

## Missing Migrants: Management of Dead Bodies in Lesbos

### Greece Summary Report

September 2016



#### POLICY RECOMMENDATIONS

- Create an independent humanitarian commission to oversee and coordinate a national response to the crisis of missing migrants in Greece;
- Improve existing practices around data collection and management both from bodies and witnesses, and emphasise the importance of ante-mortem data;
- Acknowledge state obligations under International Human Rights Law and uphold legal duties;
- Respect families' needs, and engage families so that they are at the centre of the issue;
- Seek additional resources to address the problem, including from the EU;
- Begin to create a global architecture to address the phenomenon of missing migrants, including a set of principles that can serve as the basis for protocols around transnational data sharing.

Photo 1 The image shows a family photo left on a beach in Lesbos after a shipwreck. Photos by Dimitris Achlioptas. All rights reserved.

## EXECUTIVE SUMMARY

In this report we seek to survey how the bodies of migrants who die or go missing in their effort to cross the Aegean Sea are managed in Greece, and what laws, policies and practices are in place to ensure that the dead are identified and families informed. Our research focuses on the Greek island of Lesbos, one of the key entry points to Europe for migrants and refugees during the recent crisis, and close to of which a number of deadly shipwrecks have occurred. Our aim is to both identify apparent deficiencies in current approaches to migrant fatalities in Greece, as well as noting where good practice exists that should be duplicated. We identify a policy vacuum around the problem, marked by a lack of cooperation among different state agencies and the absence of standard operating procedures. The impacts of this vacuum have been exacerbated by the extreme resource constraints in Lesbos, and the very large number of both living migrants and dead migrant bodies to be addressed. In managing bodies after deadly shipwrecks, we identified a number of flaws stemming from this policy vacuum, including the absence of effective investigation to identify the deceased; a failure to effectively collect and manage post-mortem data; limited efforts to assist families when they arrive on the island to search for their loved ones; until recently, the lack of a standardized process of numbering and burying the dead at local cemeteries; the lack of international cooperation; and the absence of a provision for outreach to collect ante-mortem data from families in third countries.

Such limitations, coupled with the complex nature of this humanitarian challenge, have led to most of the victims of deadly shipwrecks being buried unidentified with limited provision for future identification. This has an adverse psychological impact on the families: in the absence of certainty about the fate of their loved ones, relatives are trapped in a state of ambiguity condemning them to unresolved loss, and resulting stress and anxiety. To help local authorities effectively deal with this humanitarian problem and assist families in their quest for truth, we offer a number of policy recommendations. We recommend that the Greek authorities establish a 'humanitarian commission' mandated to oversee and coordinate efforts of national and local authorities, and to liaise with families of the dead and missing to collect data from them that could facilitate future identifications. Acknowledging the transnational nature of the problem, we argue that that the effective management of the problem of missing migrants is not merely the responsibility of the local or even Greek authorities; rather a demonstration that regional and pan-European solidarity is needed. To this end a 'global architecture' is required to collect and store both ante- and post-mortem data concerning missing migrants from a range of sources, including European states and families in migrants' countries of origin.

## INTRODUCTION: THE PROBLEM OF MISSING MIGRANTS IN LESBOS<sup>1</sup>

Deadly shipwrecks and migrant bodies have tragically become the most iconic images of the contemporary refugee crisis at the EU's periphery. Only in 2015 and the first half of 2016, more than 6,600 migrants are known to have died crossing the Mediterranean, with an additional number of unrecorded deaths (IOM, 2016). The remains of the majority of

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The Project Team gratefully acknowledges the contributions of family members and survivors, NGOs and government officials who agreed to be interviewed, as well as IOM's officials for advice during the drafting of this report. Any errors remain the responsibility of the authors.

<sup>1</sup> It should be noted that 'migrants' and 'refugees' are two distinct legal categories. However, the nature of unidentified bodies (i.e. their status prior to death is unclear) and the legal obligations of states concerning those human remains are the same regardless of that legal status. As such, for the purposes of this briefing note we will use the terms interchangeably.

victims are buried unidentified. Consequently, thousands of families in migrants' countries of origin remain unaware of the fate of their loved ones.

The families of those missing are, together with the missing, the real, yet invisible victims of this humanitarian disaster. In the absence of information about their relatives, they are trapped in a state of ambiguity, not knowing where loved ones are, or whether they are dead or alive.<sup>2</sup> Where a loved one is known to be dead, the location of the body is often unknown. Families suffer from ambiguous loss: a traumatic loss that gives rise to symptoms of depression, anxiety, and family conflict. Ambiguous loss is the most stressful type of loss precisely because it is unresolved. Existing policies fail to maximize the prospect of identification, and serve to inhibit any communication between authorities and families, causing families to continue to be trapped in ambiguity.

To map the policy responses and families' needs, we conducted more than 130 qualitative interviews with relevant actors, including authorities, local civil society, and affected families in the period October 2015 – March 2016.<sup>3</sup>

## **KEY CHALLENGES IN LESBOS**

Lesbos remained the key entry point for most migrants and refugees in the period 2012-2016: approximately 590,000 refugees landed on the island between 2015 and mid-2016, more than six times the total population of the island.<sup>4</sup> Since 2014, an estimated 9,969 – almost 11 per day – have lost their life in deadly shipwrecks in the Mediterranean Sea,<sup>5</sup> and an unknown number have died but their bodies were never recovered. This represents a transnational humanitarian challenge that affects not merely the authorities at the EU periphery tasked to deal with this problem, but also the lives of thousands of families in countries of origin.

## **IMPACTS ON FAMILIES OF MISSING MIGRANTS**

As a part of the Mediterranean Missing project, 84 families from 5 countries – Tunisia, Syria, Iraq, Palestine and Egypt – whose relatives have gone missing during migration, have been interviewed to understand the impact on them. The most important conclusion is that most families have no information as to the fate of loved ones and are therefore trapped in a state of ambiguity, between hope and despair. Ambiguous loss is the most stressful type of loss precisely because it is unresolved. Emotionally and psychologically, families are affected in ways which undermine their well-being through a generalised anxiety disorder, a sense of stasis in their lives, hypervigilance and sleep disturbance, while those worst affected have had to seek professional psychiatric help. Family conflict and self-isolation are prevalent among affected relatives, and women in particular are impacted by the dramatic change in role required to head a household where the husband has gone missing. Those who survived shipwrecks in which relatives went missing are likely to be traumatised, potentially suffering from post-traumatic stress disorder.

The needs of families are clear: they seek an answer, a resolution of the lack of clarity over the fate of the missing – are they dead or alive? In either case, they also want to know where their missing relatives are: if they are dead, families want to retrieve the body and bring it home so that it can be honoured and buried in a space that returns a loved one to the family. Some family members have taken part in efforts to identify loved ones, including the often traumatic exercise of examining bodies in morgues or photos of the

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<sup>2</sup> Please see the report on families' needs

<sup>3</sup> We acknowledge that by focusing on this particular period we only hope to take a snapshot of a fluid phenomenon. As a result of the recent implementation of the bilateral agreement between the EU and Turkey the number of refugees arriving on Lesbos has been reduced, as well as the deadly shipwrecks, while a number of NGOs has left from Lesbos.

<sup>4</sup> UNHCR data: <http://data.unhcr.org/mediterranean/country.php?id=83> [last accessed 9 July 2016]

<sup>5</sup> IOM 'Missing Migrants Project', <http://missingmigrants.iom.int/> [last accessed 9 July 2016]

dead. Many have shared DNA samples with authorities in Europe but very few have received any response.

## INTERNATIONAL HUMAN RIGHTS LAW

International human rights law (IHRL) applies in situations of migrant death and disappearance at borders, and places duties on states, derived from international treaties, to identify the dead and respect the rights of the families of missing migrants. This is summarised in a legal memo produced as part of the Mediterranean Missing project.<sup>6</sup> States have a duty to protect the right to life of all without discrimination, to respect the right to family life of relatives of the missing who are in the country, and to take special measures to protect children of missing migrants. IHRL requires that there should be no discrimination between the deaths of citizens and of non-citizens, and that steps be taken to prevent and investigate deaths. The implications of IHRL are that:

- States should investigate all suspicious deaths effectively, including by taking steps to identify the body, and secure evidence. Effective investigation should also entail efforts to retrieve the body, and to trace and inform families;
- The right to family life includes participation by relatives in the investigation, and in the burial of a relative's body;
- The protection of children whose parents are missing includes respecting their best interests at all times, and taking specific measures to preserve their identity, including nationality, name, and family relations.
- The policy vacuum that exists in the states covered by this project suggests that not all of these obligations are either acknowledged or acted upon.



Photo 2 Belongings and documents found on the shores of Lesbos

## MAPPING POLICY RESPONSES

### *Retrieval of Dead Bodies*

Retrieving bodies is crucial not least because identification is possible only where the body is found. In Greece, the authority responsible for retrieving bodies and for dealing with the dead and missing is the coastguard, which is also responsible for rescuing people on boats in distress and recovering bodies when washed ashore. This sheds light on a tension between the mandate of the coastguard – to police the border and prevent criminal activities – and humanitarian operations, such as rescuing migrants, collecting dead bodies or leading investigations for their identification.

### *Investigation and Data Collection*

Identification of the dead is in principle driven by the matching of post-mortem data from the body (material belongings, distinguishing marks on the body, survivor testimony, DNA data, etc.) with ante-mortem data, largely from relatives of the missing. In Lesbos, almost all current identifications are made by family members present on the island visually identifying loved ones, typically through photographs, because there is no route for post-mortem and data mortem to be brought together. Once a body is buried, there are many constraints to this being achieved.

Both the international and national legal frameworks impose a duty on national authorities to investigate ‘non-natural deaths’, such as those resulting from shipwrecks in the Aegean.<sup>7</sup>

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<sup>6</sup> IHRL Memo

<sup>7</sup> The European Court of Human Rights and the UN Human Rights Committee have set out the steps which the state must take when a non-natural death occurs: protection of the right to life entails both a substantive duty to prevent deaths and a procedural duty to investigate deaths.

Yet, in practice there is little active investigation with even easily accessible personal effects (e.g. SIM cards, notebooks, credit cards) often left on the beach (see photo 1, page 1).

Detailed testimonies from survivors, that could aid identification and collection of evidence, are usually collected only in cases where the coastguard is investigating criminal activities – notably migrant smuggling – and not for purely humanitarian purposes. Most importantly, there is no standardized way of collecting this data, despite the fact that there are standard forms for collecting post-mortem data after humanitarian or natural disasters.<sup>8</sup>

There remains however a tension between legal duties and the reality that, at the peak of the refugee crisis, it was practically impossible for the under-staffed coastguard to carry out such an investigative operation, given that in the second half of 2015 daily arrivals of refugees to Lesbos ranged between 2,000 and 3,000.<sup>9</sup> Therefore it would be unreasonable to expect that an under-resourced state agency in a remote Greek island, already tasked with collecting and registering thousands of arriving migrants, conducting search and rescue operations, and dealing with dead bodies, simultaneously carry out a systematic and time-consuming investigation to collect and store post-mortem data from shipwrecks.

## TREATMENT OF BODIES AND DATA

There are three stages in the identification process:

### Step 1: Visual Identification

The coastguard leads the investigation for identification, inviting family members to visit their headquarters; here, families are shown photographs of victims who appear to fit the description of the missing person. Therefore, the prospects of identification increase where shipwreck victims and survivors were travelling together and survivors can report their loved ones as missing in the first few critical days after the accident. Due to the lack of resources, certified interpreters or doctors may not be available to support this process, and NGOs often play a crucial role in offering interpretation services and psychological support to relatives during and after the identification process. Visual identification, however, particularly when using photographs, has its pitfalls, as it is not uncommon for traumatized family members to misidentify their loved ones.<sup>10</sup> If the family does identify their relative, this leads either to burial in a cemetery in Lesbos or the repatriation of the body.

### Step 2: The coroner

If a family is present but cannot identify their relatives through photos – or where there is no relative in search of a particular victim (as in most cases) – the next stage in the process takes place in the morgue. An unclaimed body, usually stays up to 40 days in the morgue. Yet, due to poor infrastructure,<sup>11</sup> the local coroner often pushes for a speedy burial to create space for others. If no one claims a body, the coroner prepares the ‘death registrar act’ required for the burial of unidentified bodies, and sends the document to the local registry office and the coastguard. Two crucial protocol numbers are assigned to each unidentified dead body: (a) the protocol number of the death certificate assigned by the coroner and, (b) the number given by the coastguards (usually composed of the date of the shipwreck and the number of the victim, e.g. *13/10/2013, n.6*). As discussed below, it remains unclear whether or how these numbers are referenced on the actual grave, and thus what the implications are for linking data from the coroner with a particular buried body. According to the local coroner in Lesbos, these numbers are written on a tag with the dead

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<sup>8</sup> The most commonly used system for mass disasters is the INTERPOL Disaster Victim Identification (DVI) system. INTERPOL DVI Form set, also Available at: <http://www.interpol.int/Public/DisasterVictim/Forms/Default.asp> [last accessed 9 July 2016]

<sup>9</sup> Patrick Strikland (2015) ‘Refugee boats to Greece persist despite winter's chill’ Al Jazeera, available at <http://www.aljazeera.com/news/2015/12/refugee-boats-greece-persist-winters-chill-151202175107235.html>

<sup>10</sup> ICRC (2009) ‘Missing People, DNA Analysis And Identification Of Human Remains’, p.10, also available at: [https://www.icrc.org/eng/assets/files/other/icrc\\_002\\_4010.pdf](https://www.icrc.org/eng/assets/files/other/icrc_002_4010.pdf) [last accessed 09 July 2016]

<sup>11</sup> It is only recently that a freezer was donated by a charity to the local morgue.

body, but whether this is externally visible in the cemetery of *Aghios Panteleimon*, in Mytilene, also remains unclear.

### **Step 3: Forensic data**

During this stage, the coroner takes a tissue sample to extract DNA data from all unidentified dead bodies; the sample is then sent to the Forensic Science Division (FSD) laboratory, which is a branch of the Greek police, within the Ministry of the Interior.<sup>12</sup> The FSD is responsible for storing all genetic samples and results, while also tasked to carry out any future identification. Families of the missing can send their own genetic samples for identification to the FSD at any stage, through an official agency, or through the embassy of their country of origin in Athens. Although in theory this means that relatives can send samples from their countries of origins, this is often extremely challenging in countries where there is distrust or fear of state authorities, as in the case of most Syrian refugees for example. There is also no outreach to families, such that families in migrants' countries of origin are often unaware of the possibility to share tissue samples of their relatives for DNA analysis.

#### ***Good practice: the case of Alexandroupoli***

Alexandroupoli is a town located in the North-Eastern part of Greece in the region of Evros, which became the main entry point for thousands of migrants entering the EU from Turkey in the period between the mid-2000s and 2012, when a fence was built that diverted migrant flows to the Aegean islands. For migrants to cross the border they had to cross the Evros river and many died there. While examining the experience of Alexandroupoli, we came across good practice steered by the local coroner.

First, over the past 15 years the local coroner has been collecting tissue samples from the dead on a systematic basis, irrespective of if the body is identified or not. Similarly, he has collected and stored other post-mortem data (i.e. personal items, clothes, photos of identifying marks such as tattoos, evidence of distinctive injuries etc.) in order for relatives to be able to identify victims in the future (Interview No.60). Second, he assigns only one protocol number to each body and this enables him to keep track of all bodies at all stages of the process (i.e. from DNA samples, to the specific grave and the box with personal effects of each victim). Most importantly he is in close collaboration with the local Imam who carries out the funerals to ensure that this number is added on the tombstone. Also, when families in search of their loved ones arrive in Alexandroupoli, it is him – rather than the police -- who shows them all photos and personal material to identify their relatives. Being a forensic expert facilitates the identification process. Moreover, he stores dead bodies for 90 days – rather than the 40 days which is in principle the case in Lesbos – and as such widens the window of opportunity for families to show up and identify their loved ones. Also if a family wants to exhume a dead body, he sends a request to the local DA and, as a result, it seems that a number of exhumations have taken place over the past years (Interview No.60). In effect, there is a standardized procedure spearheaded by a single authority, which takes the lead and maximizes the potential for identification.

## **BURIAL AND REPATRIATION**

Article 8 of the European Convention of Human Rights – reinforcing the right to respect for 'private and family life' – acknowledges the right of families to bury their relatives. Stemming from this provision there is the duty to return the body to the relatives, in cases where families are in Greece, to organize and attend a funeral, but also to take tissue samples from dead bodies to advance investigations.<sup>13</sup> Organizing a decent funeral that

<sup>12</sup> Article 27, law 4249/2014

<sup>13</sup> ECHR case Girard v. France (application no 22590/04)

respects the cultural and religious rituals of the deceased is of paramount importance for the families. Not only does this bring a closure to the ambiguous nature of their loss, but most importantly helps the victim's relatives to move on with their lives.

Currently there are two cemeteries on the island where victims of shipwrecks are being buried. The first one is a Christian Orthodox cemetery of *Aghios Panteleimon*, located in the town of Mytilene, where the vast majority of the victims of shipwrecks in the period up to late 2015 are buried. The second, exclusively Muslim, cemetery was recently created, in October 2015, in the village of *Kato Tritos* which is approximately 20 km away from Mytilene.

### The old cemetery of *Aghios Panteleimon*

Since the mid-2000s, and especially in the early-2010s, when the Aegean in general and Lesbos in particular became the key entry point to Europe for refugees, the number of fatal shipwrecks increased and the vast majority of identified and unidentified victims were buried in this cemetery. Their bodies are usually lightly covered by soil, and only a piece of broken marble placed on the grave, indicating a date (of the shipwreck or burial) and a number (for victims of particular shipwrecks; see photo 2). Due to the lack of specific policies or an authority to lead the process, each burial tells a different story and largely reflects the struggle between the families, local NGOs, the willingness of local authorities to assist, and the availability of funding. The role of local NGOs is pivotal, as these have been helping families to identify and bury their loved ones since at least 2012.

By far, the main issue with the procedure (or lack of it) followed in the old cemetery is the minimal prospect of future identification. First, it is doubtful whether the unique protocol numbers assigned by the coroner and the coastguards are put in a visible place on the grave. The coroner should add a tag to the body, but this is often not externally visible, so any identification would require exhumation of the body and DNA confirmation.<sup>14</sup> Second, some numbers are added on gravestones, but these are pieces of broken marble which can be easily removed. Most importantly, since a non-state actor (namely funeral offices) is tasked to bury the bodies, local authorities may not always be able to ensure that protocol is correctly followed. In the instance where markers are removed and no burial protocol is followed, even where a DNA match may be successfully made at the forensic laboratory in Athens, the grave of a specific victim may be hard to locate, unless an exhumation occurs. In other words, burial practices may often constrain identification prospects. Finally, no map of the cemetery is available, which further complicates future identification. This illustrates the lack of coordination between local state and non-state entities (?) and the policy vacuum of dealing with migrant fatalities: different agencies are responsible for different stages of the process (i.e. body retrieval, data collection and management, identification, burial), with limited or no coordination.

### The new cemetery in *Kato Tritos*

The new cemetery was the result of a pressing need for local authorities to bury the 70 dead of the shipwreck of 28 October 2015 – an unprecedented disaster. Reflecting the urgent nature of the decision, under the state of emergency municipal authorities turned a field into a cemetery. The new cemetery is located in the village of *Kato Tritos*, 20 km away from Mytilene, and is explicitly dedicated to accommodating bodies of Muslim dead.<sup>15</sup> The new cemetery represents a step forward, providing a solution to the ongoing problem of finding space for burials. Both protocol numbers (those assigned by both coastguards and the death certificate) are engraved on the gravestones of all unidentified victims, thereby increasing the prospects of future identification.

An Egyptian volunteer manages the new cemetery and ensures that cultural and religious rituals are respected. The graves are tidy and the volunteer has created a map of the cemetery and also mobilized local, immigrant and Muslim groups as well as charity



Photo 3: Image from the Old cemetery



Photo 4: Image from the new cemetery

<sup>14</sup> This adds an extra challenge, as exhumations are prohibited in the Muslim tradition.

<sup>15</sup> It is however unclear whether some of the unidentified victims buried there are non-Muslims.

organizations to support the burial of the victims. Since the creation of the new cemetery, the volunteer is responsible for effectively managing it and organizing all the burials.

However, the new cemetery only represents a temporary solution, stemming from the existing policy vacuum. Despite the positive impact on families, the municipal authorities appear to have delegated their legal responsibilities to an individual with no official status: the volunteer has no formal contractual relationship with the Municipality, and, as a result, the map of the cemetery remains in the hands of an individual with no affiliation to the authorities leading identification processes.

## **POLICY RECOMMENDATIONS**

Despite the complex nature of the humanitarian challenge of migrant fatalities, there are both immediate steps that the Greek authorities could take, as well as long-term actions that require transnational and European cooperation.

### ***Recommendations to the Greek Authorities***

#### **1. Creation of an independent Humanitarian Commission**

The key obstacle to effective management of issues surrounding missing migrants remains the absence of standard operating procedures for dealing with the bodies and their identification: a number of different agencies are involved in the process, with very limited coordination. We therefore recommend the creation of an independent commission, with an exclusively humanitarian mandate comprised of technical and empirical expertise in managing such cases – including forensic experts, local and national authorities, members of NGOs, legal experts, migrant communities, and families of missing migrants. The mandate of such a commission would be geared towards:

- Coordinating the actors involved at all stages in the process, from retrieval of bodies to identification.
- Ensuring that standard procedures are developed and enforced nationally.
- Liaising with families, other relevant persons and authorities of third countries (e.g. embassies & consulates).
- Ensuring human rights compliance.

An important gap is that there is no outreach to the families of the missing on the part of national authorities, both to ensure that families are engaged in the process, and to collect ante-mortem data from them. The DNA samples obtained from migrant bodies are useless in the absence of ante-mortem data to match it to. It is thus necessary to build channels of communication with families. The commission would need to design an outreach strategy that would facilitate communication with families, who should be encouraged to share information. It is also pivotal for such a committee to find innovative ways to engage families in countries of origin. For example, social media have already been (unofficially) used by families searching for their loved ones; an interesting example comes from Italy, where in the aftermath of a shipwreck authorities set up a Facebook page and designed a form to be completed by relatives, which allowed for the identification of 22 out of 24 victims.<sup>16</sup> Local migrant communities and NGOs have a valuable network of contacts that would greatly benefit this outreach strategy and facilitate future identifications, as well as embassies and consulates of some of migrants' states of origin.

#### **2. Improving existing practices and upholding legal duties**

It is essential that the agency responsible for leading the investigation collect and appropriately store all post-mortem data in the aftermath of shipwrecks, including personal belongings (e.g. notebooks, credit or SIM cards, jewelry etc.). Similarly, testimonies from

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<sup>16</sup> Obviously sharing personal data – particularly of vulnerable groups -- online raises a number of ethical considerations, as this sort of exposure can endanger both families and missing migrants. See report on Italian Authorities.

witnesses should be systematically collected with the aim of gathering information to be used for identification of the victims. Currently, a superficial interview is conducted, or – in cases where a criminal investigation is under way – survivors are often primarily questioned about smugglers. Mindful of the tension created by the dual mandate of the coastguards, it is important that all post-mortem data be managed and stored according to international standards. Similarly, the state should assume responsibility for managing the cemeteries where unidentified victims of shipwrecks have been buried, being the leading authority for investigations into the identification and the management of post-mortem data.

### **3. Respecting Families' Needs**

There is a need to ensure the inclusion of the families at all stages of the process. One important step in that direction is to grant families of missing migrants a short-term 'humanitarian visa', which would enable them to visit Greece for a short period of time to contribute to the search and identification processes, as well as participate in the burial.

### **4. Additional resources from the EU**

As this is a complex humanitarian challenge that exceeds the current capacities of the Greek state, let alone of the local authorities, it is imperative that the Greek authorities utilize existing funding opportunities, such as financial support from the EU, to address the humanitarian needs of families and increase the capacities of local agencies.<sup>17</sup> For example, interpretation services or psychological support to families participating in identification process are currently offered by NGOs, but funding should be made available to ensure such critical services will continue to be available in the future.

### ***Building a transnational architecture to manage data around missing migrants***

In other contexts, such as that of Mexico and the Central American region, efforts to ensure the sharing of data around missing migrants have been led by civil society and largely between states.<sup>18</sup> However, in the Mediterranean case the fact that ante-mortem data concerning missing migrants must come from many states in several continents complicates the problem. As such, there is a need both for European states holding post-mortem data to have national structures that can centralize such data, and for them to have access to ante-mortem data from a large range of other sources, including potentially states of migrant origin, other European states, and directly from families.

- Post-mortem data in European states to be centralized nationally, stored securely, and to be managed by an agency independent of concerned states that can win the trust of families, and that ensures a role for civil society organizations, including those representing families of missing migrants, and independent organisations with forensic expertise<sup>19</sup>;
- Families of missing migrants to be given the required support and information to follow the process of data collection, management and identification, and any subsequent exhumation and repatriation of bodies, in ways that put them at the centre of that process;
- All data collection, management and storage to be subject to both relevant data protection standards and to an explicit separation of data used for humanitarian identification purposes and that for border control and law enforcement.

A transnational architecture is required that would enable the collection and storage of both ante- and post-mortem data concerning missing migrants from a range of sources, including state authorities and families. Matching of ante- and post-mortem data can then be made either at national level or through some transnational structure. We recommend

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<sup>17</sup> See for example, the operation priorities of ECHO <http://ec.europa.eu/echo/sites/echo-site/files/esop.pdf>

<sup>18</sup> Reineke, Robin (2016) Missing persons and unidentified remains at the United States–Mexico border, in Brian, T. and Laczko, F. (Eds), *Fatal Journeys Volume 2, Identification and Tracing of Dead and Missing Migrants*. Geneva: IOM.

<sup>19</sup> Such as ICRC and ICMP.

that efforts begin to find ways in which states can cooperate and collaborate on data sharing. This could begin with the agreement of a set of principles, based on international human rights law, that could provide the foundation for such cooperation. These principles could take as their point of departure, the guiding principles developed by the ICRC, around the treatment of persons missing in conflict and political violence.<sup>20</sup> On the basis of such agreed principles and with a commitment to a human rights-based approach, a set of protocols can be developed, in collaboration with technical experts such as the ICRC and the International Commission for Missing Persons, that describe how data is collected, managed and shared, between states, families and other actors, in a way that maximises both the identification of missing migrants and the involvement of families in that process.

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<sup>20</sup> ICRC Guiding Principles



# Mediterranean Missing

Understanding the Needs of Families and the Obligations of States

[www.mediterraneanmissing.eu](http://www.mediterraneanmissing.eu)



## THE MEDITERRANEAN MISSING PROJECT

The Mediterranean Missing Project is a one year research project running until September 2016, funded by the Economic and Social Research Council of the United Kingdom. Resulting from collaboration between the University of York, City University London, and the International Organization for Migration, the project is one of the first efforts to systematically collect data and comparatively explore current responses to migrant bodies in the Mediterranean, and the impacts of a missing person on families left behind. In 2015, over 3,770 refugees and migrants are known to have died at sea while trying to reach Europe. The majority of these people are not identified, and in many cases bodies are never found. In each case, a family is left in a state of ambiguous loss, unable to fully grieve for their loved one. Despite the magnitude of unidentified deaths and the suffering of families, states have done little to address this humanitarian imperative. This project aims to shed light on the policy vacuum at EU and national levels, through investigating the policies and practices in Italy and Greece regarding the investigation, identification, burial and repatriation of migrant bodies. Research with families of missing migrants from a range of contexts aims to better understand the impacts of missing persons on families, both psychologically as well as economically and socially.

Research findings include the following publications:

- Italy and Greece country reports, including summary versions.
- A report of a study on the impact on families of having a relative missing in migration.
- A legal briefing summarising the obligations under International Human Rights Law of states concerning the migrant bodies and the missing.
- Studies of the legal frameworks relevant to missing migrants and the management of the bodies of migrants in Italy and Greece.

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