Documenting Human Rights Violations and Mortality amongst Migrants: Focus on the Sahel and North Africa

Tunis, Tunisia
March 21-22, 2019

Conference Summary

The conference "Documenting Human Rights Violations and Mortality amongst Migrants: Focus on the Sahel and North Africa" was held on **March 21-22, 2019** at the Columbia Global Centers | Tunis. This conference was hosted by Columbia Global Centers | Tunis, Columbia University's Program on Forced Migration and Health and Department of Emergency Medicine, and the International Organization for Migration (IOM). This document outlines key learnings, short summaries of all panel discussions and includes a list of participants as well as the final conference agenda. We would like to acknowledge funding support for this conference from Columbia University's President's Global Innovation Fund.

Conference Objective: The conference gathered experts and organizations involved in human rights and mortality data collection and/or advocacy, with a focus on the Sahel and North Africa. Through a mix of presentations and roundtable discussions, various regional and global organizations presented their programs and highlighted 'lessons learned' in data collection and advocacy.

Conference Participants:

- Amnesty International
- Columbia University - Mailman School of Public Health
- Columbia University School of International and Public Affairs (SIPA)
- Danish Refugee Council (Libya, Tunisia)
- Danish Refugee Council - Mixed Migration Center
- The Fund for Global Human Rights
- Government of Tunisia - Department of Government Relations with Constitutional Authorities, Civil Society, and Human Rights
- Human Costs of Border Control Project
- Human Rights Watch
- IOM Missing Migrants Project
- IOM Libya & IOM Tunisia
- International Rescue Committee (IRC)
- Konrad Adenauer Stiftung - Regional Program Political Dialogue South Mediterranean
- Médecins Sans Frontières - Epicentre
- Sahelien.com
- Start Network
- Terre d'Asile (Tunisia)

Conference Program:

Day 1: Opening Reception Thursday, 21 March 2019 16:00 – 19:00	
Hour	Session
16:00 – 16:15	**Registration and Reception**
16:15 – 16:25	**Opening Remarks** *Youssef Cherif - Columbia Global Centers	Tunis Deputy Director*
16:25 – 16:50	**Introduction** *Craig Spencer MD MPH – Columbia University*
16:50 – 17:20	**Keynote Address** *Dr. Nizar Barkouti - Director General for Human Rights. Department of Government Relations with Constitutional Authorities, Civil Society, and Human Rights. Government of Tunisia*
17:20 - 18:00	**Closing Remarks** *Paola Pace - IOM Tunisia Deputy Chief of Mission and Senior Project Manager* *"The Duty to Protect is a Shared Responsibility"*
18:00 – 19:00	Reception with hors d'oeuvres and non-alcoholic cocktails

Day 2: Full Day Conference Friday, 22 March 2019 09:00 – 17:00	
Hour	**Session**
09:00 – 09:20	**Check-in**
09:20 – 10:30	**Background Discussion on the Terminology, Politics and Media** ● *Introduction: Craig Spencer (Columbia University)* ● *Discussion of Terminology: 'Every Word Counts!' ~ Paola Pace (IOM)* ● *Media's Role in Documenting Human Rights Violations: Joe Penney and Omar Hama (Sahelien)*
10:30 – 10:45	*Coffee Break*
10:45 – 12:30	**Learning from Programs that Measure Human Right Violations and Mortality** *Participants:* ● *IOM Missing Migrants Project - Marta Sanchez* ● *Danish Refugee Council Mixed Migration Center - Gabriele Restelli* ● *Human Costs of Border Control - Giorgia Mirto* **recorded presentation* ● *IOM Displacement Tracking Matrix (DTM) - Tassilo Tepperet*
12:30 – 13:30	*Lunch (catered onsite)*
13:30 – 15:30	**Improving Advocacy for Human Rights and Protection Risk Factors: Translating Better Data into Action** *Participants:* ● *The Fund for Global Human Rights - Houda Benmbarek* ● *Terre d'Asile – Balkis Essid* ● *Human Rights Watch - Amna Guellali*
15:30 – 15:45	*Coffee Break*
15:45 – 16:45	**Lessons Learned in Data Collection and Advocacy** *Improving Data Collection and Advocacy for Human Rights Violations and Mortality*
16:45 – 17:00	**Conference Summary and Closing Remarks** *Craig Spencer and Youssef Cherif*

Summaries

Day 1

Craig Spencer opened the conference on March 21, 2019 by welcoming all participants and outlining the main points of focus for the upcoming panels. He raised the question of whether data collection efforts in migration are benefiting the population that the information is gathered on, as data can be used and interpreted by outside powers. It is therefore possible that the information obtained from data collection is used against the main interest of the migrant population.

Dr. Nizar Barkouti, the Director General for Human Rights, Department of Government Relations with Constitutional Authorities, Civil Society, and Human Rights provided a keynote address on the work of the Tunisian government to advocate for the human rights of Tunisians and migrants in Tunisia. Dr. Barkouti expressed the Tunisian Government's focus on collaboration with organizations like those participating in the conference to protect Tunisians and migrants alike.

Government representative Dr. Nizar Barkouti providing the keynote address

Paola Pace, deputy chief of IOM Tunisia, followed by highlighting the importance of cooperation with other actors to ensure successful advocacy. She reminded everyone that migration is a phenomenon as old as time, not a current crisis. There are many actors involved in data collection in the field of migration which at times creates confusion around the main purpose of these efforts. Important questions were raised including: *What is each actor advocating for? What results are people working for?*

Not all actors have the same goals and we need to find a way to steer all actors towards one common goal to find unity in purpose in the Sahel region. Furthermore, the IOM speaker reminded participants that this conference focused primarily on **irregular migration** routes, acknowledging that the majority of migration is regular. However, policies on migration are criminalizing what was historically regular migration in the region, and as a result there has been an increase in smuggling and other related criminal activities.

The current policies do not have the ability to control the migration flow as migration is actually increasing. Even though migrants face many risks on their journey, including human rights violations, there are multiple push and pull factors that outweigh these risks. Therefore, this evidence-based approach to data collection needs to be combined with an international human rights law approach to address the human rights violations that are evident on the journey of migrants, especially during immigration detention. **There was a call to action to end to immigration detention.**

Day 2

Background Discussion

The IOM representative opened the conference by discussing the variety of terms used in the field of migration research and advocacy. Actors working in this field often use different terms when talking about the same concepts, but some terms are often misunderstood used incorrectly. There are differences between working and legal definition and many organizations have their own specific definition of terms. There are many misconceptions when talking about migration as people focus on one specific aspect of migration, namely international and clandestine movement. It is important to note that it becomes more difficult to stay regularly in a country with stronger regulations on migration.

Migrants face many risks and dangers on their journeys through the Niger region to Libya, including dehydration, injuries, kidnapping, detention, and torture. **Migration itself is not a risk factor for health, but the conditions around irregular migration can impact people's health status.** Therefore, irregular migration needs to be decriminalized, but smuggling and trafficking should continue to be seen as crimes. Using a human rights-based approach, it is important to focus on controlling the flow of migration and the push and pull factors that are at play. The term *illegal migration* that is often used by many actors is wrong as an action such as smuggling can be illegal, but a person never is. The human rights of migrants have to be balanced with the sovereignty of a state. As this sovereign power is not absolute, there is a need to assess the circumstances of each individual migrant entering a country. She concluded by calling for an end on arbitrary detention and demanded individual case processing to improve human rights for migrants.

Journalists from Sahelien.com gave an overview of the effects of Europe's migration policies in Niger, more specifically in the transit village of Agadez. Many people in Agadez have historically made their living from migration by selling merchandise to migrants or hosting them. Before the introduction of the **anti-smuggling law in Niger in 2015,** military escorts would accompany the cars transporting people to the Libyan border every week to ensure the safety of migrants. The news coverage form European journalists was selective as it tried to design a narrative of dangerous migrants all trying to make their way to Europe. Furthermore, certain ethical boundaries were crossed as journalists paid money to smugglers in order to gain access to ghettos and interview migrants.

The new law introduced in Niger now prohibits the movements of migrants north of Agadez en route to Libya. This law was supported by the EU and shows that the decision about what is legal is determined by those in power. The media coverage since then has changed as a decreasing migration flow towards the EU leaves little interest in the current situation in Niger.

Media actors should acknowledge their responsibility as journalists, preferably hire people that have experienced this journey themselves and include a historical context when writing about the power dynamics of migration in the Sahel and North Africa. There was also a call to action for other actors to acknowledge the work of journalists and other media actors that often bring more marginalized voices to the surface.

Sahelien.com founder and director Joe Penney, with Niger-based journalist Omar Hama presenting on the role of the media in monitoring human rights abuses in the Sahel region

<u>Learning from Programs that Measure Human Rights</u>

During this panel, representatives from the following programs presented on their methodology to measure mortality and human right violations against migrants: IOM Missing Migrants Project (MMP), Danish Refugee Council (DRC) Mixed Migration Center (MMC), Human Cost of Border Control, and the IOM Displacement Tracking Matrix (DTM).

The **IOM Missing Migrants Project** is based in Berlin, Germany and collects data from their collection point in Cairo, Egypt. It is an open database that aims to document the number of deaths and disappearances. This project focuses on people that are presumed dead based on the conditions surrounding their disappearance. The majority of data is collected with surveys and then triangulated with media and NGO reports. Data collectors, often migrants themselves, interview migrants that are on the move asking them about witnessing other deaths and information surrounding an incident. It is difficult to verify reports and avoid double counting. Furthermore, the samples size is very small and deaths are most likely underreported due to fear of deporting and incident, remote topography, the invisibility of irregular migrants and missing information. The results from this project should therefore be interpreted an underestimate of the actual situation, but as one of the main sources of verified information, the MMP's data is an important.. IOM's strategy is to be as transparent as possible about their data by publishing it publicly, but having highly underestimated data might be doing a disservice to the population that they are trying to help. The representative concluded by suggesting a number of measures to improve the current situation:
   o   Make migrant mortality a priority and encourage governments to collect official population data as already done for their citizens
   o   Promote survey-based data collection in areas where access is an issue
   o   Empower families of missing migrants to report more information
   o   Improve data sharing across regions and sectors to expand the network of data monitors

The **DRC Mixed Migration Centre (MMC)**, as part of the Mixed Migration Monitoring Mechanism Initiative (4Mi) brings together multiple data collection efforts. This project collects and analyses primary data with the aim to better inform programming response and to form a base for policy debate. It is a collection of local networks with long term and regular flow of data. The data is collected on cell phones, via the Qualtrics platform, that transfer the data automatically to main sights and the data is deleted on the phone out of ethical concerns. There are two types of surveys available for smugglers and migrants. Some of the risks or challenges brought up were those of security risks for the interviewers and migrants themselves. The migrant survey focuses on migrants' drivers and aspirations, protection risks and incidents, and assistance and access to information. The data revealed that a main source of information for migrants is from smugglers. The MMC uses qualitative data on human rights violations internally for triangulation and contextualization of the survey data. To ensure data quality, the DRC MMC trains the interviewers and does daily and weekly checks of the data for patterns and anomalies. Additional limitations and challenges expressed were: there is no definite data on the size

of the population (no denominator), so it is very hard to randomize; geographic access; bias and self-selection of participants; and government regulation and restrictions.

The **Human Cost of Border Control** is contesting the current database of migrant deaths and serves as the first official data source of state-produced evidence on people who died while attempting to reach southern European countries from the Balkans, Middle East, and North and West Africa. Each country has its own death management systems, and the Human Cost of Border Control adapts accordingly depending on the country and specific area. The Human Cost of Border Control utilizes a process of elimination to find border deaths amongst death certificates, which includes checking cemetery registries. One of the main challenges discussed was inconsistency between databases i.e. media-based sources and other official sources; for example, some organizations count missing bodies as deaths whereas the Human Cost of Border Control does not.

The **IOM Displacement Tracking Matrix (DTM)** was started in Libya 2016 to detect moving populations. The DTM conducts household surveys amongst migrants in Libya to gather data and has a key informant network to contextualize the data. The DTM provides a common operating picture concerning the movement of populations in Libya, allowing humanitarian actors to provide timely assistance to those in need. The DTM utilizes a regular information collection system to monitor vulnerabilities of migrants and IDPs and provide area estimates. DTM's data informs humanitarian response by identifying priority needs and informs further research and policy discussions. The IOM tries to be innovative in its research as well as partners with governments. DTM's data is always linked to child protection and mental health and psychosocial services (MHPSS) for migrants in the Sahel region. The IOM DTM speaker emphasized the human side of data and the importance of using data for advocacy and to inform practice.

Panelists from the discussion around data and monitoring human rights, with moderator Craig Spencer and CGC | Tunis Deputy Director Youssef Cherif

Improving Advocacy for Human Rights and Protection Risk Factors: Translating Better Data into Action

During this panel, representatives from the following organizations presented on their advocacy efforts aiming to uphold human rights of migrants: Terre d'Asile, The Fund for Global Human Rights and the Human Rights Watch.

Terre d'Asile presented on their work in Tunisia on migration by providing direct support for migrants, refugees, and asylum-seekers. Their focus is on individuals with juridical difficulties and those affected by trafficking or abuse. The protection efforts provided by Terre d'Asile include juridical, social and financial support. This organization also focuses on advocating on behalf of migrants in many environments such as conferences, debates or supporting other small associations. Lastly, Terre d'Asile discussed their reports with data on their programs and participants. This data shows that the majority of migrants are irregular and seek out Terre d'Asile as a result of a personal recommendation. They have identified a variety of pull factors including family, forced migration or being victims of trade. This presentation provided conference participants with a contextual understanding of the migrants who are in Tunisia, and their experiences.

The **Fund for Global Human Rights** uses a participatory method in order to include local expertise and needs of migrants when advocating for their human rights. Their strategies include monitoring, documenting and reporting abuse and violence in transit with the aim to advance legal efforts to help migrants who have suffered from violence and want to make authorities accountable for their lack of action or excessive use of force. This also includes educating migrants about their rights and preventing further deaths by pressing states to do more to save the lives of migrants in danger and by improving the ways in which states handle the bodies of migrants who died during their journey. The representative concluded by demanding better cooperation between organizations as these are unevenly distributed across areas and thus increasing vulnerability for certain populations.

Human Rights Watch (HRW) is a watchdog organization documenting all types of human rights violations. HRW Tunisia focuses on abuses of migrants, documenting how restrictive policies affect migrants, and exposing stories globally around conditions surrounding migrants' journey in Tunisia and Algeria. The organization collects stories and testimonies from individual migrants and use those to move public opinion. Their methodology relies on the presence of journalists or others to refer people. Migrants are then called directly via phone and interviewed about their experience. There are many challenges to this type of data collection as it is difficult to follow-up with migrants on the move and as there are many restrictions on researchers to enter certain countries to document these cases. Working in Algeria brings an additional and specific set of challenges to this process. There is a lot of hostility towards migrants in the country and arbitrary arrests solely based on the physical appearance of individuals without investigation into individual cases further complicate the situation of migrants in Algeria.

Human rights panelists from Human Rights Watch, Terre d'Asile,
and the Fund for Global Human Rights with Rebecca Liron (moderator)

Lessons Learned in Data Collection and Advocacy

To conclude the conference, Craig Spencer led a final discussion around lessons learned in data collection and advocacy.

Are multiple data sources just adding to the confusion in the public?
There are many numbers circulating due to different inclusion criteria and methodologies. The public and media focus on these numbers without considering the nuances in definitions for each data collection mechanism. It is important to explain how this data was collected and name the program's limitations, but this is unfortunately not always well received. As a result, data is often taken out of context to push a certain agenda. Therefore, organizations collecting similar data could share one common understanding and standards to make results more comparable.

What is the responsibility of data collectors?
Data collectors need to continue to push the message that even one death is too many. They have a responsibility beyond the data collection to what is done with their data. Therefore, data collectors need to advocate based on this data and push for change.

Would having a representative sample with sound sampling methodology, if possible, make any difference for advocacy?
The current efforts to collect mortality and human rights data on migrants only list count without reflecting the risk. Results are absolute counts that can increase or decrease and the public think this reflects whether the situation improved even though we currently do not have a denominator meaning that assessing overall risk is impossible. The majority of representatives at the conference expressed their belief that collecting data with a sound sampling methodology would not advance advocacy efforts. Most people focus on the

published numbers and ignore the specifics of the methodology. All actors need to agree on a clear advocacy message before that collection and then design the methodology accordingly.

Considering the political situation and the reality of data collection, what are the advocacy issue we should be thinking about? What is being overlooked right now and what is most important to focus on?
Representatives demanded a clear advocacy agenda in order to adapt the collection of evidence accordingly. All organizations need to define what they want to achieve as currently, they are working towards different end goals. Furthermore, data collection and advocacy programs need to stop negotiating with their opposition and focus on communicating hard evidence collected from their research. Lastly, there is a tendency to overemphasize migration which contributes to the negative narrative around this topic. Actors need to refocus on the issue that migrants are facing and avoid the narrative around finding a solution to migration itself.

Key Learnings
- There needs to be a reframing of migration; migration itself is not a problem or health risk. The focus and attention need to be on problems of conflict, harmful policies, proxy borders and proxy wars, and human rights abuses such as trafficking, detention, and torture along migration routes in the Sahel and North Africa.
- Data needs to be grounded in and utilized for advocacy and programs; data cannot work alone.
- There needs to be a larger, more inclusive conversation that incorporates actors from government, non-governmental organizations, advocacy organizations, and the media to work toward a common goal.
- The human-rights based approach needs to come first in bringing together existing data collection, monitoring, and advocacy efforts on migration in the Sahel and North Africa.

SIPA students attending the conference reception

Participants enjoying themselves during one of the conference breaks