

The background of the slide is a dramatic painting depicting a shipwreck. A large, dark wooden sailing ship is partially submerged in the churning sea, with its masts and rigging visible. On the left, a rugged, rocky coastline rises from the water. In the foreground, a sandy beach is crowded with people in period clothing, some appearing to be in distress or tending to the dead. A large, white, sheet-like object lies on the sand, possibly a body or a piece of wreckage. The sky is filled with heavy, dark clouds, with a bright light source breaking through in the upper center, creating a dramatic, high-contrast scene.

Border Deaths: Tragedy or Human Rights Violation?

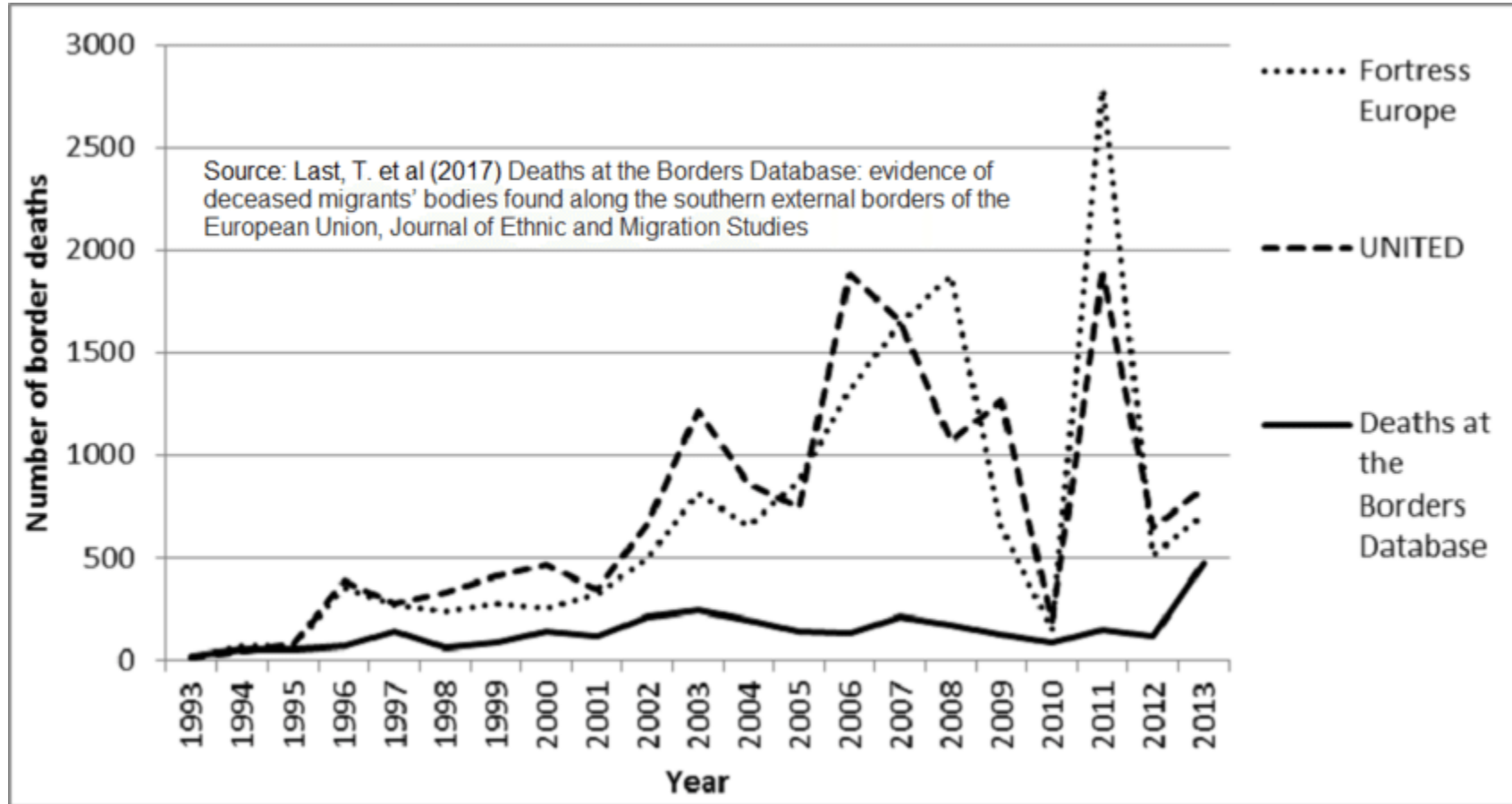
UPF Lecture, 17 January 2018

Thomas Spijkerboer

Raoul Wallenberg Visiting Professor of Human Rights & Humanitarian Law, Lund University

Professor of Migration Law, Vrije Universiteit Amsterdam

Border deaths



Théodore Géricault: *The Raft of the Medusa* (1819) (Louvre)

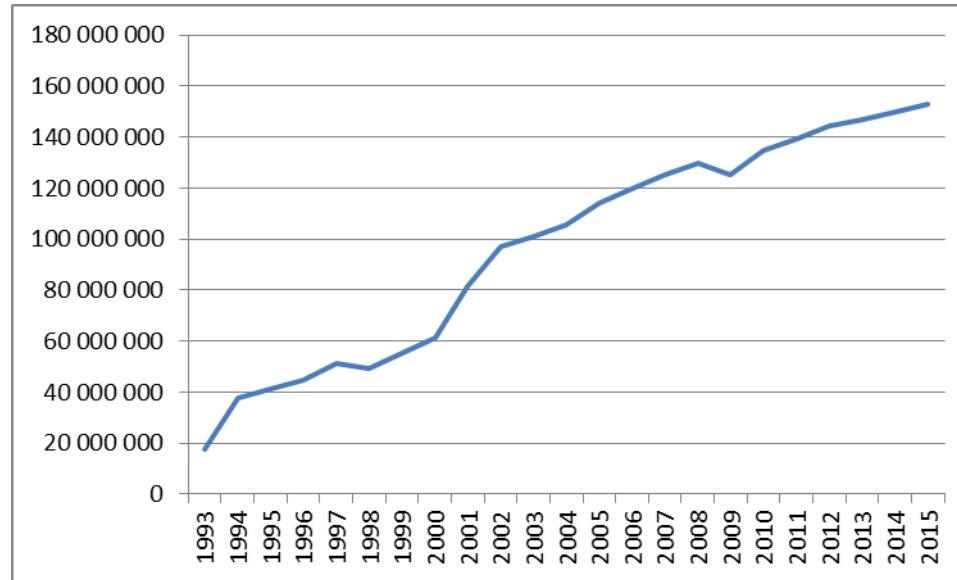


JMW Turner: *The Slave Ship* (1840) orig. *Slavers Throwing Overboard the Dead and Dying (Boston, Museum of Fine Arts)*



Increasing international mobility

Extra-EU airport arrivals 1993-2015, for the twelve 1993 EU Member States (source Eurostat avia_paexcc)



Control access to global mobility infrastructure

red=visa needed; dark red=transit visa needed; green=no visa for first 3 months



What happened? Two theories

1. Stricter policies reduce deaths
 - a) Enforcement, less people cross, *smaller volume* exposed to risk of death
 - b) Search & Rescue/interception, *lower mortality* of those exposed to risk
2. Stricter policies increase deaths
 - a) Enforcement, more people can only move illegally, *larger volume*
 - b) Closing off short & safe routes makes people take longer & more dangerous routes, *higher mortality*

Relevant ECtHR case law

- ECtHR 30 November 2004, *Öneryildiz v. Turkey*, Appl. no. 48939/99
- ECtHR 2 December 2008, *Furdik v. Slovakia*, Appl. no. 42994/05
- ECtHR 15 December 2009, *Kalender v. Turkey*, Appl. no. 4314/02

Human rights violation or tragedy?



Thank you!

- More at
 - www.borderdeaths.org
 - www.thomasspijkerboer.eu
- Plus: Master track International Migration & Refugee Law:
<https://masters.vu.nl/en/programmes/international-migration-refugee-law/index.aspx>



Arrivals on Greeks Islands

