GMDAC Workshop Report

Migrant Fatalities, Identification and Data 2016

14th – 15th June, Berlin

1. Introduction

On June 14-15 the International Organization for Migration’s Global Migration Data Analysis Centre (GMDAC) held a workshop on “Migrant Fatalities, Identification and Data 2016” in Berlin. The aim was to put on the European policy agenda the question of missing and dead migrants, specifically the issues of identification and tracing which have been almost entirely neglected in policy circles.

Workshop participants included government officials, international organisations, scientists, forensic specialists and migration policy experts, NGOs and grass root initiatives (see Annex II for list of participants). The workshop fostered discussion on what is needed in order to improve identification rates and how to include families of the missing and dead in these procedures. Crucially, aspects of the management of dead bodies, the ways in which families are affected and the ethical dimensions of this work, including the collection, management and exchange of relevant data, were addressed. The regional focus of the workshop was the European situation, specifically the Mediterranean, however the list of participants represented global perspectives and experiences.

The workshop therefore had the following objectives:

- Discuss how to improve the quality and coverage of data on missing and deceased migrants, for purposes of counting and of identification.
- Explore how to better facilitate the identification of deceased migrants.
- Discuss the impact on families of the missing people and families’ role in identifying the deceased.
- Foster dialogue between key policy makers and relevant actors to encourage greater action at a policy level and to bridge the gap between practice and policy.

After two days of very constructive discussions, the participants concluded by identifying some key points of action which are needed to address the situation. This report briefly summarises the five sessions, the respective discussions, the conclusions and necessary next steps that were identified by the participants and the proposals made by GMDAC. The main challenges that authorities and organisations face are highlighted and potential avenues to address these problems are suggested.

---

1 The International Organization for Migration’s Global Migration Data Analysis Centre (GMDAC) was established in September 2015 as a response to calls for more comprehensive understanding and analysis of data on migration. The GMDAC is located in Berlin, Germany.

This workshop has been funded by UK aid from the UK government; however the views expressed do not necessarily reflect the UK government’s official policies.
2. Setting the scene

The issue of migrant deaths has gained increasing attention over the last year with 5.400 deaths counted worldwide in 2015. Around 70% occurred on the Mediterranean routes to Europe, although data for some other regions are poor. The second volume of IOM’s “Fatal Journeys” publication, released on the first day of the workshop, reports these numbers, including a very rough estimate of about 60.000 deaths over the last two decades. These numbers are likely to underestimate the magnitude of the problem as the knowledge as well as the reporting of fatalities varies substantially across regions. Whereas the Mediterranean is covered relatively well, very little is known about deaths in the Sahara for example. It is therefore rather difficult to establish a comprehensive picture of deaths in the context of migration. IOM’s Missing Migrants Project is the only attempt to collate the available data in order to make available a rough picture of the global situation. In the first five months of 2016, 3105 deaths were counted by the IOM, around 80% of those on the Mediterranean routes. With the last week of May 2016, this also included the second most deadly week ever recorded in the Mediterranean.

Although a database on the number of deaths during migration is necessary in order to record the magnitude of the problem and assess the direct or indirect effects policies on dangers to migrants, there is also an urgent need in to improve rates of identification of those who die. The workshop acknowledged that families’ needs have to be considered when managing the bodies of those who die en route. What are the implications for them, how does it impact on their lives and what can be done to support families? The need to take these questions into consideration is reflected in what Simon Robins – participant in the workshop and Research Fellow at the Centre of Applied Human Rights at the University of York – expressed trenchantly by highlighting “we work with the dead to serve the living”.

As a first step in order to contextualise the management of the dead, it is worth taking a step back to examine the international legal framework in which migrant fatalities can potentially be embedded. Following this, the report provides a brief summary of the challenges that local authorities, forensic experts and government officials face with regard to the identification of bodies as well as to the contact with families in countries of origin.

3. Management of the dead, identification and data in the Mediterranean context

During the workshop, the case was made to view the issue through the framework of international human rights law (IHRL) in order to regulate states’ ways of managing the deceased. While death in the context of migration is implicitly included in the relevant existing body of law and its instruments, the law does not explicitly take the specific circumstances of deaths during migration into consideration. Legal experts described advantages of applying IHRL to the issue: individuals are at the centre of this approach instead of states as is the case in international humanitarian law for example; states accept the legal obligations that are set out in IHRL treaties by ratifying them and there is an own monitoring system including courts and UN bodies. All these advantages can however only apply if IHRL is interpreted so it includes the migration context. A pre-condition for that is the equal treatment of citizens and migrants when they are living human beings as well as in case of their death. A central responsibility for states could accordingly be an obligation to conduct an investigation upon all unnatural deaths i.e. to also retrieve bodies in order to comply with this irrespectively of the

---


person’s origin. National and local practices should be embedded in such a framework that offers international guidance on the management of deaths in the context of migration.

The examination of the potential avenue of applying IHRL to the issue was complemented in this session by more concrete experiences and reports about the challenges that authorities face. Forensic experts explained that difficulties and challenges partially result from the different nature of the issue compared to other disaster contexts such as environmental disasters or airplane crashes. Forensic experts made clear that that migrant fatalities are characterised by the multiplicity of events and the recurrence of these events over time. This highlights the need for structures and the provision of resources that are able to address the issue over the long term instead of understanding it as a limited problem with regards to its timespan. The key challenges for authorities and organisations working to identify the dead substantially revolve around the organisation and matching of ante- and post-mortem data that is collected.

In order to systematically collect information that is needed for identification it was suggested that more cooperation among actors is needed. Just as important as proper investigation and collection of information from the deceased is the collection of information from families of the missing. The latter is a major challenge for families due to limited access to mechanisms for tracing and for authorities as they lack access to families e.g. due to lacking state structures in countries of origin. If this hurdle can be taken, it may still be challenging to collect useful information. Depending on the socio-economic context in countries of origin, common information for identification such as dental records might not be available for missing persons and thus impede identification.

The limitations of available ante-mortem data consequently also constrain the range of methods that can be used to identify the dead. A forensic expert from Italy reported their need to use adjusted methods such as pictures found on social media showing some teeth to compare a body’s teeth to. The process of matching ante- and post-mortem data often differs accordingly from the methods that are commonly used in cases of unidentified bodies. This highlights even more the need for cooperation and coordination among the actors involved in the identification processes, including the families of the deceased as stakeholders in the process and as a central source for ante-mortem data. The inclusion of families – as far as possible – should also include support for them, as was discussed in more detail in the following session. A key step in order to allow for more effective matching of ante mortem and post mortem data is a national and regional centralisation of the data or at least better sharing mechanisms.

Centralisation of the data that is collected would also involve the standardisation of the procedures that are carried out when managing the bodies. It was mentioned however that the application of existing protocols is complicating the work due to limited capacities in terms of staff and financial resources. In such a setting, managing the deceased might be driven by improvisation which can in turn impede an appropriate and dignified way of dealing with the dead and their families. Nevertheless in Italy and Greece as the main entry points for migrants entering the EU irregularly, good practice examples can be found. It was reported that the Lampedusa shipwrecks of 2013, in which nearly 400 migrants lost their lives (387 bodies recovered), were a turning point for the perception of the issue in Italy. In the aftermath of the shipwrecks, cooperation agreements between the office of Italy’s Extraordinary Commissioner for Missing Persons and forensic institutes were made and calls for ante-mortem data were communicated to family members who were able to provide ante-mortem information. These practices need to become the norm for all deaths – at this point these investigations were exceptional responses in cases of large and extensively publicized shipwrecks, rather than the norm.
Interaction with and support for families of the missing and dead would ideally parallel the whole process from retrieval of a body to its burial or repatriation in order to fully acknowledge families’ rights and needs. The inclusion of families in the considerations about how to improve identification rates were discussed in the following session.

4. Families of the missing and deceased

Families who lose loved persons can suffer from ambiguous loss, not knowing whether their relatives and friends are alive or have died during migration. It’s a traumatic loss that can substantially affect families’ lives, whether in terms of psychological or psychosocial stress or financial disadvantages. This impact can vary depending on the national context and the position of the missing person in their family. Such an ambiguous loss goes hand in hand with specific needs for support.

Central is the need of families to know the fate of their loved ones. A key area in need of improvement is the way in which the existing infrastructure is communicated to families of the missing. This includes general information on what processes the body of a relative goes through, information on how and where a relative can be found and where the loved one might have been buried. Moreover families will need information on options for repatriation and support for themselves. Supporting families with information on the process might help them to accept their relatives’ fates as well as to start a mourning process and perhaps reach some form of closure. Families’ need to know is therefore an important for an appropriate and dignified way to deal with these losses. A lack of support in this context might trigger psychological and psychosocial consequences for families which includes the individual well-being as well as relations within families and communities. Furthermore it was reported that families might face legal and administrative problems as missing persons lack a status which in turn can impede e.g. families’ access to state services as well as issues concerning remarriage, inheritance or guardianship. These challenges are complemented by financial difficulties such as the lacking income of a breadwinner if the missing or dead person might have been the one to generate most income. Financial resources are also needed to search for their loved ones and the costs for health care resulting from the loss need to be taken into consideration as well. These challenges families face should be understood as needs with regards to receive support in order to overcome some or all of the problems. Finally some form of acknowledgement from authorities for the situation of losing a loved person, for families’ need for justice and commemoration as well as the ability to hold and to visit the grave site represent an important element of support. These needs are often long-term, which makes support for families in the different areas even more important.

In order to provide such support it is not only important to include respective practices in protocols etc. but to prepare those who engage with families for these tasks. It was reported in the session that training is a need for those who work in this field. Including families throughout the process and focusing more on their needs is a challenging task that will clearly need time to be put into place. A good example of a family-centred approach to the issue of migrant fatalities is the Colibrí Center for Human Rights4 in Arizona, USA which treat families as stakeholders in the investigation and link up families who share similar experiences in order for them to provide support to each other.

The engagement with families is not only important for them but, as mentioned before, is a key access point to obtain ante mortem data to facilitate identification. Broader issues of data

---

4 http://www.colibrícenter.org
collection, data privacy as well as how data management could be improved were discussed in the first session of the second day.

5. Data in the context of migrant fatalities

One of the key discussions in the workshop looked at the way in which the necessary data for identification of the deceased is managed. Two different types of data were important for discussion in the workshop – namely numerical data on migrant fatalities and the data for purposes of identification. There were still some overarching issues including the question of definitions and a common understanding of the subject of migrant fatalities. What constitutes a ‘migration-related death’ for example? Lacking consensus in this regard represents a limitation to the quantitative data and it was agreed that these limitations should be made as transparent as possible. There is a broad range of sources available for these quantitative data with different methodologies and different levels of reliability. These sources are needed but their usage needs to be paralleled by unanimous communication about their limitations and caveats. The use and particularly the communication of data was also discussed in a broader context concerning the politics and impact of releasing information.

On a more concrete level, there were specific proposals on how to improve data management. Starting with the storage and sharing of data, it was clear that there is a need for standardisation in the way in which data is shared among the relevant actors – locally as well as nationally and regionally. In addition to that it was mentioned that data collection, particularly post-mortem data needs to be harmonised in order to facilitate sharing data with each other. A potential avenue to achieve a greater level of standardisation was the proposal to use similar or the same protocols and make sure those are applied comprehensively.

Finding ways to standardise data collection might also be accompanied by a broader standardisation of the sets of methods used for identification purposes. A common set of prioritised methods can potentially facilitate the exchange of information between different actors but the different national legal framework may impede a comprehensive harmonisation. A first step could be a sharing mechanism that allows to exchange data between different national contexts.

With more exchange of information between different actors, data protection also emerges as a pressing issue. This refers to questions of the ownership of the data that is collected for instance from families and how these data can be protected. This was discussed in the workshop but not with definitive answers. It became clear however that the vulnerability of families who have lost a loved one needs to be taken into consideration when thinking about the use and storage of data. One way that potentially facilitates an appropriate way of handling the data might be to strategise the collection in the sense of prioritising methods in order to avoid to be overly intruding to families’ lives.

As indicated before, discussions made clear that there is a consensus about the need for centralised databases allowing for exchange. This is clearly a major challenge for the actors involved and potentially facilitate the exchange of information between different actors but the different national legal framework may impede a comprehensive harmonisation. A first step could be a sharing mechanism that allows to exchange data between different national contexts.
to think about an organisation that could hold such data and act as a mediator between families and state authorities. Although participants seemed to agree on the need for centralised databases, the challenges implied in this were obvious. In this context, it was proposed to build a repository of the different data that exists but to share methodologies and metadata with each other as a first step to increase exchange.

6. Conclusions and next steps

During the workshop, the main challenges that actors working on the issue of migrant fatalities face were highlighted. In the last session of the workshop the participants discussed conclusions and identified some next steps.

It was acknowledged that the issue, in its current magnitude, represents a rather new phenomenon for states and it was therefore suggested to rather frame the clear need for policies with regards to states’ obligations instead of relying too heavily on families’ rights. Nevertheless, the inclusion of families’ clearly needs to be a key consideration during the whole process of managing the dead in any case. This implies the principle to be only as intrusive to families’ lives as necessary in order to identify their loved ones. Central challenges actors face in the context of migrant fatalities are related to the harmonisation and standardisation of procedures and practices that have been established in the different countries. For collecting numerical data on migrant fatalities, such standardisation efforts need to be concomitant with building a common terminology and methodology which can be initiated with sharing the different approaches among the actors involved. Not only is there a need for sharing of specialised knowledge but also a need for more coordination among and cooperation between actors in order to accurately identify their needs. This in turn also applies to families and the engagement with them in order to include them as stakeholders in the process.

As the central next steps the GMDAC makes the following proposals:

**Missing Migrants Alliance:** the group present at the workshop has already been together in former meetings and this network could be established more formally as a forum for exchange and to potentially advocate for improvement in this context together. This will include the creation of different sub-groups on specific issues such as forensics, data for identification purposes or communication. Within and beyond these groups best practice examples will be shared in order to start processes of standardisation. The network itself will expand in order to cover more regions in which migrant fatalities have to be managed. The International Organization for Migration will function as a coordinating agency in this regard. Linked to this role of the IOM is a concrete outcome for the GMDAC, which will establish a Missing Migrants Information Hub, providing contextual analysis and good practice examples and disseminating these among relevant actors. It will also organise and make available the existing knowledge on migrant fatalities and potentially carry out small-scope studies on specific issues related to the topic.

Annex I – helpful material
Annex II – workshop agenda
Annex III – list of participants
Annex IV – presentations and accompanying material
Annex I – helpful materials


