CHAPTER 1
INTRODUCTION

1 Underlying Premises: Do European Immigration Policies Cause Border Deaths?
1.1 Views of Academics and Policy Makers 4
1.2 The Availability of Data 6
1.2.1 Data and Estimates on Border Deaths in Europe 6
1.2.2 Trends in Border Deaths in Europe 7
1.3 Conclusion on the Underlying Premises 8

2 Central Research Question 8
2.1 Does the ECHR Apply to Border Deaths? 9
2.2 What are the Relevant Requirements under Article 2 ECHR? 9

3 Limitations of the Study 9
3.1 The Study Focusses on Border Deaths at Sea in Europe 10
3.2 The Study Does Not Address the Question of Attribution 10
3.3 The Study Only Analyses State Responsibility under the ECHR 12
3.3.1 The Study Does Not Analyse State Responsibility under the EU Charter 12
3.3.2 The Study Accepts the Contemporary Human Rights Framework as its Parameter 14
3.4 Conclusion on the Limitations of the Study 15

4 Methodology 15

5 Terminology 16

6 Structure
6.1 Legal Context 16
6.2 Applicability of the ECHR to Border Deaths 17
6.3 Material Requirements under Article 2 ECHR 17
6.4 Conclusion 17

CHAPTER 2
LEGAL CONTEXT

1 The Term ‘Jurisdiction’ 20
1.1 Prescriptive and Enforcement Jurisdiction 20
1.1.1 Prescriptive Jurisdiction 21
1.1.2 Enforcement Jurisdiction 22
1.1.3 No Strict Hierarchy of Jurisdictional Bases 23
1.2 Rules and Policies with Extraterritorial Effects 23
CHAPTER 4
THE RIGHT TO LIFE AND EXTRATERRITORIAL EFFECTS OF IMMIGRATION POLICIES

1  Methodology

2  The Duty to Prevent the Loss of Life

2.1  Scope of Application

2.1.1  The Identity of the Potential Victim

2.1.2  Knowledge about the Risk

2.1.3  The Nature of the Risk

2.1.4  Circumstances Precluding the Application of the Duty to Prevent the Loss of Life

2.1.5  Conclusion on the Scope of Application of the Duty to Prevent the Loss of Life

2.2  Measures Required to Prevent the Loss of Life

2.3  Conclusion on the Duty to Prevent the Loss of Life

3  The Duty to Protect the Right to Life by Law

3.1  Scope of Application

3.2  Measures Required Under the Duty to Protect the Right to Life by Law

3.3  Conclusion on the Duty to Protect the Right to Life by Law