

## Missing and Dead Migrants at Sea: The legal framework in Greece

Greek Legal Briefing

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This briefing seeks to set out the relevant legal frameworks for the addressing of all elements linked to missing migrants in Greece, including retrieval and management of bodies, collection and management of data, investigation and identification.

The relevant framework concerning the issue of the management of the missing and dead migrants can be divided into 3 areas of the legal order:

- Legislation (hard law)
- Regulation (internal instructions of various authorities)
- Local Practice

The Hellenic coastguard is the main public authority responsible for those reported missing at sea. In the investigation of missing people they are helped by local fishermen, according to a long established ethical code. Various actors are involved in the management of a body from the moment of discovery until the burial or repatriation of the corpse. The procedures are the same, regardless of the nationality of the victims of the shipwrecks. In the following note we try to record the relevant framework for missing people, found bodies, identification procedures, burial rights, rights of the family and best practices.

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**The opinions expressed in the report are those of the authors and do not necessarily reflect the views of the International Organization for Migration. The designations employed and the presentation of material throughout the report do not imply the expression of any opinion whatsoever on the part of IOM concerning the legal status of any country, territory, city or area, or of its authorities, or concerning its frontiers or boundaries.**

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## **THE STATE OBLIGATION TO SEARCH FOR PEOPLE IN DANGER AT SEA AND FOR MISSING PERSONS AT SEA**

The relevant legal framework, both domestic and international, is very consistent regarding the obligation of the state to require the master of a ship flying its flag to provide help to people in danger at sea, regardless of how these people are travelling, their legal status, or their number. More particularly, the international conventions listed below, transposed in national law, also impose an obligation to establish search and rescue centres, as well as an obligation for humanitarian treatment of persons rescued at sea. Apart from the existing international and national laws, the obligation of the state to rescue people in danger at sea, and to search with due diligence for persons missing at sea, derives mainly from the Greek Constitution, article 2 para. 1, stating that the main obligation of the State is the protection and respect of human life. It also derives from the European Convention on Human Rights, article 2, protecting the right of every person to his or her life, imposing various positive obligations for the States, including a positive duty to prevent the loss of life, and an obligation to investigate suspicious deaths -see below.

It is to be noted that, where search and rescue at sea is concerned, there is no legal framework discriminating between Greek nationals and third country nationals - regardless of their legal status, as long they are within the Greek territory.

### ***International law***

The following international instruments are integrated into Greek domestic law

- United Nations Convention on the Law of the Sea, 1982, Article 98, as integrated with Law 2321/1995;
- International Convention for the Safety of Life at Sea, 1974, chapter V, regulation 33, promulgated with Law 1045/1980, as amended with P.D.<sup>1</sup> 199/2005 International Convention on Maritime Search and Rescue, 1979, (SAR), chapter 2.1.1, promulgated with Law 1844/1989, as amended with P.D 201/2000 Convention on Facilitation of International Maritime Traffic, 1965, in particular Section 6.C, Standards 6.8-6.10, promulgated with the Legislative decree 1028/1971 International Convention on Salvage, 1989, Article 10, promulgated with Law 2391/1996 (ΦΕΚ Α' 55/21-3-1996);
- IMO Resolution A 920 (22): safety measures and procedures for the treatment of persons rescued at sea;
- 2004 Amendments to SOLAS and SAR (78<sup>th</sup> session of MSC) chapter V of the International Convention for the Safety of Life at Sea (SOLAS), chapters 2, 3 and 4 of the Annex to the International Convention on Maritime Search and Rescue Convention (SAR Convention).

### ***Domestic Law***

“The master of a ship, not rendering help to a person in danger at sea, though having been able to do so without risking the ship, the crew or the passengers, is punished with a prison sentence of at least three months and a fine.” (Article 227 of the Public Maritime Law Code)

The general coordination of search and rescue is done by the Single Search and Rescue Coordination Center (SSRCC), instituted by law 1844/1989, responsible for accidents and casualties at sea. The SSRCC co-ordinates Search and Rescue Centres in each Coastguard. The general way of dealing with disasters, such as accidents at sea, is provided for in the ministerial decision 1299/2003, and the additional ministerial decision 3384/2006. This general planning is called “National Plan Xenokratis” and gives directions to the competent Ministries, also defining the responsible services coordination units. The “National Plan Xenokratis”, instituted by the aforementioned ministerial decisions, is meant to be

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<sup>1</sup>P.D = Presidential Decree

comprehensive planning, assigning other national authorities and services to issue detailed plans for each kind of disaster. Those detailed plans are not yet issued.

Since no specific plans have been adopted, the modus operandi of the competent authority, the Hellenic Coastguard, when searching for missing and dead people at sea, is defined by internal orders of the Coastguard, considered to be confidential documents not publicly accessible. An example of the modus operandi defined by internal orders is, e.g. the three day period in which to search for missing people at sea, after a shipwreck, instead of any other time limit. This 3 day search and rescue operation for the missing, despite the limited capacity, is considered a standard operating procedure. Many corpses have however been found in the 3 days after the shipwreck.

## **THE RIGHT TO INVESTIGATION INTO THE CAUSES OF DEATH OF MIGRANTS AT SEA**

These rights are protected by the Greek Constitution, article 2 para. 1, also protecting human dignity, and article 5, protecting the honour of every person in the Greek territory, regardless of the person's nationality, race, language and political beliefs. In article 21 of the Constitution, the family is put under the State's protection.

In the European Convention on Human Rights, Article 2, for the protection of the human life, includes a procedural obligation to investigate unlawful or suspicious deaths, also including the right of the family to be informed on the progress of the investigation.<sup>2</sup> This obligation of investigation is a duty of action, not a duty of presenting a result. Article 3 which prohibits inhuman and degrading treatment is found to be applicable to degrading treatment of the dead body of a family member,<sup>3</sup> whereas article 8 provides a right to respect for one's "private and family life". There are no specific domestic laws about the bodies of migrants losing their life at sea. The general provisions about police investigations – the Code of Criminal Procedure - hereinafter CCP, the provisions of the Civil Code for the presumption of death, and the other general laws listed below, apply. The legal dimension of this positive obligation is Law 3772/2009, providing for an independent body of "Forensic Experts" belonging to the Ministry of Justice, having the duty to investigate all "violent deaths", including drownings at sea. Under Greek law, drownings at sea are considered to be violent deaths, and are dealt with accordingly, where penal procedures and identification procedures are concerned, without being differentiated or specialised in any way.

### ***DNA identification***

As far as genetic identification is concerned, there is no relevant domestic law apart from the general provisions for police investigation mentioned above. Collection and use of genetic data also falls within the mandate of the Hellenic Data Protection Authority, an independent administrative authority. International law does not have any specific provisions for protecting genetic data. International humanitarian law and international human rights law recognize the need to provide special protection for persons affected by armed conflict. However, these bodies of law contain only general principles relating to confidentiality, privacy, non-discrimination, and human dignity that can be applied to the protection of genetic data. In October 2003, UNESCO finalized the text of the International Declaration on Human Genetic Data -see below.

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<sup>2</sup> ECHR, Case of Varnava and others v. Turkey, (Applications nos. [16064/90](#), [16065/90](#), [16066/90](#), [16068/90](#), [16069/90](#), [16070/90](#), [16071/90](#), [16072/90](#) and [16073/90](#)), Case of Papapretrou and others v. Greece, (Application no [17380/09](#)).

<sup>3</sup> ECHR, 13.1.2015, Elberte v. Latvia (61243/08)

## DOMESTIC LAW

### ***Presumption of death, articles 39-50 of the Civil Code***

The term “missing person” in the Greek framework, exists in the ratified Geneva conventions of international humanitarian law (Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949); - Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (1949); - Geneva Convention (III) relative to the Treatment of Prisoners of War (1949); - Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War (1949); - Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts [Protocol I] (1977); - Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts [Protocol II] (1977), applicable in armed conflicts and - International Convention for the Protection of All Persons from Enforced Disappearance (2006), ratified with Law 4268/2014.

Search and identification of missing persons is one of the major responsibilities of the Greek Police, provided for in Article 124 of Presidential Decree 141/1991. Regulatory police order No. 2/1985 states: “When an alien disappears, or if there are indications that the person disappeared is the victim of a crime, or when the missing person is younger than 14 years old, after objective assessment of each case, the police officer immediately issues local and special “search warrants” to the competent administration. Regulatory Police Order No1/2010 adds that in case of disappearance of Aliens INTERPOL is also notified.

During times of peace, according to civil code (articles 39- 50), whenever there is a strong possibility that a person has died, but not been found, could be declared “presumed dead”, one year from the threatening to his or her life. This framework is applicable not only to Greek citizens who drown, but also to every person under Greek jurisdiction. Consequently, until this judicial declaration of death, every person is alive and has all the rights to recognition everywhere as a person before the law. It important to note at this point, that according to the jurisprudence of the European Court of Human Rights, the existence of a procedure for the presumption of death, or the subjection of the family of a missing person to this procedure, does not release the State of its obligation to search for a missing person with due diligence -see case of Varnava and Others v. Turkey (ECtHR 18 September 2009, Appn nos 16064/90-16073/90), amongst others.

### ***Code of Criminal Procedure***

Most articles about police preliminary examination, police investigation and the inquiry apply to the cases of migrants dying at sea. More specifically: the Hellenic Coast Guard is considered to be, apart from a war unit in cases of war, also an autonomous and separate branch of the police, a maritime police that is in charge of the territorial sea, the sea shore and ports - thus, they have the duty and the authority to act as judicial police, investigating and prosecuting crimes, violent deaths, suspicious deaths and disappearances within the aforementioned places of their competence. This investigation is taking place according to the Code of Criminal Procedure. Notably, article 239 of CCP, states that the purpose of the police investigation is the collection of all necessary evidence, and that the authorities in charge make all possible effort to find out the truth. All possible effort and all necessary evidence include, among others, witness statements, forensic reports, and autopsies.

Article 31 paragraph 2 combined with article 241 of CCP, determine the obligation to conduct these procedures -police investigation, preliminary examination etc - in writing.

Note at this point, that the Forensic Experts and the officers of the Hellenic Coast Guard are considered to be investigators<sup>4</sup>, having the duties and authorities described above.

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<sup>4</sup> For the Forensic Experts see Law 3772/2009, for the officers of the hellenic coast guard see article 21 par. 2 Law 4033/2011

### **Law 3772/2009**

Forensic Experts, defined in Law 3772/2009, are in charge, after an order of the inquiry authorities - under the CCP, meaning, most often the Public Prosecutor - to investigate:

- Violent deaths, including murders and manslaughters, car accidents, labour accidents, domestic accidents, medicine intoxications, suicides;
- Sudden deaths;
- Deaths in custody, in penitentiaries and penal institutions, police cells, hospitals, rest homes;
- Injuries and other incidents of penal interest;
- Sexual offenses;
- Offenses related to drugs.

Within this mandate, it is considered that Forensic Experts and the Hellenic Coast Guard have the duty to collect the DNA of the remains of migrants found dead at sea, which is sent to the Central Forensic Service in Athens and subsequently to the General Directorate of Criminal Investigations, in Athens.

### **Athens Forensic Service**

The National Forensic Service, divided into the Forensic Service of Athens and several regional forensic services, all belonging to the Ministry of Justice, is responsible for carrying out all forensic acts ordered by the public prosecutors or criminal investigation authorities, under law 3772/2009. Inside the Forensic Service of Athens a genetics laboratory operates, responsible, among others, for DNA Storage. European Council's Framework Decision 2009/905/JHA of 30 November 2009 on accreditation of forensic service providers carrying out laboratory activities is not yet transposed in the Greek legal order, though this laboratory is accredited with ISO 17025. The laboratory is the first to deal with cases requiring DNA analysis and cooperates with judicial authorities as well as the Police and Lesbos Coroner -the same applies to all other Coroners in Greek territory, in charge of violent deaths. All the DNA samples of migrant bodies found, both identified and unidentified, are sent, stored and indexed in this laboratory. There is no general law provision or internal regulation providing for the future use of the sample, as there is for the Directorate of Criminal Investigations – see below, but the Director has introduced an electronic system to compare automatically every “new arrival” of DNA sample with the existing ones. This database is at the disposal of every migrant who refers to Greek Police or Interpol in search of missing persons. The following fact is to be noted from the field search conducted on Lesbos: Even though many DNA samples remain unidentified, in certain circumstances, the DNA analysis has demonstrated family links between members of the same family. In some sad cases, DNA samples of bodies found later were linked to existing samples, showing that all the family have died at sea. In the case of missing children Othman Roder and Othman Alnd<sup>5</sup> an official response has been sent to the father/uncle, stating that according to the existing database, no DNA sample could be linked with them. This database is considered to be best practice, since DNA profiles are not only used in criminal proceedings but also for the identification of victims, particularly after major disasters.

### **Directorate of Criminal Investigations**

Under article 27, law 4249/2014, the Directorate of Criminal Investigations (DCC), designed to be the national criminal and forensic service, is responsible, inter alia, for “Keeping the national archives for genotypes – DNA – and fingerprints, and to guarantee the exchange of data and information in cross-border cooperation, particularly for combating terrorism and cross-border criminality, according to the Council decisions 2008/615/JHA of 23.6.2008 and 2008/616/ JHA of 23.6.2008 (CL 210/6.8.2008)” DCC is

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<sup>5</sup>[http://www.astynomia.gr/index.php?option=ozo\\_content&perform=view&id=2035&Itemid=428&lang](http://www.astynomia.gr/index.php?option=ozo_content&perform=view&id=2035&Itemid=428&lang)

updating the national archive for genotype, receiving also the database of Athens Forensic Service, and storing it within the national archive.

Under Presidential Decree 342/1977, setting out the Operation Rules of the Directorate of Criminal Investigation, as amended with P. D 14/2001, P.D 223/2003 and P.D 9/2012, a separate bureau is instituted for keeping, registering and searching DNA inside the DCC. Another separate bureau is instituted, aiming to identify unidentified bodies found, and responsible for the proper examination of biological material and samples of skeletal remains.

So, in practice, the responsible authority for managing a body from the time it is found to its burial or repatriation, are the investigating authorities, in cases of dead migrants at sea, the Greek Coastguard.

It is to be noted that on Lesbos, for each dead body of a migrant found at sea, two order numbers are issued, one from the Coastguard and the other from the Coroner. Those numbers represent the files including all information about the dead body. The second number, given by the Coroner after the autopsy, is linked with the DNA sample taken and sent to the competent authorities as described above. These numbers are also engraved on the markers on tombs of dead migrants in Kato Tritos cemetery, where they are buried, both for identified and unidentified bodies. This practice is not provided for in law, and is thus not always practiced by Coroners or Coastguard Directorates. Nevertheless, it is good practice. Giving all bodies found at sea at least one number, under an institutionalized archiving model, including DNA archiving, would offer legal security both to any relatives in search of missing people, and to all other state procedures following the death of a migrant at sea, for example repatriation of bodies to be buried, burial of the bodies and others. It would also offer accessibility and transparency to all procedures concerning a very sensitive matter. To conclude, legal institutionalisation of the archiving system of bodies of migrants found at sea, in particular, with a differentiation from other bodies found in Greek territory, is considered to be a necessity.

According to Law 3772/2009 and the Code of Criminal Procedure, the autopsy, as well as the DNA sampling, is done by the competent Coroner, ordered by the Deputy Prosecutor, after the relevant report of the competent investigation authority -thus, in this case, the Coastguard Officers. It is to be noted that the DNA sample is taken by blood sample, and if the body's condition cannot allow blood to be taken, a sample from muscles or the skeleton is taken. The sample is given an order number by the Coroner, registered in his own digital database, and then sent to the Central Forensic Service in Athens to be registered in the databases described above.

The responsible authorities for the identification of a dead body are, at the first stage of the investigation, the judicial investigation authorities on the islands and where bodies are found at sea, that is the Greek Coastguard and the Coroner. They try to identify the bodies by showing photographs of the dead to survivors of the same shipwreck or by taking testimonies of survivors, and by comparing, if necessary, DNA samples. In a second stage, and if the body remains unidentified after the search conducted by the investigating authorities, the responsible authority to continue the research about the identity of a body is the Directorate of Criminal Investigations. The DCC is also responsible for archiving the relevant DNA samples.

Nevertheless, there is no procedure for notifying the family of persons reported as missing, or about new bodies found. Whoever tries to trace a missing person has to follow up himself, for the result of the research and for any database renewal, addressing the Central Forensic Service and the Directorate of Criminal Investigations.

### ***International Law***

As of 2009, UNESCO's International Declaration on Human Genetic Data and UNESCO's earlier Universal Declaration on the Human Genome and Human Rights (1997) were the only international declarations that addressed the issue of protecting genetic data. The 2003 declaration emphasizes that any practice involving the collection,

processing, use and storage of human genetic data should be consistent with both domestic legislation and international human rights law. The preamble to the declaration contains some particularly far-sighted observations:

“...human genetic data have a special status on account of their sensitive nature since they can be predictive of genetic predispositions concerning individuals and [...] the power of predictability [sic] can be stronger than assessed at the time of deriving the data; they may have a significant impact on the family, including offspring, extending over generations, and in some instances on the whole group; they may contain information the significance of which is not necessarily known at the time of the collection of biological samples; and they may have cultural significance for persons or groups.” The following relate to the protection of all personal data, including genetic data:

- biological samples left by the missing person, either as medical samples or other biological artefacts. “personal data” means any information relating to an identified or identifiable individual;
- personal data shall be collected and processed fairly and lawfully;
- the consent of the individual is required for the collection and use of personal data, except if required by a substantial public interest or for the protection of the vital interests of the person concerned;
- the collection and processing of personal data shall be limited to that which is necessary for the purpose identified at the time of collection, or beforehand;
- sensitive data should only be collected and processed with appropriate safeguards;
- personal data should be accurate, complete and updated as is necessary for the purpose for which they are used;
- security safeguards, appropriate to the sensitivity of the information, should protect personal data;
- personal data may not be used, disclosed or transferred for purposes other than those for which they were collected without the consent of the person concerned, except if required by a substantial public interest or for the protection of the vital interests of the person concerned;
- personal data may be transferred only to third parties who respect the principles of personal data protection;
- personal data should be deleted as soon as the purpose of their collection has been fulfilled, or when no longer necessary. They may, however, be retained for a definite period if required for the benefit of the individual to whom they relate or if essential for the performance of the humanitarian tasks of the organization that collected the data; and
- access to personal data should be granted to the individual to whom the data relate. Allowances should also be made for the right to challenge the accuracy and completeness of the data and to have them amended as appropriate.
- The following set of principles relates specifically to the use of biological samples and the resulting DNA profiles: the collection, use and disclosure of DNA profiles are subject to the rules relative to the protection of personal data;
- DNA samples may be collected and analysed only for a clearly identified and specific purpose;
- identification of human remains through DNA typing should be undertaken when other investigative techniques of identification are not adequate;
- DNA samples may be taken and analysed only with the informed consent of the individual (see Section 6.2), except where an overriding public interest dictates otherwise. An overriding public interest should be limited to criminal investigations or public security and, in case of death, to the identification of remains. The specific purpose should only be direct individual identification;
- only appropriately trained persons shall take DNA samples;
- DNA information that is collected may be used and disclosed only for the purpose identified at the time of collection, or beforehand;

- DNA samples and profiles should be destroyed or deleted after they have served the purpose for which they were collected, unless required for related purposes;
- only laboratories with appropriate technical capacity and quality assurance/control measures should perform DNA analysis;
- DNA samples, profiles and records should be adequately protected from unauthorized access and use; and
- DNA profiles or samples should be disclosed, transferred or compared in the context of international cooperation only for the purpose identified at the time of collection, or beforehand, and only with the consent of the persons concerned, except in cases defined by law.

## **THE RIGHT TO THE SEARCH AND COLLECTION OF BODIES OF FAMILY MEMBERS DROWNED AT SEA**

### ***The right to a religious burial of the relatives' choice***

These rights are protected by the Greek Constitution, article 2 para. 1, also protecting human dignity, and article 5, protecting the honour of every person in the Greek territory, regardless of the person's nationality, race, language and political beliefs. In article 21 of the Constitution, the family is put under the State's protection.

In the European Convention on Human Rights, Article 2, for the protection of human life, includes a procedural obligation to investigate unlawful or suspicious deaths, also including the right of the family to be informed of the progress of the investigation<sup>6</sup>. Article 3 which prohibits inhuman and degrading treatment is found to be applicable to degrading treatment of the dead body of a family member<sup>7</sup>, whereas article 8 provides a right to respect for one's "private and family life", including the right to bury one's relatives<sup>8</sup>. In a recent judgement in the case of *Girard vs France*, the Court recognized a new right under Article 8 – the right to bury one's relatives. This case involved three aspects of dealing with an individual's remains under the Convention: returning the body to relatives, organizing and attending a funeral, and treatment of samples taken from the body for investigation purposes.

Concerning the obligation of the state to collect bodies from the sea, there is no particular domestic text. All the relevant domestic framework listed and analysed above about police investigation and the collection of the information in cases of sudden deaths, apply here as well.

Concerning the right to a religious burial of the family's choice: After the autopsy is done the burial must be immediately proceeded with. Concerning burials, the only particular existing text is a recent Circular for further clarification of art. 14 par. 9 Law 4332/2015 of the Ministry of Interior, stating that the urgent funding of the needs of the reception of third country nationals, managed by the Organizations of Local Administration, also includes the cost of burials.<sup>9</sup> The new Law 4375/2016 (article 19) applies also, trying to overcome some bureaucratic barriers concerning the burial costs of dead migrants. All these issues are now covered with the general term "reception of migrants", which makes it easier to find pragmatic solutions. Within this framework the Local Municipality is now free to assign on rotation Funeral Offices responsible for migrant burials and to justify the expenses of burials.

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<sup>6</sup> ECHR, *Case of Varanava and others v. Turkey*, (Applications nos. [16064/90](#), [16065/90](#), [16066/90](#), [16068/90](#), [16069/90](#), [16070/90](#), [16071/90](#), [16072/90](#) and [16073/90](#)), case *Papapetrou and others v. Greece*, (Application no [17380/09](#)).

<sup>7</sup> ECHR, 13.1.2015, *Elberte v. Latvia* (61243/08).

<sup>8</sup> See ECHR case *Girard v. France* (application no [22590/04](#))

<sup>9</sup> See the Circular 5522/16 of the Ministry of Interior, issued on 2-2-2016.

The establishment of new cemeteries for migrants and the administration of the existing ones is provided by the Emergency Law 582/1968 and the Ministerial Decision A5/1215/19.4-10.5.1978 (Journal of Government B' 424) on the terms for the establishment of cemeteries. According to Art. 2 (1) of this Ministerial Decision, new cemeteries may only be established according to the procedures defined in Art. 1 and 2 of Emergency Law 582/1968. The establishment of the migrants' cemetery in Kato Tritos didn't follow this long procedure, but has been created instead under a state of emergency, with the Municipality of Mytilene granting for this use a piece of its land.

### ***Registering the death***

The registration of dead people could become a complicated issue. In principle the procedure for registering the death for a body found is the same for migrants and for Greek citizens. Death certificates are issued following a report of the coroner, who has performed the autopsy and is certifying the death to the Registry. The death certificates are issued for both identified and unidentified bodies, and the burial procedure takes place only when a death certificate is provided to the cemetery and responsible authorities.

The procedure for registering the deaths is provided for by law 344/1976 -on Civil Status Acts, as amended by law 4144/2013. According to article 38 of the Law 344/1976, if the place of the death of a unidentified body is unknown, then the registrar of the place where the body is found is responsible to register the death. According to article 39 of the law 344/1976, if the place of the death is known then responsible authority to issue the death certificate is the Registrar of the place of the death<sup>10</sup>. If the body is not found, article 39 of Civil Code may be applicable: It is considered that the death of a person whose body has not been found, has been proved, if he or she disappeared under circumstances that make the death certain. In practice, based on the statement of the coastguard authority, deaths at sea are never considered definitive but very possible. To conclude, in case the body of a missing migrant is not found, the registrar cannot issue the death certificate and if the family needs a death certificate, then the deceased must be declared legally dead within the procedures of article 39-50 of the Civil Code.<sup>11</sup> In a case where a body is found, the death certificate is issued, even if the body gets never identified by family members.

In special circumstances, according to article 36 the dead body could be buried without the death certificate, following permission from the mayor. Then the death certificate is issued following an order from the public prosecutor. This is not the case on Greek islands concerning bodies found at sea, where funerals are proceeded with as normal, after the death certificates are issued by the Registry.

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<sup>10</sup> Ministry of Of interior Opinion TADK 14284/23-11-2015.

<sup>11</sup> Legal Council of State Opinion (75/2002).

# Mediterranean Missing

Understanding the Needs of Families  
and the Obligations of States

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## THE MEDITERRANEAN MISSING PROJECT



The Mediterranean Missing Project is a one year research project running that began in September 2015, 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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