

Mediterranean Missing

Understanding Needs of Families and Obligations of States

Missing migrants and managing dead bodies in the Mediterranean

A briefing note

The Mediterranean Missing research project

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THE PROBLEM OF MISSING MIGRANTS

Deadly shipwrecks and the bodies of migrants have become the most iconic images of the contemporary refugee crisis at the EU's periphery. In 2015 and the first half of 2016, more than 6,600 are known to have died crossing the Mediterranean, with an additional number of unrecorded deaths (IOM, 2016). Although the media and solidarity groups have shed light on the plight of living refugees, and highlighted the shocking reality of shipwrecks, relatively little is known about migrants whose fate is not known to their families. The remains of the majority of dead migrants are buried, unidentified, in common graves (see photo 1). As such, thousands of families in countries of migrant origin remain unaware of the fate of their loved ones.

Authorities in the countries of reception (most notably Greece and Italy) have been unprepared to deal with the nature and volume of this unprecedented humanitarian crisis. Currently, there is a policy vacuum around the problem, marked by minimal cooperation among different state agencies, an absence of any effective investigation, and little effort to contact the families of the missing. This results in bodies being buried unidentified, often in common graves with little respect for religious and cultural expectations or the rights of the families.

The image shows a family photo left on a beach in Lesbos after a shipwreck.

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The families are the real, yet invisible, victims of this humanitarian disaster. In the absence of a body to bury they are trapped in a state of ambiguity, not knowing where loved ones are, or if they are dead or alive. If they are dead, the location of the body is 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 serve to minimize the prospect of identification, and inhibit any communication between authorities and families, guaranteeing that families continue to be trapped in ambiguity.

“There is a voice in my head telling me sometimes that my son is dead, and sometimes I tell myself that he is alive. I feel choked. I always ruminates and I usually feel afraid when I stay alone. The medicines that were prescribed to me are too strong; I can no longer wake up. I’m so tired because of all this, you know.” (Mother of missing man, Tunisia)

THE MEDITERRANEAN MISSING PROJECT

The central aim of the Mediterranean Missing project is to offer evidence-based policy recommendations to effectively deal with this humanitarian challenge. To this end, the 12-month project has sought to map existing law, policy and practice in states of migrant reception and to understand how having a missing relative affects families. To identify local authorities’ range of policy responses we focused on the two main entry points for migrants and refugees namely the Greek island of Lesbos and the broader region of Sicily in Italy, both of which have experienced a large number of deadly shipwrecks in recent years. Researchers conducted interviews with local actors, including municipal authorities, NGOs, coastguards, coroners, funeral offices and other stakeholders to map existing policy and practice. Lawyers were commissioned to prepare memos summarizing the national legal frameworks in Greece and Italy, with particular emphasis on the duties of the state and understandings of the rights of the families. To shed light on the needs of the relatives of missing migrants, we carried out interviews with families of the missing in Tunisia and among families from Syria and Iraq. In total we collected more than 130 semi-structured interviews from authorities, NGOs and families of the missing.



Figure 1 Graves of unidentified migrants in Palermo cemetery.

THE POLICY VACUUM: THE EU, GREECE AND ITALY

As a result of a policy vacuum both at the EU level and nationally (in both Italy and Greece), policy responses appear to be driven largely by improvisation by both national and local agencies. Faced with an unprecedented humanitarian challenge, coupled with the blurred responsibilities of state agencies and the bureaucratic culture of blame avoidance, authorities fail to respond effectively to the problem. Different agencies are tasked to deal with different elements of the issue (i.e. recovery, investigation, identification, burial, and repatriation of the dead body) with minimal or no coordination. For example, we have significant evidence to suggest that even though DNA samples are taken from dead bodies in Greece, the prospect of future identification is minimized as a result of the lack of coordination between the different authorities. For example, there is no data management in place to link a body buried in Lesbos’ graveyard to a DNA sample held in Athens.

Similarly, the judicial authorities fail to carry out basic investigations that could aid identification. Potentially helpful personal effects on the beaches of Lesbos are not

systematically collected or stored for identification, and survivors of shipwrecks are not interviewed about those who have died (see photo 2). In Sicily, investigations are led by the police and focus exclusively on supporting criminal charges against suspected smugglers, rather than identifying the dead. Despite the lack of awareness of states' obligations, there is an existing normative framework which obliges states to take concrete steps. International human rights law obliges the state to protect the right to life, and investigate these deaths, as they would that of a citizen.



Figure 2 A credit card left on a beach in Lesbos after a shipwreck, demonstrating the failure of efforts to collect all post-mortem data.

Part and parcel of the policy vacuum is that the only positive developments around the phenomenon of missing migrants have come either from the improvisation of individual public servants or from civil society. Civil society groups have actively assisted families of missing migrants in the search for their loved ones, most often on an

ad hoc basis by helping them reach out to local authorities or by putting pressure on the latter to help individual families. In Italy the improvisation of individual civil servants has had for important consequences. For example, in the effort to identify victims of a deadly shipwreck in April 2014, an investigator set up a Facebook page and created a form to be filled by relatives which made it possible for 22 out of 24 of the Syrian victims to be identified. Also in Italy, the national commissioner for missing persons has signed a collaboration agreement with a forensic laboratory and the ministry of interior adopting the Disaster Victims Identification (DVI) protocol to identify victims and inform relatives. The fact that most positive developments are associated with the improvisation of individuals or civil society, but do not reflect official policies, perfectly illustrates the need for improving state responses.

POLICY RECOMMENDATIONS

Any effective policy would need to increase the potential for identifying the dead bodies, burying them according to appropriate religious and cultural rituals and ensuring that families are informed at all stages of the process. To reach these objectives it is important first to decouple the management of this humanitarian problem from the politicized debates on border and migration policies. There are immediate steps that can be taken, but in the long-term a global architecture is needed to effectively address the problem.

States acknowledging their legal obligations

- States to acknowledge their legal obligation to conduct investigations into the identity of those found dead on their territory, and to treat those bodies as they would those of citizens; and to acknowledge that informing families of the fate of deceased loved ones is a requirement of human rights law.

Effective investigation

- Local authorities to collect and appropriately store all post-mortem data after shipwrecks (e.g. personal notebooks, SIM cards, shoes, jewellery etc, as well as data from the body and tissue samples) and ensure witness testimony is collected;
- All post-mortem data to be managed according to international standards;

“I am always visiting the doctor. I was even hospitalized in the psychiatric hospital. I don’t sleep any more, I have hallucinations and dark ideas. It’s like a crisis, I start wandering in the house and sometimes I hit the furniture. I have disrupted sleep. I usually wake up at 3 in the morning.”
(Mother of missing man, Tunisia)

- Authorities managing migrant bodies to reach out to states of migrant origin and to the families of the missing, and ensure protocols are in place for the collection of ante-mortem data, as an essential element of any investigation.

Addressing families' needs

- A 'humanitarian visa' be issued by states to relatives after shipwrecks to enable access to both the body of the dead and to authorities managing the dead;
- The importance of visual identification of the dead in the first 48 hours after shipwreck to be emphasised, particularly where family members have travelled with the missing;
- The process of repatriating the dead body to the country of origin to be made as simple and accessible as is possible;
- As families are experiencing trauma, the EU to support a structure to offer relatives of the missing emotional and psychological support., and to support burial and repatriation.

Global architecture

An international architecture is required that can 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. It is also essential that families and an authority holding information about the migrant dead can communicate. Relatives can provide valuable ante-mortem data, including photos, a description of physical traits of the missing person and tissue samples to authorities holding data concerning bodies.

The platform where ante-mortem and post-mortem data are matched will ideally be managed by an agency independent of concerned states that can win the trust of families. Ideally, online access will be provided for both submission and access to data that can aid families in gaining answers concerning the fate of their loved ones.

REFERENCES

IOM (2016) Missing Migrants' Project: Latest Global Figures - Migrant Fatalities Worldwide, Available at: <http://missingmigrants.iom.int/>



Figure 3 The 'new' cemetery in Lesbos, where unidentified migrants are buried.

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