

Addressing Migrant Bodies on Europe's Southern Frontier

An agenda for research and practice

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EXECUTIVE SUMMARY

In recent years thousands of undocumented migrants have died in shipwrecks at the coasts of Greece, Spain and Italy in their effort to enter the EU. This brief draws on field research on the Greek island of Lesbos, one of the key entry points of migrants to the EU that has seen repeated incidents of deadly shipwrecks. The note underlines the gaps and flaws in the policies pursued by local, national and EU authorities. Research shows that although several local agencies engage with the problem, none assumes responsibility. It reveals the absence of any provision for identification of victims or to inform families of deaths, and limited efforts to dignify the bodies with a decent burial. The needs of families of dead migrants are excluded from the official management of the issue.

Building on international experience in the management of the problem of missing persons in post-conflict settings, the brief offers concrete policy recommendations with regards to both ensuring that bodies are buried with dignity, and developing effective practices to enable identification of bodies. Ultimately, we seek to aid policymakers to find routes to informing families of the fate of missing migrants. Whilst the note is based on research findings from fieldwork in the Greek island of Lesbos, recommendations are likely to also be of relevance in Spain and Italy.

This briefing recommends:

- Measures to facilitate identification of migrant bodies, including through the collection of post-mortem data from bodies, and the creation of a database that links these to incidents of shipwreck;
- The training of coast guards and others engaged in the collection and management of migrant bodies in humanitarian protocols for dead body management;
- Steps to dignify the dead body through appropriate religious ritual, and the accommodating of families' needs, including through the introduction of a Humanitarian Visa to families of the dead, an EU grant to support burial or repatriation of the dead body, and a formalising of the role of immigrant communities in supporting the performance of religious rituals for the dead.

1. A FAILURE OF POLICY

Although shipwrecks and migrant deaths at sea have intermittently attracted the attention of international media, we know relatively little about the management of the dead in the aftermath of shipwrecks. For every migrant death there is a family waiting for news from a beloved husband or son, from a father or a daughter, and a body often discarded in an unmarked grave. Current policies throughout the region are unable to either dignify the dead or identify bodies and allow relatives to be informed. Drawing from field-research on the island of Lesbos, four overlapping problems are identified, namely a policy vacuum regarding the management of the bodies of dead migrants, the absence of provisions for identification of human remains, the deficient burial of victims, and finally the failure to consider the needs of families in policy approaches.

Policy vacuum.

Local authorities at the borders of the EU, such as in Lesbos, are faced with a novel and pressing humanitarian problem in the migrant bodies on their shores, and yet a comprehensive policy framework, from local, national and EU authorities, to deal with it is absent. In sharp contrast to the extensive regulation of migration by the Greek state, there are no regulatory provisions with regard to the identification and burial of the dead bodies of migrants. In the absence of a regulatory framework, the general Greek laws and regulations concerning the treatment of dead people apply, and as such municipalities are responsible for addressing the issue. As a result, although the competent authority for dealing with living migrants is the central government, responsibility for migrant bodies is delegated to local authorities. Field research in Lesbos has shown that the greatest obstacle to the effective management of the issue is this policy vacuum: the municipality reacts to incidents of shipwrecks on an ad hoc basis. Most importantly, this gray zone serves to ensure that local authorities fail to take moral or legal responsibility for dealing with migrant bodies. Coupled with the economic crisis and limited financial resources, this has undermined the capacity of local authorities to cope with the phenomenon.

Identification of human remains

There is no systematic procedure in place for the collection of post-mortem data¹ from the bodies of the dead in the aftermath of a shipwreck. Coast guards often fail to collect key evidence such as SIM cards or photographs migrants carry with them, or to record details of distinguishing marks or clothing that could facilitate future identification. In the aftermath of a shipwreck there is no provision to share information concerning victims with countries of origin. Local hospitals often lack the necessary equipment to preserve the corpse for more than a couple of days, and this pressures local authorities to proceed hastily with burial. As a result, a critical window of opportunity for identification is closed as any notice of death to relatives occurs after burial has occurred.

Burial

A visit to the local cemetery in Mytilene reveals bodies lightly covered by earth, while the only mark on the graves is a broken stone on which it is written the (purported) nationality of the migrant, a number, and the date of death. Since local authorities lack the necessary financial resources, burials are carried out hastily, often failing to follow appropriate religious ritual. The burial process - usually undertaken by the local municipality - is delinked from any post-mortem data collected by the police; hence, data stored in Athens is not matched to a specific grave and body in the cemetery in

The cover image shows the passport of a victim of a shipwreck in Lesbos in 2012.

Photo by Stratis Balaskas.

¹ Ante-mortem data is the 'personal, physical, medical and dental information, as well as information on the circumstances of their disappearance' (ICRC 2014:3)

Mytilene, and so any identification is impossible. Although several families have expressed interest in repatriating the remains of dead relatives to their country of origin, only a few managed to overcome the onerous bureaucratic procedure and to cover the high cost.

Exclusion of Families

Research has shown that families of the missing are subject to ambiguous loss: in the absence of a body and confirmation of death relatives live with the extreme stress of unending uncertainty. In the very limited number of cases where families are informed of a death, they are unable to attend the burial as they are either informed about the accident with a significant delay, or are denied entrance to the country because they do not possess the necessary documentation. Several observers highlighted stories of families that were deported or held in custody as a result of their effort to visit Lesbos to identify their loved ones. This is a significant obstacle not only because it impedes identification but also because it deprives the families of the opportunity to be present to the funeral. It is not uncommon for families to be exploited by smugglers and other mafias in their effort to obtain a visa quickly that would permit them to be present at the funeral, and to pay exorbitant amounts in the effort to repatriate the body.

2. POLICY RECOMMENDATIONS

A number of societies emerging from violent conflict have had to confront the problem of the missing and disappeared. Based on this experience we offer the following recommendations that have the potential to facilitate the identification of bodies and assist policymakers in their efforts to lessen the suffering of the families of dead migrants.

A comprehensive identification policy

The most crucial step to maximizing the possibility of identifying the bodies of migrants is the collection of relevant data from both the body and families of missing migrants, and the creation of a post-mortem and ante-mortem database. Following the example of states facing the problem of enforced disappearance, establishing protocols of post-mortem data collection from the dead and ante-mortem data collection from relatives of the missing is of paramount importance. To this end, relatives of missing migrants should be given the opportunity to provide ante-mortem data, including genetic samples for DNA testing. A database would then offer the possibility of correlating ante- and post-mortem data to identify individual remains.

A database should code all incidents of shipwrecks and deaths at sea, and be accessible to relatives in the country of origin and migrant communities in the host country. Broad access to post-mortem data, such as physical descriptions, photographs of the dead, or documents found on bodies increases the possibility of identification. Ideally, the database should be managed by an agency independent of those policing the border, to increase trust. Since migrant communities in Greece have been one of the key channels of information to and from families, their role should be formalized, and to ensure their cooperation reporting of missing persons anonymised.

It is appropriate that coast guards and all officials involved in enforcement of the EU's sea borders undergo training in dealing with the problem of the missing, and the challenges of identification of bodies. This would serve to familiarize them with the protocols of post-mortem data collection, as well as the collection of other evidence from the sea after shipwrecks.

Burial and addressing families' needs

Since the issue of migrant bodies has become an endemic feature of southern EU borders, there is a need for the EU to provide a grant to border regions affected by the phenomenon, such as Lesbos, to cover the costs associated with addressing it. EU

funds could be requested by local authorities to cover the costs associated with the extension of local cemeteries, and burial expenses. If properly equipped and funded, municipalities may be better-suited and more responsive than state authorities to deal with humanitarian demands of the families.

Whilst most families are unaware of the fate of their loved ones in some cases they receive information about shipwrecks and deaths. An essential policy to address the needs of the families is the introduction of a humanitarian visa that would enable families to visit Greece for a short period, if their relative has died. This aids the identification process, and allows families to be present at the funeral or to repatriate the body, should they desire, while also giving them the opportunity to address bureaucratic issues.

The role of migrant communities in the country of reception is key in facilitating burial process. Hence, formalizing their role can aid in providing unidentified victims with a decent burial, following cultural and religious rituals.

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