up in research, reportage and data sharing on a complex topic such as missing child migrants, the guidance offered in this chapter should merely be considered as a starting point, rather than as an exhaustive or definitive list of ethical considerations. Additional guidance can be found in UNICEF's Ethical Guidelines Involving Children (ERIC) by Graham et al. (2013) and the wider research ethics and methods literature.

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Global Summit of Mothers of Missing Migrants, Mexico City, November 2018. © IOM/Marta SÁNCHEZ DIONIS





## Chapter 5 Conclusion: Taking stock of a complex issue – the next steps

by Ann Singleton<sup>122</sup>

This report shows that since 2014 IOM's Missing Migrants Project (MMP) has recorded the deaths and disappearances of more than 30,000 people during migration worldwide. Each chapter illustrates different reasons why these figures are likely to be much lower than the real number of deaths and the legal and ethical challenges of investigating the deaths of children during migration. The importance of this report lies not just in documenting the problems of reporting the data, but in identifying methodologies and practices to improve the evidence base in this field.

The number of deaths and disappearances recorded by IOM globally between 2017 and 2018 fell from 6,279 to 4,734, the first year since 2014 that the number of recorded fatalities had not increased. The majority of policy and media attention remains on the Mediterranean Sea, though MMP data show clearly that deaths occur during migration across the world. The recorded number of children who have died or gone missing since 2014 has reached nearly 1,600, although this – like the total number of missing migrants recorded worldwide – is an undercount of the true total.

This report, therefore, brings a new focus to the analysis of MMP data, placing on record the available evidence on dead and missing child migrants in global and regional contexts. IOM does not claim that this is a definitive or complete account for the many reasons provided in the preceding chapters. For the first time since the *Fatal Journeys* series began, however, there is global policy recognition that such data (on adults and children) are needed. The Global Compact for Safe, Orderly and Regular Migration's Objective 8 sets out the aim "to save lives and establish coordinated international efforts on missing migrants." It also calls for improved cooperation and "standardization of information gathering and sharing to assist in the process of identifying missing and deceased migrants and to develop better ways of communicating with families of missing and deceased migrants." It should also be noted that the global 2030 Agenda for Sustainable Development, which commits most countries to the achievement of 17 Sustainable Development Goals, calls for no one to be left behind. This in turn implies that key development indicators need to be disaggregated by sex and age.

Improving the quality and coverage of data may only be a small contribution towards improving policy; nonetheless, it is a necessary task – a task complicated by the involvement of three under-reported variables: children, migration and death. The latter is easier to define than the former two variables, which are (and have been) defined differently across the globe and over time. Sources of data do not exist across the globe to provide a sufficiently comparable, reliable data set on all three variables. Lack of civil registration for births across many countries also makes the existence of many children invisible in life and so too in death. Recording the sex and gender of children and adults, and the disabilities they live and die with, is yet another seemingly impossible task in most situations. The picture is partial primarily because of the lack of data sources on irregularized migration routes and because many of those who die do not carry official documentation.

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This report, like previous publications in the *Fatal Journeys* series, does not include deaths that occur following migration journeys, in situations of precarious employment or unsafe housing and working conditions, or those that occur following interceptions and returns. The picture is also partial because not all who collect and store data on deaths share this information, either because of institutional inertia, political considerations, lack of resources, lack of trust or lack of awareness that such data are being collected at the global level. Official action and inaction compounds the problem of counting. For example, in the Mediterranean Sea, the decrease in search-and-rescue operations led by the authorities and non-government organizations (NGOs) in late 2017 and 2018 means that there is no way of knowing how many people perished attempting the overseas crossing. This is likely to be a significant factor in the decrease in the number of recorded migrant fatalities between 2017 and 2018.

Recognizing all these problems, this report incorporates empirical evidence of what is known from official sources across the globe, together with the data gathered through the tireless work of NGOs, family organizations, charities and civil society organizations, much of which is summarized in the four text boxes at the end of this chapter. The report is enriched by contributions and important insights from scholars and experts on child rights, international law and research ethics, bringing further coherence and focus to the analysis of available data. This provides a unique contribution towards data advocacy, bringing together the work of officials, academics and humanitarian groups and addressing explicitly the policy need for safe legal migration routes. It is hoped that this work will inform the development of improved policies at the national level and serve to champion the need for a better evidence base to meet the global aims set out in Objective 8 of the Global Compact for Migration. In addressing the need for better data, building on the work of IOM's MMP and previous editions of *Fatal Journeys*, this report makes a number of recommendations that are summarized here.

## 5.1. What is known

Chapter 1 (“Missing Migrants Project data: A global overview”) presents a comprehensive overview of the current “state of the art” – that which is known by MMP about the numbers of people who have died or gone missing during irregularized migration. This is an example of ongoing work in identifying now-established and changing routes, the numbers of reported deaths and the characteristics (where known) of those who have died. The gaps in knowledge at the global, regional and national levels are starkly indicated by the gaps in the graphs and textual descriptions. The picture is also partial because most importantly, in the majority of reported cases, the names of the people who have died or gone missing are not known. The majority of the dead are not identified. This means that families can spend years living in limbo, not knowing whether a relative is alive or dead. Chapter 1 demonstrates in its findings how much progress in data collection has been made in recent years. At the same time, it shows how much more needs to be done. For example, as discussed in [Text box 3](#) on mortality rates, calculating a policy indicator such as “death rate” includes uncertain components drawn from inconsistent sources. The main methods used are: (a) dividing the number of known arrivals by the number of known deaths; and (b) dividing the total number of known arrivals and deaths by the number of deaths. The total population “of interest” actually includes many thousands who attempt the journey but are intercepted and returned to the country of departure. Without this number, it is not possible to calculate a death rate with any certainty. Unknown total departures, arrivals and returns, as well as unknown total numbers of deaths, simply represent too many unknowns to provide an accurate measure of the safety of a migration route. However, these elements of the calculation do provide evidence that journeys on certain routes are extremely dangerous and result in much higher numbers of known deaths.

Much more is known about missing migrants, including children, than in previous years and yet there is still a need to build from the collection of numbers and for all actors to put the needs of families and survivors at the centre of future work, so that tracing those left behind can become a priority. Such progress would help to facilitate achieving the aim of the Global Compact for Migration, as set out in paragraph 24(f), to “make all efforts...to recover, identify and repatriate the remains of deceased migrants to their countries of origin, respecting the wishes of grieving families.”<sup>123</sup>

The collection of base information – that is, the reported loss of lives – will continue to be the first step in building the evidence base. In order to improve coverage of such data, expert contributions in this report argue for the highest standards of data collection and research with children, survivors and families. These standards include the need to work efficiently and ethically, using methods and approaches that proactively place human rights and non-discriminatory practice at the centre of all data activity. This, in itself, is an immense challenge in any kind of research with living human beings, and presents specific challenges when attempting to collect evidence on the deaths of children. The considered recommendations in this report therefore provide core elements of what might be the basis for practical, pragmatic and principled approaches towards meeting Objective 8 of the Global Compact for Migration.

## 5.2. What needs to be done and how to do it

Chapter 3 (“Legal obligations of States with regard to child migrant deaths and disappearances”) by Jacqueline Bhabha argues a clear case that the success of migration policies for children depends on much more effective data collection and ensuring the vigorous enforcement of non-discrimination practice as an overarching principle. This is seen to be essential so that all migrants – irrespective of age, gender, legal status or race – are treated with equal respect and accorded the same dignity in life and death as any human being. The purpose should be to collect data in order to work towards justice in life and in death for child migrants and their families. Bhabha highlights the obligations States have in international law towards migrant children, as also identified by the Mediterranean Missing Project<sup>124</sup> (2016) and Grant (2016), and by the Last Rights Project<sup>125</sup> and in the Mytilini Declaration<sup>126</sup> discussed in [Text box 6](#) in this report. Bhabha also argues for robust engagement with **harm prevention strategies**. To ensure that such strategies will be effective, she identifies the need for:

*Vigorous anticipatory risk assessment procedures; the comprehensive implementation of best interests assessments and determination procedures for child migrants; a significant expansion of child protection training for relevant official stakeholders working in different contexts affected by life-threatening child migration (p. 82)*

Chapter 2 (“Vulnerabilities of migrant and forcibly displaced children”) by Claus Hansen, Danzhen You and Jan Beise develops further in-depth discussion on the needs of children. The authors refer to the February 2018 call to action, [Protecting children on the move starts with better data](#),<sup>127</sup> by UNICEF, UNHCR, IOM, Eurostat and OECD and the following action points in that call.

<sup>123</sup> See Bolton, S. and Jarvis, C. (2018) for further discussion of paragraph 24.

<sup>124</sup> Mediterranean Missing: Understanding needs of families and obligations of authorities. Available from [www.mediterraneanmissing.eu](http://www.mediterraneanmissing.eu) (accessed 31 March 2019).

<sup>125</sup> See <http://lastrights.net>

<sup>126</sup> Available from [https://drive.google.com/file/d/1n9ZZ5Lj9KkEf7Lfqv\\_yB1R9bAy0G8B/view](https://drive.google.com/file/d/1n9ZZ5Lj9KkEf7Lfqv_yB1R9bAy0G8B/view)

<sup>127</sup> Available from <https://data.unicef.org/resources/call-action-protecting-children-move-starts-better-data/> (accessed 24 April 2019).

These include specific actions related to the need for data, calling on data collection agencies and researchers to:

- **Disaggregate data** by age and sex;
- Cover **key issues relating to children affected by migration and displacement**;
- Make **better use of (and share) existing data**;
- **Coordinate data efforts** within countries and across borders; and
- Make special **efforts to collect and analyse data on children**.

The themes linking these chapters all include the need for better coordination of efforts, sharing of knowledge and best practices in improving the coverage and quality of data, and facilitating the collection of variables which allow for the disaggregation of data by age and sex. These efforts will necessitate the use of both quantitative and qualitative research methods and a common understanding of the ethical dimensions and obligations of data management and sharing.

In Chapter 4 (“Ethical considerations surrounding research on missing migrant children”) by Samuel Okyere, thoughtful discussion sets out the need to put ethical considerations at the forefront of all research and data collection activities on child migrants. The chapter advocates embedding in all data collection activities and research the **ethical principles** of “voluntary informed consent, beneficence, harm avoidance, justice and dignity for participants and their communities, with participants, families and affected communities **should be approached as a process** rather than ‘one-off’ fixed acts” (p. 95). Further recommendations include engaging as consultants or advisory board members in any research project people from **participants’ communities**, others knowledgeable about the research setting, migrant groups and rights organizations and professionals from relevant backgrounds. In the absence of adequate funding for research and data collection, some of the recommendations will seem currently unattainable, but the aim should be to work towards best practice. This should include, in all relevant research projects, engaging **qualified counsellors, mental health practitioners, faith leaders and community leaders** to provide debriefing sessions for all involved, given that participants may be sharing information about missing or dead children, friends or relatives during the research. This recommendation should also be implemented by all government and United Nations agencies involved in such research. Last (2018:99) reported that working on this subject matter with (“especially for young, especially empirical”) scholars in traumatogenic<sup>128</sup> research environments can lead to secondary traumatic stress.

Further to the ethical reporting recommendations made in Chapter 3 of *Fatal Journeys Volume 3 Part 1* (White and Singleton, 2017), Okyere argues that reporting of data and incidents and sharing of data between researchers, NGOs, journalists and other actors must be done in a balanced way. The problematic use of sensationalized attention-grabbing headlines and images should be avoided. Data should be used and reported in ways which do not cause harm – that is, it should not “**objectify, stigmatize or catalyse actions** which maybe inimical to the interests of participants and their communities.”

## 5.3. The way forward

Ethical concerns need to be embedded throughout all research and data gathering exercises, with the primary aim to inform policies and practices to reduce the numbers of people, including children, who die and go missing during migration.

### 5.3.1. Implement existing recommendations

*Fatal Journeys 3* made five key recommendations to improve data on missing migrants. These, including additional suggestions, remain the basis for future action:

- **Make better use of administrative data.** Local, national, and regional authorities should take steps to standardize and make public data on migrant fatalities.
  - National governments can do more to prevent deaths and to record those that do occur, bearing in mind the need for appropriate management of bodies.
- **Promote survey-based data collection** as one way to increase the coverage of data on migrant deaths and disappearances in areas where few institutions collect data or where access is an issue.
  - Apply ethical guidance and standards suitable for work with children throughout the research, survey and data management and reporting process.
- **Explore new technologies.** New and emerging data collection techniques, such as utilizing big data, should be investigated in the interest of improving the availability and completeness of data on migrant fatalities.
  - Apply ethical guidance and standards suitable for work with children throughout the research, survey and data management and reporting process.
- **Work with civil society and families**, as they can be a source of information and increase the likelihood that data can be verified. The involvement of **families of the missing** in data collection and identification processes can help to address the ambiguous loss that they face.
  - The specific needs of parents and close family members should be foremost in policy considerations and identification efforts.
  - The example of Morocco shows that such initiatives are already taking place (PNPM, 2019).
- **Data sharing** should be bolstered across regions and sectors, in order to maximize accuracy and to improve the understanding of the risks migrants face across the world.

### 5.3.2 New initiatives

IOM aims to expand its data collection, analysis and reporting efforts through a **global network of data monitors**: to improve data collection in global regions where it has been difficult to collect information on deaths occurring during migration. The next steps will include hiring regional experts who will systematically collect data on migrant deaths and disappearances. These experts, based in IOM's regional offices and key country offices, will monitor reports on migrant fatalities and liaise with governments, NGOs and researchers. It will also work to build an assisted machine-learning tool to better find reports on migrant fatalities from social and news media.



A pilot study will be conducted on the **needs of families of missing migrants**. This will seek to understand the impact on families of having a relative missing in migration and to identify:

- The legal, administrative and psychosocial challenges that families face in their effort to trace missing migrants;
- The difficulties families face during the processes of accessing, identifying and repatriating migrant bodies;
- How families search for information about relatives who have gone missing during migration; and
- The current role of agencies and NGOs providing support to families and how their capacities could be enhanced.

The MMP approach is continually evolving and aims to learn from different initiatives. A separate exercise, undertaken by Associated Press (AP),<sup>129</sup> has attempted to collate estimates including a broader definition of “missing migrants.” For example, these estimates include migrant deaths that occur after arrival in the destination country and in other situations. This different approach produced higher total numbers; however, this exercise was also unable to achieve complete coverage, owing to the range of data sources involved that also used inconsistent estimation methods. It did show that more information could be gathered from municipal registers, as stated in Spijkerboer (2013) and Last (2018), inter alia. Such efforts and those of NGOs and many others – several of which have contributed to the *Fatal Journeys* series – have shown the need for improvements in coverage.

It is clear that much more could be achieved with sufficient resources, cooperation, collaboration and knowledge exchange, to bring improvements in data and understanding. Efforts towards this aim will continue to inform future data collection efforts.

#### **Text box 8. International Committee of the Red Cross – Missing Migrants in the Mediterranean Transregional Pilot Project**

Angela Valenza<sup>130</sup>

The International Committee of the Red Cross’s (ICRC) *Missing Migrants in the Mediterranean Transregional Pilot Project* focuses on the shipwreck that took place on 18 April 2015 off the Libyan coast, in which approximately 1,000 people lost their lives. About a year later, the Italian authorities recovered the vessel and retrieved the human remains with the aim of identifying the deceased and ensuring proper burials.

Based on a Tripartite Agreement signed in 2017 with the Office of the Italian Government’s Special Commissioner for Missing Persons, the ICRC and the Italian Red Cross participate in efforts to identify the bodies of dead migrants recovered from – but not limited to – this shipwreck.

In the framework of this pilot project, the specific role of the ICRC – in cooperation with National Red Cross and Red Crescent Societies – is to liaise, where possible, with families of missing<sup>131</sup> migrants potentially affected by this shipwreck in their countries of residence, and to collect information necessary for the purpose of

<sup>129</sup> Available from <https://apnews.com/TheMissing> (accessed 24 April 2019).

<sup>130</sup> Angela Valenza is the Head of the ICRC’s Missing Migrants Project. She is based in Dakar, Senegal.

<sup>131</sup> The ICRC understands missing persons as individuals whose whereabouts are unknown to their relatives and/or who, on the basis of reliable information, have been reported missing as a result of armed conflict, other situations of violence, natural disaster or other humanitarian crises, and people who go missing in the context of migration.

identification. This work is part of a wider effort of the Family Links Network.<sup>132</sup> However, the search for the families of missing migrants remains extremely difficult due to the limited information available.

In the case of this specific shipwreck, in addition to ante-mortem data<sup>133</sup> on the missing persons, collection of biological reference samples (DNA) from their family members is necessary for comparison with DNA profiles extracted from human remains in Italy. To this end, with approval from the relevant authorities, the ICRC – together with the Mauritanian Red Crescent – has collected biological samples from families in Mauritania and transmitted the DNA profiles to Italy. The first results of this work are expected soon. A similar work has started in Senegal in cooperation with the Red Cross. Considering the extremely sensitive nature of this information, the ICRC ensures that the biological samples of the families of missing migrants are anonymized, and only shares information strictly necessary for identification purposes with the parties to the above-mentioned Tripartite Agreement.<sup>134</sup>

This pilot project aims to help families of missing migrants clarify the fate of their loved ones. More generally, it will also further develop practices to facilitate the search for missing migrants and to make identifications in the case of death.

### **Text box 9. Trace the Face: Helping families to find their missing loved ones**

Haji<sup>135</sup> is a father who came to the International Committee of the Red Cross's (ICRC) office in Kabul (Afghanistan) in October 2015.<sup>136</sup> He told the staff about his 15-year-old son, Shafiq, who was studying in Iran and dreamed of continuing his studies at a university in Europe. When other relatives arrived in Iran on their way to Europe and offered to take Shafiq with them, Shafiq called his father to seek permission. After much thought, Haji consented. However, following Shafiq and his relatives' departure for Turkey a few weeks later, Haji did not hear from his son again.

Alarmed, Haji used various intermediaries to try to find out what had happened. He heard that the group had allegedly reached Greece but were then sent back to Turkey. Between hope and despair, Haji was pushed from one contact to another until finally his phone calls went unanswered. Fifteen-year-old Shafiq, like thousands of other migrants, disappeared on his way to Europe. Many stories and reports recount similar situations, or those in which entire families on migratory routes get separated and individuals, including minors, end up in different corners of the world, unaware of where their relatives are and whether they are safe.

To help families find missing family members, in 2013 several European Red Cross National Societies and the ICRC launched an online platform called Trace the Face.<sup>137</sup> Trace the Face allows people looking for missing relatives to upload a photo of themselves through their nearest Red Cross, Red Crescent or ICRC office. Their

<sup>132</sup> The Family Links Network – comprised of the ICRC (Central Tracing Agency and tracing units in the delegations) and the National Society tracing services – helps to prevent people from disappearing or getting separated, and works to restore and maintain contact between family members whenever and wherever possible. It also tries to help people find out what happened to loved ones reported missing.

<sup>133</sup> Ante-mortem data include information on missing persons, notably personal, physical, medical and dental information, as well as information on circumstances related to the disappearance.

<sup>134</sup> The ICRC has adopted its own rules on data protection, which are in line with internationally recognized standards for protecting personal data: ICRC, Rules on Data Protection, January 2016, available from [www.icrc.org/en/document/data-protection](http://www.icrc.org/en/document/data-protection)

<sup>135</sup> The names have been changed for data protection reasons.

<sup>136</sup> This story is drawn from ICRC's longer article on Shafiq and Haji, available from [www.icrc.org/en/document/afghanistan-migrants-missing-silence-hardest](http://www.icrc.org/en/document/afghanistan-migrants-missing-silence-hardest) (accessed 13 March 2019).

<sup>137</sup> See [www.tracetheface.org](http://www.tracetheface.org) (accessed 13 March 2019).

photo and their family link to the missing person are the only pieces of information published online. Photos of minors below the age of 15 are not posted, nor are other names and locations. As per the ICRC's data protection policy, only authorized staff of Red Cross/Red Crescent service providers have access rights to personal data that enable cross-checking between different countries to increase the chances of a match.<sup>138</sup>

As of December 2018, the Trace the Face website had received more than 190,000 visits, with more than 5,400 people having uploaded their own photo in the hopes of finding missing family members. Since its creation, Trace the Face has reunited 132 families. In 2018 alone, an average of one family per week restored contact with a separated family member after launching a search on the website.

One recent positive match achieved through Trace the Face was that of a father with his son who was resettled with the rest of the family in Norway. They did not know each other's whereabouts for nine years. The father, who had left Afghanistan in 2008 and was living in Turkey, recognized his son's photograph on the website and then contacted the Turkish Red Crescent. However, the joy of this reunited family has sadly not been experienced by many others, such as Haji, who is still waiting for news about his son after almost three years. Finding missing people often takes time, and during the separation period, families suffer, living with the anguish of not knowing what happened to their missing relative.

Reuniting separated family members has been a core mandate of the Central Tracing Agency<sup>139</sup> and the mission of the ICRC since its foundation over 150 years ago. However, more needs to be done to account for missing people and to support their families.

While initially launched and used by the European Red Cross National Societies in connection with migration towards Europe, Trace the Face is an additional service within the Red Cross' global Restoring Family Links programme, which aims to increase the chances of finding people who had gone missing in the migration context.<sup>140</sup> The platform is now being used by a number of ICRC delegations and Red Cross and Red Crescent National Societies along migratory routes to and within Europe. As of December 2018, 32 ICRC delegations and Red Cross/Red Crescent National Societies in Europe, Africa, Asia and North America had helped people looking for missing family members to publish photos on the Trace the Face website.

The International Red Cross and Red Crescent Movement is proud of the progress made. It is encouraging to see more and more countries uniting their efforts; more countries participating mean increased chances of finding missing relatives. The ICRC is also exploring new systems and tools to improve searches and to increase chances of reconnecting separated families, such as the introduction of facial recognition and name algorithms. While new technologies supporting data processing can be a transformative tool, they also come with risks. The first principle is "do no harm;" protecting personal data and ensuring people's safety is paramount.<sup>141</sup>

At the end of 2018, 4,500 people who had published their photos on Trace the Face were still looking for their lost relatives.

<sup>138</sup> See also [www.youtube.com/watch?v=HsGRt4YSrGo](https://www.youtube.com/watch?v=HsGRt4YSrGo) (accessed 13 March 2019).

<sup>139</sup> See <https://casebook.icrc.org/glossary/central-tracing-agency> (accessed 13 March 2019).

<sup>140</sup> See <https://familylinks.icrc.org> (accessed 13 March 2019).

<sup>141</sup> A description of new technology risks and the Trace the Face service can be found in a comprehensive article, "Help me find my family," by Bollag (2018). Available from [www.devex.com/news/help-me-find-my-family-92470](http://www.devex.com/news/help-me-find-my-family-92470) (accessed 13 March 2019). See also ICRC Data Protection Policy, available from [www.icrc.org/en/document/data-protection](http://www.icrc.org/en/document/data-protection) (accessed 13 March 2019), and Restoring Family Links Code of Conduct on Data Protection, available from [www.icrc.org/en/document/rfl-code-conduct](http://www.icrc.org/en/document/rfl-code-conduct) (accessed 13 March 2019).

### Text box 10. An effective process to account for missing migrants

*Alessandra La Vaccara*<sup>142</sup>

In June 2018, the International Commission on Missing Persons<sup>143</sup> (ICMP) convened an event, titled “Profiles of the Missing: the Journey to Europe and the Rights of Missing Migrants,” with the support of the Swiss Government, during which survivors of the Mediterranean crossing spoke of their own experiences. Among the participants was Walid Khalil Murad, who fled from Sinjar, Iraq in December 2014 with his family. Walid and his family embarked on a tortuous and difficult journey that took them to the maritime crossing between Turkey and Greece. When they were almost within sight of the Greek coast, their boat sank. Walid’s wife, his three children, his sister and two nephews and a niece all perished. “My family was lost before my eyes,” he told the audience in Rome, “I can hear their voices. My children calling me: ‘Father, help us.’”

The only decent response to such suffering is to take meaningful steps to tackle the vast human cost of irregular migration. Some data collection on migrant disappearances has taken place. While some countries have the forensic capacity to identify human remains of migrants, most do not have the capabilities and/or the resources that are necessary to make use of this capacity. Countries dealing with the issue of missing migrants (countries of origin, transit and destination) have not yet coordinated their strategies or their use of existing resources and information. Databases and records are not customarily shared, and an increasing number of databases place data about migration and missing migrants in silos, many of which are isolated and/or are accessible only to a restricted number of people or national institutions. As highlighted during the first inter-agency roundtable on the issue of missing migrants organized by ICMP in 2016, this lack of coordination also characterizes work carried out by international and other organizations dealing directly or indirectly with the issue of missing migrants. The lack of interoperability of databases maintained by international and domestic organizations certainly represents a challenge when it comes to offering effective support to State-led efforts to account for missing migrants.

Creating and operating an effective programme to account for tens of thousands of people is challenging, but it can be done. For instance, ICMP established such a programme after the conflict in the former Yugoslavia. Extensive public outreach campaigns had to be launched to reach the relatives of the missing, and legislative and institutional changes were necessary to institute the new process aimed at accounting for the missing. Furthermore, data collection centres and mobile data collection teams were set up in the region to carry out data collection efforts in the countries of the former Yugoslavia, as well as in Western Europe, North America and Oceania, where many refugee families and members of the diaspora were located. To date, in the former Yugoslavia, it has been possible to account for<sup>144</sup> well over 70 per cent of the 40,000 people who were reported missing during the conflict.

<sup>142</sup> Alessandra La Vaccara is Programme Manager of the Missing Migrants Programme at the ICMP.

<sup>143</sup> ICMP is a treaty-based intergovernmental organization with Headquarters in The Hague. Its mandate is to secure the cooperation of governments and others in locating missing persons from conflict, human rights abuses, disasters, organized crime, irregular migration and other causes and to assist them in doing so. It is the only international organization tasked exclusively to work on the issue of missing persons.

<sup>144</sup> “Accounting for” missing persons is a broader process than just identification. A process to account for missing persons includes, inter alia, inclusive and impartial data collection; effective means of locating, identifying and returning the missing to their next of kin; the realization of the rights of families to truth, justice and reparation; etc.

In respect of institutional mechanisms that would facilitate the sharing of information on domestic capacities and resources with regard to missing migrants, there are two urgent requirements: to assess existing capacities and to enhance cooperation among all the countries involved. ICMP considers it essential for governments to pool their resources and coordinate their efforts. By doing so, governments can begin to address the challenges posed by irregular migration and to fulfill the mandatory requirement that States have – under international and domestic law – to account for people who go missing.<sup>145</sup> This requirement applies regardless of the status of migrants, or whether the missing person has fled war, terror or poverty.

At ICMP's invitation, representatives of Cyprus, Greece, Italy, and Malta met in Rome on 11 June 2018 and asserted their intention to develop a Joint Process aimed at enhancing cooperation among European and other States to account for migrants who have died or gone missing in the Mediterranean region. The States participating in the Joint Process recognize the critical need for cooperation among States, international partners and civil society. Practical and targeted initiatives such as ICMP's Joint Process can help to minimize cost and maximize impact by pooling resources. The participation and support of more European countries and of the European Union would increase the impact of the cooperative effort launched by these four countries.

The Joint Process emphasizes the paramount importance of cooperation among countries of destination, origin and transit. As a key element in the opening phase of the Joint Process, ICMP is conducting a systematic assessment of capacities and resources in Cyprus, Greece, Malta and Italy. The key areas being investigated are forensics and data processing, law enforcement and emergency response systems, and protection and assistance frameworks supporting the families of missing migrants. In the first half of 2019, ICMP will present the main findings and recommendations for consideration by the countries participating in the Joint Process.

The Joint Process is also premised on greater cooperation among international and domestic organizations, as no single organization has the expertise to address all aspects that affect the issue of missing migrants. In response to this, ICMP has convened three Inter-Agency Roundtables that have identified ways of enhancing inter-agency collaboration, including greater cooperation in data sharing, data collection and data analysis.

Depending on the findings that emerge from the assessment, in the next phase which began June 2019, the Joint Process will seek to:

- Implement improvements in reporting missing migrants and collecting data in support of DNA matching, as well as other types of forensic investigations;
- Institute comprehensive and effective data processing with respect to the issue of missing migrants among domestic institutions and between international and other organizations;
- Ensure the application of international standards in domestic investigation processes;

<sup>145</sup> For more on State obligations with regard to missing migrants, see Grant, S. (2016) Dead and missing migrants: The obligations of European States under International Human Rights Law. The Mediterranean Missing Project. Available from [www.mediterraneanmissing.eu/wp-content/uploads/2015/10/Mediterranean-Missing-Legal-Memo-290816.pdf](http://www.mediterraneanmissing.eu/wp-content/uploads/2015/10/Mediterranean-Missing-Legal-Memo-290816.pdf)



- Enhance outreach to countries of origin and to families in these countries and secure the help of humanitarian and other organizations; and
- Establish a centralized database on missing migrants. In this respect, significant developments in Next Generation Sequencing, now being applied in ICMP's DNA laboratory system, promise to deliver substantial improvements in identification capacity when forensic procedures are used together with customized database management.

The Joint Process represents a pragmatic approach to a challenge that is formidable but not overwhelming. By taking these sensible steps, countries and organizations that seek to address the issue of tens of thousands of migrants going missing will be able to do so in a more cooperative and effective way. ICMP believes that if the countries bordering the Mediterranean can successfully account for missing migrants, their efforts can serve as a model for other countries.

#### **Text box 11. UNHCR activities in Italy: Empowering children to reduce the risks they face during migration**

##### UNHCR Italy

The Office of the United Nations High Commissioner for Refugees (UNHCR) works with the Italian Government, other international organizations and refugees to promote access to rights for refugees, asylum seekers and Stateless persons. These activities aim to empower children arriving in Italy to make informed decisions regarding their rights, as well as opportunities and potential risks, and thereby serve to reduce the risk of children being exposed to violence and abuse that could result in their going missing.

UNHCR staff, including cultural mediators, are present in several locations in southern Italy when there are disembarkation procedures from boats in the Mediterranean. They provide new arrivals with information on international protection and other relevant procedures, through leaflets and group information sessions. UNHCR also supports the authorities in identifying persons with specific needs, including persons with medical conditions, pregnant women, unaccompanied and separated children (UASC), victims of trauma, and survivors of torture or sexual and gender-based violence (SGBV).

UNHCR staff are also present in northern Italy, where, in close coordination with IOM and civil society organizations, they conduct capacity-building activities for the authorities in providing persons in transit with information on how to access the asylum process and other relevant procedures. In particular, the team in northern Italy monitors admission and readmission procedures at Italy's land borders, supporting the authorities in the implementation of minimum safeguards to guarantee sensitive border management. The activity aims to prevent pushback practices that threaten the protection of individuals, in particular persons with specific needs, including UASC. UNHCR works closely with local authorities and NGOs to improve the protection of UASC in border areas, by providing child-friendly information and legal support and ensuring children on the move access adequate reception facilities.

UNHCR staff work with the authorities and reception centre staff to develop mechanisms, skills and good practices grounded in the “best interests of the child” principle,<sup>146</sup> along with international protection, cooperation and governance and participation.<sup>147</sup> In order to provide the most relevant information and to inform overall programming priorities, staff hold consultations with UASC, including through focus group discussions. One outcome is UNHCR’s work to improve child-friendly information materials to explain international protection procedures in Italy. UNHCR further works in partnership with the Italian Independent Authority for Children and Adolescents (IIACA)<sup>148</sup> to promote the participation of refugee children in actions concerning them and to attend to the needs and gaps that they express. In particular, in 2018 UNHCR and the IIACA conducted joint visits to reception centres for UASC to facilitate participatory assessments on protection gaps for children hosted in the centres, which included focus groups to listen to UASC’s needs and proposals. Participatory activities in *Sistema di Protezione per Richiedenti asilo e Rifugiati* (Protection System for Asylum Seekers and Refugees, SPRAR)<sup>149</sup> reception centres in Tuscany and Abruzzo (Italy) were also conducted, with the aim of fostering UASC engagement and social inclusion in communities and enhancing the participatory component in the training of “voluntary guardians” promoted by the IIACA. The aim of this work is to address children’s needs and to thereby reduce the risks of them continuing unaccompanied migration journeys.

UNHCR’s work on the ground has shown how child protection gaps remain and constitute factors that potentially contribute to migrant children going missing once they reach Italy, which can start with absconding from designated areas and reception centres where children have been referred and lead to more serious risks to their safety. Surveys carried out by UNHCR, such as “Protecting children on the move” (2012)<sup>150</sup> and, more recently, “Left in limbo” (2017),<sup>151</sup> concerning the implementation of the Dublin III Regulations have indicated persistent gaps with regard to operationalizing the best interests principle and family reunion mechanisms. The surveys have also shown that the absence of a well-functioning data system for efficient tracing is a risk factor in relation to the phenomena of missing foreign unaccompanied children.<sup>152</sup>

<sup>146</sup> For more discussion, please see Chapter 3 of this volume (“Legal obligations of States with regard to child migrant deaths and disappearances”) by Jacqueline Bhabha.

<sup>147</sup> IIACA and UNHCR worked on a participatory photographic assessment involving UASC in selected reception centres in Rome, to encourage young asylum seekers to express their voice through photography. See *Accoglienza dei Minori Stranieri Non Accompagnati*. Available from [www.unhcr.it/cosa-facciamo/progetti-europei/minori-non-accompagnati/accoglienza-dei-minori-stranieri-non-accompagnati](http://www.unhcr.it/cosa-facciamo/progetti-europei/minori-non-accompagnati/accoglienza-dei-minori-stranieri-non-accompagnati) (accessed 13 March 2019).

<sup>148</sup> See [www.garanteinfanzia.org/](http://www.garanteinfanzia.org/) (accessed 13 March 2019).

<sup>149</sup> See [www.sprar.it](http://www.sprar.it) (accessed 13 March 2019).

<sup>150</sup> Available from [www.refworld.org/docid/522852c34.html](http://www.refworld.org/docid/522852c34.html) (accessed 13 March 2019).

<sup>151</sup> Available from [www.refworld.org/docid/59d5dcb64.html](http://www.refworld.org/docid/59d5dcb64.html) (accessed 13 March 2019).

<sup>152</sup> For more on UNHCR’s activities in Italy, see UNHCR: What we do in Italy. Available from <https://reliefweb.int/report/italy/unhcr-what-we-do-italy-august-2018> (accessed 13 March 2019).

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Two boys walk in front of trucks used to cross the Sahara Desert at one of IOM's transit centres in Niger.  
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# The Mytilini Declaration for the Dignified Treatment of all Missing and Deceased Persons and their Families

**We the undersigned make this Declaration  
for the Dignified Treatment of all Missing and Deceased Persons and their Families  
as a Consequence of Migrant Journeys  
(The Mytilini Declaration)**

*Recognizing*

The inherent right to life

*and*

“...the importance of respecting and ensuring the right to the truth so as to contribute to ending impunity and to promote and protect human rights”

*and that*

“...human beings have the right not to lose their identities after death...”

and call upon all States, to treat all persons equally, irrespective of their race, nationality, gender, gender identity or expression, sexual orientation/identity, religion, age, ability, capacity or status of any kind,

and in accordance with their international legal obligations and duties to:

**A.**

1. Provide safe passage for those seeking safety
2. Desist from all actions that may lead to refoulement
3. Strengthen protocols for search and rescue for all migrants including those who are missing
4. Cooperate with and not obstruct or prosecute victims, families, family associations, and civil society in the legitimate exercise of humanitarian search, rescue and support of migrants
5. Collect, examine and preserve all bodies
6. Respect the bodies of the dead and guarantee chain of custody of the bodies from recovery to the final destination
7. Take all reasonable steps to identify the deceased and to determine the cause and manner of death
8. Undertake effective investigations to deliver justice, accountability and reparations
9. Collect and preserve for all missing migrants ante mortem and background information and genetic information of the biological relatives; and collect and preserve for all unidentified remains all recovery and post mortem information, including post mortem DNA samples
10. Preserve any personal effects of the dead, and restore them to the family



11. Provide all necessary assistance to families of identified deceased migrants for the issuance of a death certificate
12. Develop accessible procedures for families requiring presumption of death and presumption of absence certificates
13. Make every effort to locate and notify the family of the dead and missing
14. Facilitate repatriation of the remains of the dead to their family if possible
15. Where the remains are not repatriated to the family, dispose of them in a manner that is dignified and respectful to the person
16. Record the location of burial of the unclaimed and unidentified remains and to respect and maintain gravesites in the countries where the bodies are found.
17. Provide special protection for children of missing and dead migrants
18. Create national mechanisms in countries of origin, transit and/or destination related to missing migrants, which should include governments, civil society, families, associations of families, migrant communities and experts

**B. The rights of the missing and of the deceased and their bereaved families include but are not limited to the following:**

1. Family members of a missing or deceased person, or other relevant persons, including witnesses, wherever residing, should not be subjected to administrative detention and/or expulsion or proceedings for removal or expulsion, at any stage of investigation, administrative and legal proceedings.
2. Family members shall have the right to choose the civil society organization(s) and legal representative(s) they wish to assist and support them and to advocate on their behalf at any stage, in all processes and proceedings concerning the search, identification, investigation and resolution of their rights in relation to their missing and their deceased relatives, including sanction and reparation where appropriate.
3. Family members of a missing or deceased person have the right to be kept informed and be consulted at all stages of investigation, administrative and legal procedures, in the search for and recovery of, missing and deceased family members and their personal effects.
4. Family members of a missing or deceased person should receive from State authorities, all necessary support and assistance to facilitate their right to appropriate and effective participation in the investigation and be provided with legal aid, access to documentation involving the search for recovery of missing and deceased family members and their personal effects whether on land or at sea.
5. Family members of a missing or deceased person must at all times be enabled to give fully informed consent to all steps to be taken by authorities and those acting on their behalf.
6. Family members of a deceased person should be able to decide upon the appropriate place, time and manner of funerary arrangements, whether temporary or permanent and the final destination for the laying to rest of their remains in a manner that is dignified and respectful to the person.
7. Family members should be assisted to plan and participate in the funeral rites of their deceased relative, including where necessary, financial assistance and expedited immigration status and visa arrangements.
8. Family members should be enabled, on reasonable notice, to visit the place of rest of their deceased relative including, prior to a funeral, places of temporary rest such as those provided by undertakers, including to enable performance of rituals not only at the time, but thereafter to visit the place of final rest or memorial site.

9. Family members should be enabled, where practicable, on reasonable notice, to visit the place where their relative is known or thought to have died or where they were last seen or known to have been, including to enable performance of rituals.
10. Support and assistance facilities should, subject to regular review, be made available until the missing person has been located or the deceased has been recovered, identified and laid to rest after due process of law including completion of any judicial investigation/ inquest or related proceedings.
11. Special protection and support must be assured to children at all times, in accordance with the 1989 UN Convention on the Rights of the Child.
12. The best interests of any child affected by the death or missing status of a parent or other close family member are of primary consideration in the provision of any of the above services, support to them individually, and to their family as a whole, including maintaining or restoring family unity for any child affected with surviving relatives, as soon as possible, in accordance with their best interests.

And we further commit to include as a Protocol to this Declaration a Glossary, Guidelines and Explanatory Note of the rights and principles set out herein.

Signed this eleventh day of May two thousand and eighteen (11th May of 2018)

as the “Mytilini Declaration”

at Thermi, Mytilini, Lesvos, Greece

by the following

<b>Name</b>	<b>Organisation</b>
Catriona Jarvis	LAST RIGHTS
Syd Bolton	LAST RIGHTS
Danai Angeli	LAST RIGHTS
Agnes Callamard	UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions
Yonous Mohammadi	Greek Forum of Refugees
Ann Singleton	University of Bristol
Markella Papadouli	THE AIRE CENTRE
Lorena Núñez Carrasco	University of the Witwatersrand
Carolyn Horn	Senior Advisor to the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions on the Report of the Unlawful Death of Refugees and Migrants
Mercedes Doretti	Argentine Forensic Anthropology Team (EAAF)
S Chelvan	No 5 Barristers Chambers
Deborah J. Coles	Executive Director Inquest
Sophia Koufopoulou	Michigan State University - Synyparxi
Karl Kopp	PROASYL
Günter Burkhardt	PROASYL

## Annex 1

The Mytilini Declaration for the Dignified Treatment of all Missing and Deceased Persons and their Families

Dora Papadopoulou	ARSIS Social Support for Youth
Natassa Strachini	Refugee Support Aegean
Vasileios Papadopoulos	Lawyer (Greek Council for Refugees)
Kouceila Zerguine	Collectif des Familles des Harragas disparus en mer
Vasilios Kerasiotis	HIAS Greece (Director)
Robin Reineke	Colibri Center for Human Rights
Mohammadi Naiem	R.S.A. - PROASYL
Ana Lorena Delgadillo	Fundación para la. Justicia y el Estado Democrático de Derecho
Boats4People	Boats4People
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