

Fatal Journeys

Volume 2

Identification and Tracing of Dead and Missing Migrants



IOM's Global Migration
Data Analysis Centre
GMDAC



65
YEARS

International Organization for Migration

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Fatal Journeys

Volume 2

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Edited by
Tara Brian and Frank Laczko



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Foreword

In October 2013, the world was shocked when over 380 migrants drowned off the shores of Lampedusa as they crossed the Mediterranean. Two and half years later, the death toll continues to rise despite much talk in policy and media circles about the need to take action. While the numbers are especially high in the Mediterranean, the problem is not confined to Europe. The International Organization for Migration (IOM) estimates that at least 5,400 migrants died or went missing in 2015 globally. Over the last 20 years, it is likely that more than 60,000 migrants have embarked on fatal journeys around the world, never to return to their loved ones. This figure is a conservative estimate based on available data. The real number is unknown, as many deaths are never registered, especially in more remote regions of the world. Recording the deaths of migrants, many of whom are undocumented, has not been a priority for most States around the world.

A further tragedy, and one that is even less acknowledged than the terrible loss of life, is the fact that many of the dead remain nameless. Each body that is unidentified or that is never even recovered, signifies a missing person for their family. Caught in limbo between grief and hope, families begin a search for knowledge of their loved one that can take years or a lifetime.

This painful situation is all too common – the majority of bodies are never found, and of those that are, most are never identified. The existing national and international systems to assist missing persons have not yet been adapted to address missing migrants. Families are left to navigate through an undefined course of organizations and bureaucracy with little State support.

IOM's second in a series of global reports on migrant deaths, this publication focuses on two neglected policy issues. First, what measures can and should be taken by authorities to ensure tracing and identification of those who die or go missing. Second, what steps should be taken to assist the forgotten victims of these tragedies – the families left behind.

I have repeatedly argued that saving lives must be a top priority in any response to migration on dangerous routes around the world. IOM has consistently reiterated this as a priority in various fora and publications with a view to advocate protecting migrants' rights, including the right to life. As we work to save lives, we must also consider the lives lost and the families who remain to grieve them.

We certainly need to do more in collecting data on migrant deaths globally. But we also need to take action to ensure that migration is safe, orderly, dignified and humane. One specific area that needs particular attention in this regard is to assist authorities in establishing clear policies and processes to identify missing migrants and trace their families. This report concludes with a call for the urgent implementation of a five-point action plan to improve identification processes, provide better information to families, and ensure that deceased migrants and their families are treated with dignity.



William Lacy Swing
Director General

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Executive summary

In the spring of 2015, Giuseppe Giardino, who works as the gravedigger on the island of Lampedusa, spoke of burying migrants who drowned at sea:¹

“Wherever you see these crosses”, he explains, indicating broken wooded crucifixes among the weeds, “that’s where an unidentified migrant’s buried. ... The migrants number around 50 or 60 in this cemetery. ... Now they take all the corpses elsewhere because our cemetery is too small. ... It just couldn’t take all the dead migrants there’ve been.” ... He leads me [the reporter] to a tomb sandwiched between those of a married couple. “Here’s the only migrant who was identified”, he says, “it’s a girl, she was 18, she was with her brother. ... I buried her... and the brother was sitting just there crying. These are the things you never forget... [speaking of unnamed graves, he says] sometimes their families don’t even know they’re dead and lying here in Lampedusa. ...”

Sadly, this is not an isolated case. A growing number of migrants are dying in anonymity, far from home. In 2015, international migration became increasingly unsafe. A record number of 5,400 migrants worldwide are estimated to have died in 2015 trying to cross borders, and an additional 3,100 lost their lives in the first five months of 2016. The International Organization for Migration (IOM) estimates that over the last two decades, more than 60,000 migrants have died trying to reach their destinations, and this only includes deaths for which there is some record. In many cases, the bodies are never found or identified. Less than half of the 387 migrants who died when their boats capsized off Lampedusa in 2013 have been officially identified. In the United States, at the end of 2015, the Pima County public cemetery in Arizona contained the remains of at least 800 unidentified individuals believed to be migrants.

Identification is difficult for many reasons. Local authorities tasked with investigating these deaths are often severely under-resourced. As many migrants travel without documents, migrants have to be identified by other means, such as tissue samples that can be used for DNA testing. But this information needs to be matched with that of family members who may not be easy to find, and who may not have legal access to the territory where the body is found. Bodies that are not found immediately in remote regions of the world can quickly become decomposed, making identification especially difficult.

This means that tens of thousands of families of missing migrants are living in limbo, not knowing the fate of their loved ones. They do not know for certain whether their husband, wife, daughter, son, parent or sibling is dead or alive. They do not know where and how they died. And they have no place to mourn and pay their respects to the dead. In addition to the social and psychological effects on families left behind, without legal proof of death, it may be difficult for a family member to remarry, inherit property or claim social welfare benefits.

This is the second in IOM’s series of global reports on missing migrants. The first report was published in 2014 – *Fatal Journeys: Tracking Lives Lost during Migration*. This second report has two main objectives. First, it provides an update of global trends in migrant fatalities since 2014. Data on the number and profile of dead and missing migrants are presented for different regions of the world, drawing upon the data collected through IOM’s Missing Migrants Project. Second, the report examines the challenges facing families and authorities seeking to identify and trace missing migrants. The study compares practices in different parts of the world, and identifies a number of innovative measures that could be potentially replicated elsewhere.

¹ BBC World Service documentary, “The Cook, the Carpenter and the Migrants”, Emma Jane Kirby, 25 July 2015.

Currently, there is no established common practice for collecting information on migrant deaths between States, or even sometimes between different jurisdictions in the same country. The technical skills needed to facilitate the identification of the dead exist, but there is not yet an international framework establishing what information should be collected and how it should be shared. In some regions, there is no centralized system for identifying the bodies of deceased migrants, nor is there a systematic method for informing their families. There are very few shared secure databases at regional or international levels, which bring together information necessary to facilitate the tracing of missing migrants.

There is also a need to better train national and local authorities. Ad hoc and uncoordinated processes of collecting, recording and preserving data taken from an unidentified body obstruct processes of identification. Much more needs to be done to assist the families of missing migrants to trace their relatives. An international legal framework for assisting missing persons and providing information to their families already exists, but it is rarely applied in the case of missing migrants. When humanitarian disasters occur, identification of the dead, recording the missing and working with families are central to relief and rescue operations. Sadly, the identification of missing migrants has not been given the same priority.

Finally, the report underlines once again, the need for better data collection and reporting of the number of migrants who perish while making dangerous journeys around the world. In 2015, governments recognized that facilitating safe migration is essential if countries are to make progress towards achieving the new Sustainable Development Goals. In order to assess how far States are able to achieve this objective in the future, much better data on missing migrants is needed.

1.1. Introduction

Migration became increasingly unsafe for many migrants around the world in 2015. The International Organization for Migration (IOM) estimates that at least 5,400 migrants died or went missing on migratory routes across the globe, with an additional 3,100 losing their lives in the first five months of 2016. 2015 was the deadliest year on record for the Mediterranean, with at least 3,770 persons lost at sea. Based on available evidence of deaths globally, IOM conservatively estimates that at a minimum, 60,000 migrants have lost their lives trying to reach their destinations since 1996.³ The true number of migrant deaths around the world is surely greater, however. Countless bodies are never found, countless missing persons are never reported; fatal journeys lost from all record.

It has often been argued that tougher border controls and restrictive migration policies exacerbate the migrant death toll. Many commentators have suggested that deaths would decrease if there were greater opportunities for safe and legal migration. The main purpose of this report is not to rehearse these policy discussions, but rather to focus on an issue that has been almost entirely neglected in recent policy debates.

What happens once a body is found? Where does a family's search begin when a relative goes missing? This report addresses the challenges that authorities around the world face in trying to identify the dead, and the needs of families trying to trace those who have gone missing.

Among the numbers reported by IOM are bodies found and people known to be missing and presumed dead. Countless more are never heard of; they simply disappear. Perhaps the families of these dead know, and perhaps they do not. A second tragedy following the thousands of victims is that the majority, even among deaths that are known of, are never officially identified. For each body that remains nameless, for each body lost at sea or in the mountains, families are left wondering if their relative is alive or dead. They may wait years or lifetimes for some confirmation of life or death, never fully able to grieve their loss. This issue receives relatively little policy attention. While families are at the centre of identification efforts following natural disasters or other large-scale tragedies, in the case of irregular migration, families of migrants are next to invisible. Like their loved ones who have vanished, they themselves are not heard. As they navigate a maze of actors and organizations to obtain information, family members struggle with the psychological pain of what has been called ambiguous loss. Families may also face legal, social and economic problems when it is not possible to confirm whether a relative is dead or alive.

² Tara Brian is a Research Officer with IOM, previously based at IOM's Global Migration Data Analysis Centre, and now at IOM's Regional Office for the Middle East and North Africa; Frank Laczko is the Head of the Global Migration Data Analysis Centre, located in Berlin, Germany.

³ This estimate builds on the 40,000 estimated to have died since the year 2000, as published in IOM's 2014 report *Fatal Journeys: Tracking Lives Lost during Migration*. The revised estimate of 60,000 is higher due to the inclusion of more years (1996 through mid-2016). The number is a compilation of available data and estimates on migrant deaths for regions around the world. As such, it represents a bare minimum of the actual number of migrant deaths. In some regions, data exist for only a few years of the relevant time period, and even those data are often incomplete. In other regions, there are no data at all. The actual number of migrants who die on their journeys is unknown. However, this estimate demonstrates that even when incomplete, the number of deaths during migration is far too high. Sources for this estimate include the following: The Migrants Files, UNITED for Intercultural Action, United Nations High Commissioner for Refugees (UNHCR), government authorities, interviews with survivors, IOM field offices and media reports.

This is IOM's second report on migrant deaths, and builds on IOM's 2014 report, *Fatal Journeys: Tracking Lives Lost during Migration*, which brought together estimates and data on migrant deaths from around the world, presenting the first global estimate of migrant deaths.

1.1.1. Outline of the report

This report is organized around three main chapters. The first chapter presents the most recent estimates and data on migrant fatalities around the world in 2015, including a brief update on the first five months of 2016. The data are presented by region, and include recent estimates and trends, breakdowns by region of origin of the migrants, and demographic information where available. The chapter also provides data on the number of deceased migrants who are identified.

Chapter 2 examines in detail the challenges that authorities face in identifying deceased migrants and the consequences for families left behind. While data vary by region, generally a high share of dead and missing migrants are not identified. This may be because bodies are too badly decomposed or because it is difficult to match ante-mortem and post-mortem data. In other cases, bodies are not found, precluding any official identification. Families have extremely rudimentary and fragmented structures through which to search for missing relatives, and their search is made more complex and risky by that fact that migrant families may have an irregular immigration status, or may live in situations of conflict, State repression or extreme poverty.

Chapter 3 discusses identification efforts along the United States–Mexico border, noting innovative projects to link reports of missing persons with unidentified remains in US and Central American forensic facilities.

The report concludes with a five-point action plan to address identification and tracing challenges.

1.2. An overview of global trends in 2015

Images of families disembarking from small boats on the beaches of Greece, drenched in the waves of the Aegean, have captured the front pages of international media throughout much of 2015 and into 2016. Over 800 people lost their lives crossing from Turkey to Greece in 2015, and unlike in the Mediterranean the previous year, a large share of them were young children. Numerous others around the world have also lost their lives while migrating – perishing at sea, on arduous overland treks, smuggled in vehicles and planes, beaten and tortured to death by smugglers, traffickers and kidnappers. IOM estimates that at a minimum, 5,400 migrants died during their journeys in 2015, although the true number is much higher. The figure is up slightly from 5,200 known deaths in 2014. The increase is largely driven by deaths in the Mediterranean, which climbed by 15 per cent to reach at least 3,770 in 2015 (see Figure 1). Deaths continue to be high in 2016, with over 3,100 globally in the first five months of the year.

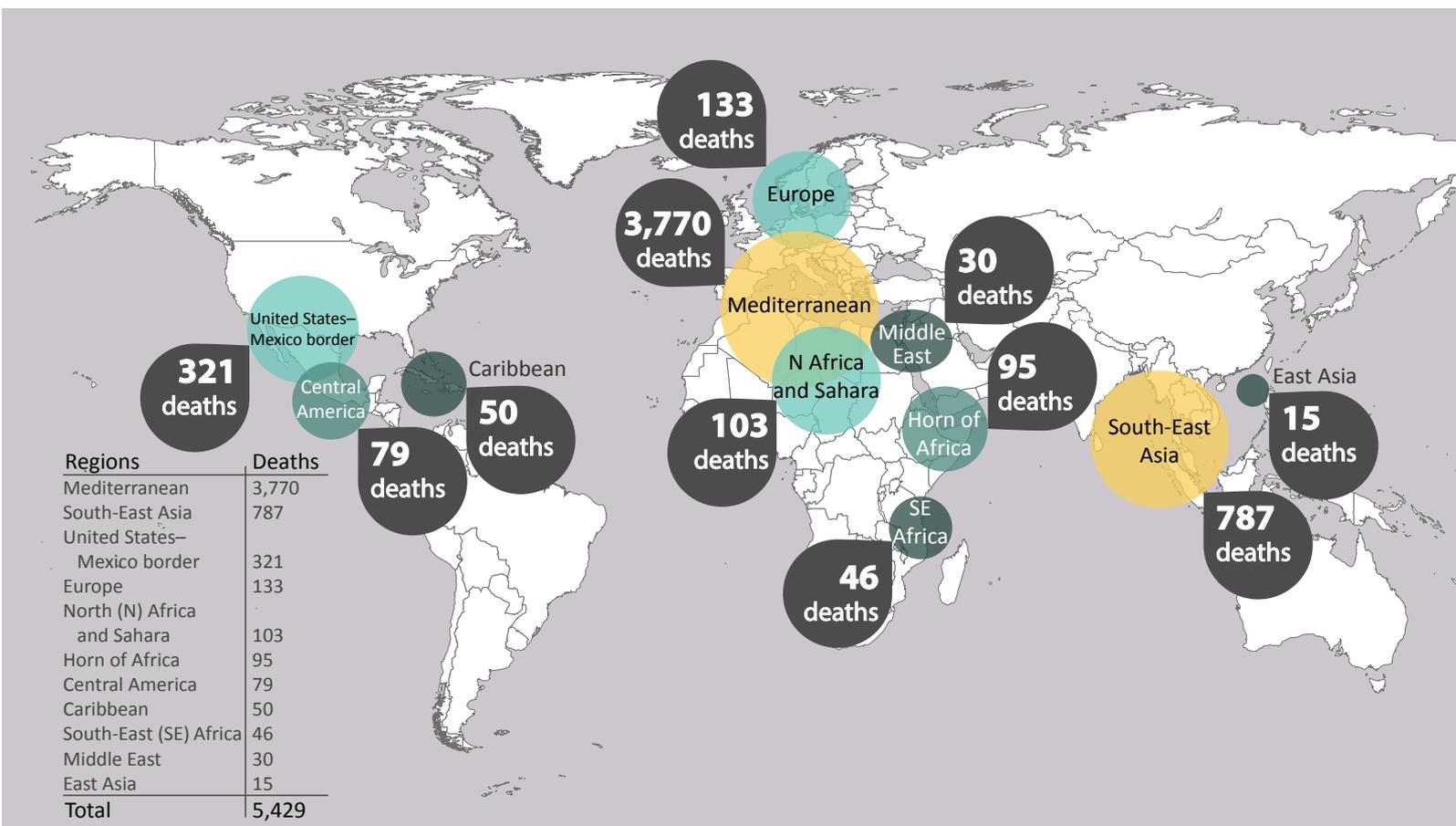
In addition to the devastating death toll in the Mediterranean, more than 130 migrants are known to have died within Europe, compared with just over 50 in 2014. These include the shocking case of 71 asylum-seekers who suffocated in the back of a truck in Austria in August 2015.⁴ At least 27 migrants died in or near Calais, most in the Channel Tunnel or in road accidents. Several others died in other parts of France, or while travelling as plane stowaways to the United Kingdom.

Deaths were also high in South-East Asia in 2015, reaching an estimated 800 – similar to estimated levels in 2014. These include roughly 550 deaths in the Bay of Bengal and Andaman Sea, including migrants who were stranded on boats that were unable to disembark in Thailand and Malaysia in May 2015. The remains of over 160 migrants were found in mass graves along the border between Thailand and Malaysia.

⁴ See Al Jazeera "Arrests made after 71 dead refugees found in Austria", 29 August 2015. Available from www.aljazeera.com/news/2015/08/austria-raises-refugee-truck-death-toll-70-150828062928406.html

On the United States–Mexico border, over 300 migrants are known to have died, a number roughly similar to 2014. Data from the US Border Patrol shows a decrease in deaths on the border over the past several years. In Central America, data are scattered and incomplete, although it is known that death and injury are common. While considered an underestimate, in 2015, 80 migrants are known to have died, many in Mexico as they travel on top of trains. Deaths in the Gulf of Aden and Red Sea have declined to an estimated 95, with almost none recorded in the last half of 2015. The reason for this is not clear as movement between the Horn of Africa and the Gulf continues in both directions, both due to and in spite of the conflict in Yemen. Within Africa, very little is known in terms of numbers. Bodies are lost in deserts and do not come to the attention of authorities or media. In June, the corpses of over 30 migrants were found in the desert in Niger, their bones revealing just a small tip of the iceberg. In the desert regions of the world, there is often no official “search and rescue” effort. Authorities do not actively seek to reduce the number of deaths.

Figure 1: Recorded dead and missing migrants around the world, 2015



Source: IOM Missing Migrants Project. Data obtained from local authorities (coast guards, sheriff’s offices, medical examiners), interviews with survivors provided by IOM field offices, United Nations High Commissioner for Refugees (UNHCR), non-governmental organizations (NGOs) and media reports.

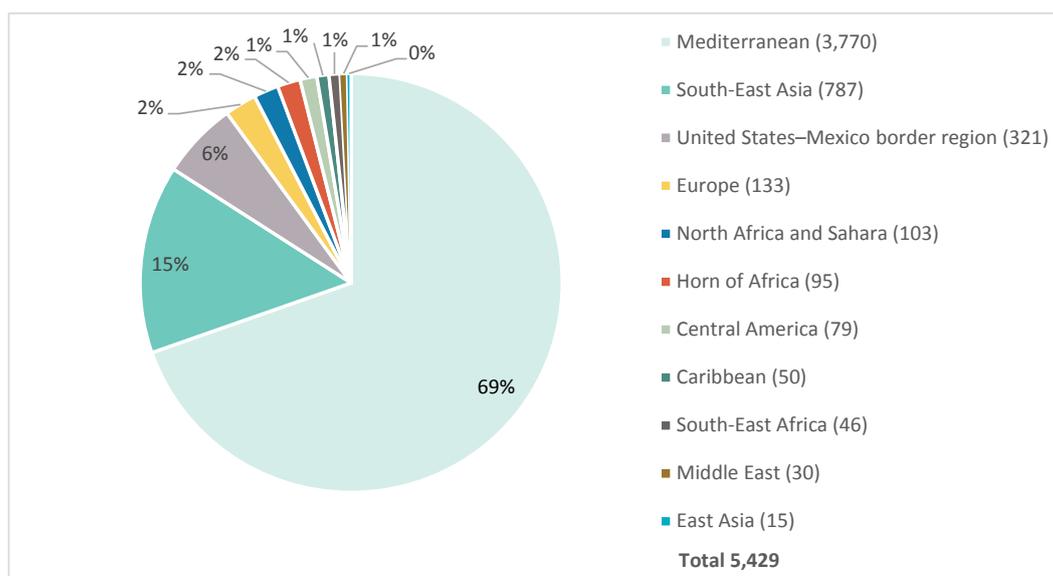
Notes: (a) Numbers refer only to deaths about which IOM is aware – an unknown number of deaths are unrecorded; thus, for most regions, the data represent a minimum of the actual number of migrant deaths. The comprehensiveness and quality of the data varies by region. Precise values presented reflect the data available to IOM and do not claim to represent the exact number of dead and missing migrants in each region; all figures are approximate. (b) Figures include both bodies found and migrants who are missing and presumed dead. (c) Figures correspond to deaths that occurred during the process of migration. They exclude deaths that occur once in a destination country that may be indirectly attributable to a migrant’s legal status or immigration policies, such as deaths occurring in detention facilities, due to lack of access to medical care, unsafe working conditions or xenophobic attacks, among others. (d) South-East (SE) Africa includes 38 deaths en route from Comoros to Mayotte. (e) North Africa and Sahara includes 32 deaths that occurred en route to the Canary Islands. (f) Names and boundaries indicated on the map do not imply official endorsement or acceptance by IOM.

Figure 2 provides a breakdown of deaths by region in 2015. It can be seen that two regions account for 84 per cent of cases – the Mediterranean and South-East Asia. However, it is important to note that the comprehensiveness and quality of data varies by region, making accurate comparison between regions challenging and impossible in some cases. See Section 1.4 of this chapter and Text boxes 1 and 5 for an explanation of how data are collected for this report and IOM’s Missing Migrants Project.

Text box 1: Missing Migrants Project

IOM established the Missing Migrants Project in 2013 in response to a sore lack of data or information on migrant deaths in regions around the globe. A joint initiative of IOM’s Global Migration Data Analysis Centre (GMDAC) and Media and Communications Division (MCD), the project aims to track deaths around the world during migration and maintains a publicly accessible online database. While aiming to be as comprehensive as possible, data, particularly in some regions, are severely lacking and figures contained in the database are minimum numbers and far from complete for some regions. These data difficulties are due to the nature of deaths during clandestine migration that leaves many – possibly the majority – undetected and unreported. Additionally, known deaths may not be recorded in official sources, and generally not reported in any systematic and reliable fashion, which means that data are scattered, overlapping, lacking and unclear. The Missing Migrants Project aims to sift through and compile available data to create comparable estimates of deaths over the years from 2014 and onwards. While other sources track deaths in the Mediterranean region, IOM’s Missing Migrants Project is the only database covering deaths worldwide. Compiled and analyzed at GMDAC, data are collected from a variety of sources, including authorities – mainly coast guards, sheriff’s offices, medical examiners and consulates – and interviews with survivors of shipwrecks, media reports, NGOs and UNHCR.

Figure 2: Recorded dead and missing migrants by region, 2015

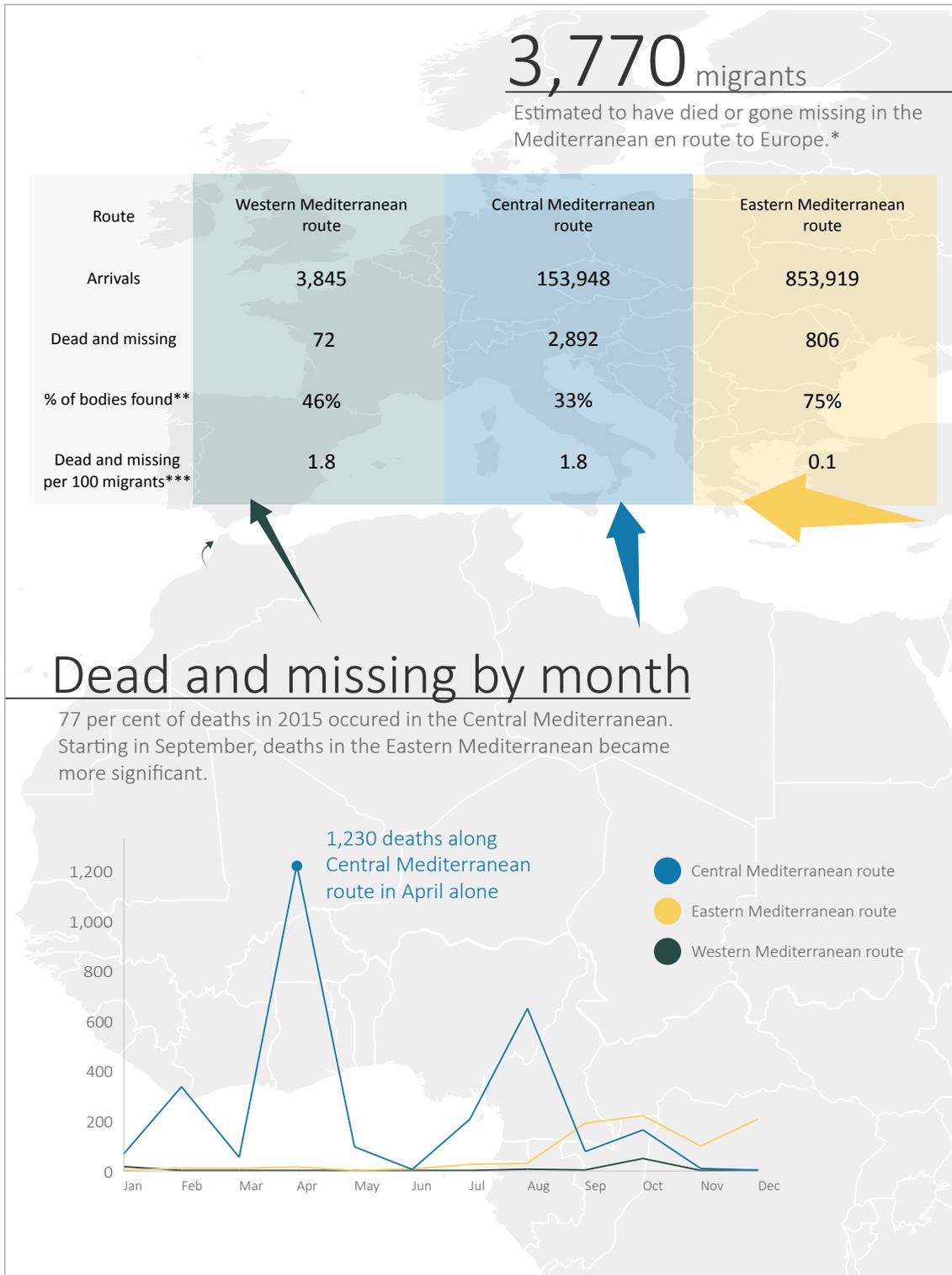


Source: IOM Missing Migrants Project. Data obtained from local authorities (coast guards, sheriff’s offices, medical examiners), interviews with survivors provided by IOM field offices, UNHCR, NGOs and media reports.

Note: Numbers refer only to deaths about which IOM is aware – an unknown number of deaths are unrecorded; thus, for most regions, the data represent a minimum of the actual number of migrant deaths. The comprehensiveness and quality of the data varies by region. All figures should be taken as estimates. See full notes under Figure 1.

1.2.1. Mediterranean

Figure 3: Recorded migrant arrivals and deaths in the Mediterranean by route, 2015



Source: Data on deaths from IOM's Missing Migrants Project. Data obtained from local authorities, IOM field offices and media. Arrivals data from IOM and government authorities.

Notes: (*) An additional 32 migrants drowned trying to reach the Canary Islands. (**) Share of bodies found is calculated by dividing the number of migrants recorded as dead (bodies recovered) by the sum of those migrants recorded as dead (bodies recovered) and those recorded as missing and presumed dead (bodies not recovered). Additional bodies may be recovered after initial search and rescue and may not be reflected in estimates on share of bodies found. (***) The numbers presented here are calculated by dividing the estimated number of deaths by the estimated number of arrivals and deaths on each route. (a) Precise values presented reflect the data available to IOM and do not claim to represent the exact number of dead and missing; all figures are approximate. (b) Names and boundaries indicated on the map do not imply official endorsement or acceptance by IOM.

As noted in Figure 3, 2015 was the deadliest year on record for the Mediterranean, with at least 3,770 dead or missing at sea. This is 15 per cent higher than the estimated 3,280 deaths the year before, and over 150 per cent higher than the numbers estimated to have died in 2011 during the Arab Spring (UNHCR, 2012). Roughly 77 per cent of deaths in 2015 occurred in the Central Mediterranean, while about 21 per cent occurred in the Eastern Mediterranean.

The death toll would have been much higher if it were not for extensive search-and-rescue operations that saved hundreds of thousands of lives over the past two years, including through Italy's Mare Nostrum in 2014, Frontex's Joint Operation (JO) Triton and JO Poseidon Sea, as well as national navies and coast guards, merchant and other ships (European Parliament, 2015). After the ending of Mare Nostrum and following the sharp increase in deaths in the Mediterranean in April 2015, the European Union tripled the resources of its border surveillance programme – JO Triton – to EUR 38 million. While Triton and other operations saved many lives, the European Commission also recognized that “the assets made available still fall short of what is needed” (European Parliament, 2015:19).

In addition to measures taken by European Union governments, NGOs also launched their own humanitarian search-and-rescue operations. For example, between May and December 2015, 23,747 migrants were rescued in the Mediterranean by Médecins Sans Frontières (MSF). About a quarter of this number were women and children (MSF, 2015).

Since October 2013, when over 380 migrants drowned off the shores of Lampedusa, there has been much talk in policy and media circles about the need to reduce the number of deaths. While the death rate decreased in 2015, it is important to note that it did not decrease in the Central Mediterranean, where the majority of deaths occur. Rather, the danger of the sea crossing was reduced due to the spike in travel across the shorter and safer Eastern Mediterranean route from Turkey to Greece.

Over 1 million asylum-seekers and migrants crossed the Mediterranean Sea to reach Europe in 2015, an unprecedented spike mainly driven by the movement of Syrians, Afghans and Iraqis entering through the Greek Islands from Turkey. The number of maritime arrivals in 2015 was more than 350 per cent higher than in 2014, and over 14 times greater than in 2011 (IOM, 2016; Frontex, 2015). Over 850,000 migrants and refugees came through the Aegean Sea from Turkey to Greece, accounting for over 80 per cent of irregular maritime flows to Europe in 2015. This route was relatively little used in previous years, with maritime flows to Europe dominated by Syrians and Africans crossing from North Africa to Libya through the Central Mediterranean. While flows remained strong in the Central Mediterranean in 2015 – roughly 154,000 compared with 170,000 in 2014 – they began to diminish in the summer and continued to do so for the rest of the year. In 2015, the Central Mediterranean was used mainly by Eritreans, Nigerians and other African migrants from East and West Africa, with an 82 per cent drop in numbers of Syrians crossing from North Africa compared with the year before. The Western Mediterranean route to Spain saw just under 4,000 arrivals in 2015.

The factors prompting this shift in routes, largely for Syrians, are not straightforward and likely a combination of various aspects. Among these is the increasing danger in Libya and difficulty in accessing the country. Costs and ease of travel may also have played a role in the shift of routes. Many traditional nationalities using the Central Mediterranean route continue to do so. While massive increases in migrants crossing the Mediterranean were seen in 2015, this increase has been concentrated in the Eastern Mediterranean, in part because of the location of the main origin countries in the flows – Syrian Arab Republic, Afghanistan and Iraq – from which Turkey is closer and more accessible as a departure point.

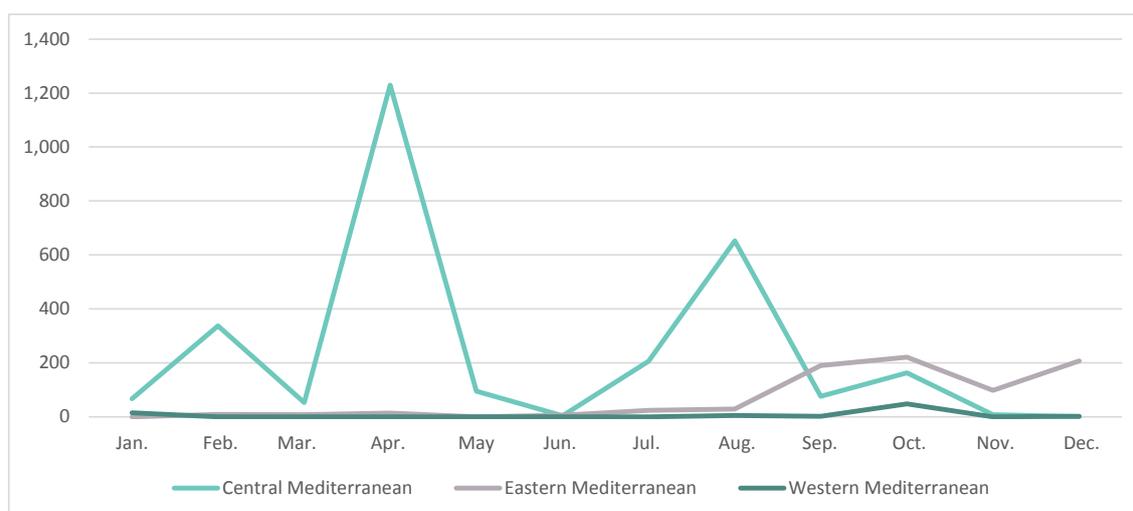


30 October 2015. Syrian and Iraqi refugees arrive from Turkey to Skala Sykamias, Lesvos Island, Greece. Spanish volunteers (life rescue team – with yellow-red clothes) from “Proactiva open arms” help the refugees. © Ggia. Creative Commons.

While the loss of life is devastating, the risk of death was lower in 2015 than in the previous year. However, as noted above, this is not due to a reduction of the death rate in the Central Mediterranean – the route accounting for the vast majority of deaths in 2014 and 2015 – but rather is due to the increase in migrants using the safer Eastern Mediterranean route. In the Central Mediterranean, it is estimated that nearly 2 people died out of every 100 travelers (1.8%) in 2015, as opposed to 1 out of every 1,000 that crossed from Turkey to Greece (0.095%) (see Figure 3). The death rates in the Central Mediterranean fluctuate from around 6 per cent between January and April 2015 – mainly buoyed by high death rates in February and April – and falling to an average of 1 per cent for the remainder of the year, with spikes in August and October. The reduced rate following April may be in part due to the increased capacities of JO Triton during this time; the higher death rates in the beginning of 2015 coincide with the cessation of Mare Nostrum operations in the Central Mediterranean. Overall, the rate of 1.8 per cent over the course of the year is the same as the death rate in 2014.

While death is less likely in the Eastern Mediterranean, there was a shift in 2015 with an increasing share of deaths occurring in the Eastern Mediterranean from just 1 per cent in 2014 to 21 per cent in 2015 (Figure 4). In absolute terms, deaths increased from just over 30 to more than 800 in this same time period, which is not surprising given the massive spike in migrants using this route. Deaths remain substantially greater in the Central Mediterranean, although they decreased from over 3,180 in 2014 to 2,890 in 2015. On the Western Mediterranean route, at least 70 migrants died (Figure 3). A further 30 are estimated to have lost their lives travelling from Western Africa to the Canary Islands.

Figure 4: Recorded dead and missing migrants in the Mediterranean by route and month, 2015



Source: IOM Missing Migrants Project. Data obtained from local authorities, IOM field offices and media reports.

Notes: Numbers refer only to deaths about which IOM is aware. All figures should be taken as estimates.

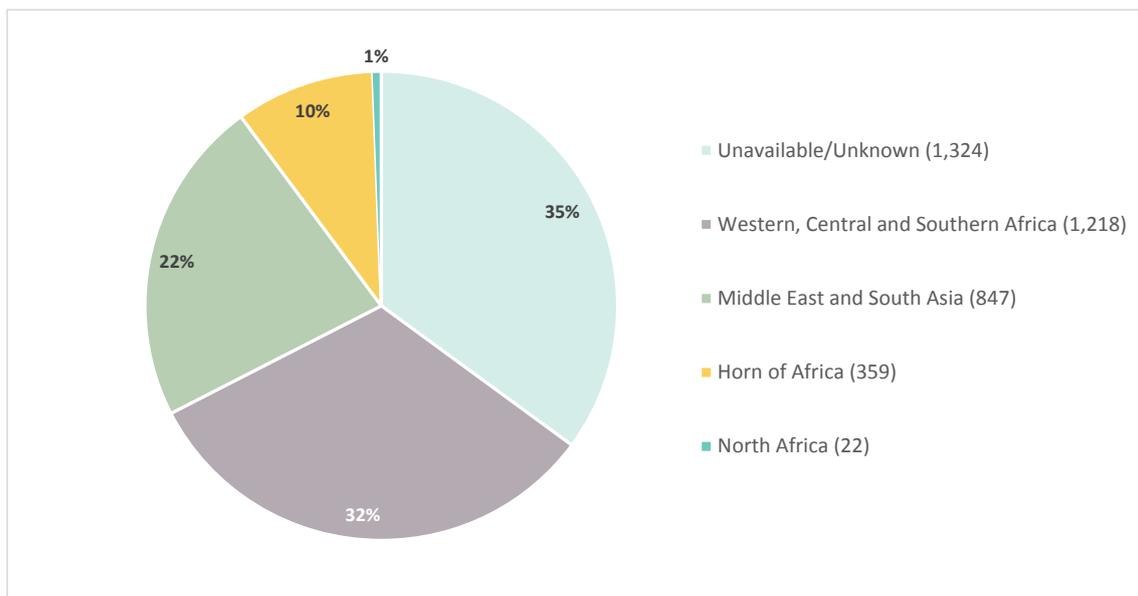
Another shift in 2015 was the increasing presence of families in flows to Europe through the Eastern Mediterranean, with an estimated 43 per cent of women and children among flows in January 2016 (UNHCR, 2016a). Young children are very vulnerable during sea crossings, and in 2015 roughly one in three deaths in the Aegean was of a child (270), most under the age of 10. At least 40 of them were infants below two years of age (see Figure 6).⁵ Data on the Central Mediterranean are too poor for a comparable figure on child deaths to be estimated. In the Central Mediterranean, hundreds may go missing in a single shipwreck, and survivors often do not know even how many people were on the boat, let alone their ages. Boats on the Aegean tend to be smaller, although some have carried over 200 passengers, and often carry families together. When shipwrecks occur, the survivors are more likely to know who was on board and who is missing.

⁵ Data on age are not always available; therefore, this is only a minimum number.

The presence of families, as tragic as it can be, makes identification of bodies and knowledge of who is missing at sea easier. Most bodies may be identified by family members following a rescue. Nearly three quarters of migrant bodies investigated on Rhodes Island, Greece, in 2015 were identified, all through visual recognition.⁶ More bodies are found in the Aegean than in the vast Central Mediterranean region, and this also aids identification efforts. In 2015, about three quarters of bodies from migrant shipwrecks in the Aegean were found, according to available data. In contrast, only about one third of bodies from shipwrecks in the Central Mediterranean were recovered (see Figures 3 and 6).⁷

While Syrians, Afghans and Iraqis made up over three quarters of all irregular sea arrivals in Europe in 2015, deaths were more common among African migrants – given their disproportionate use of the more risky Central Mediterranean route. Over 1,500 deaths in the Mediterranean in 2015 were of sub-Saharan Africans (42%). The region of origin could not be determined for over 1,000 cases; however, it is likely that the majority of these are sub-Saharan Africans as well. An estimated 850 migrants from the Middle East and South Asia perished at sea, mostly in the Aegean (Figure 5).

Figure 5: Recorded dead and missing migrants in the Mediterranean by migrants’ region of origin, 2015



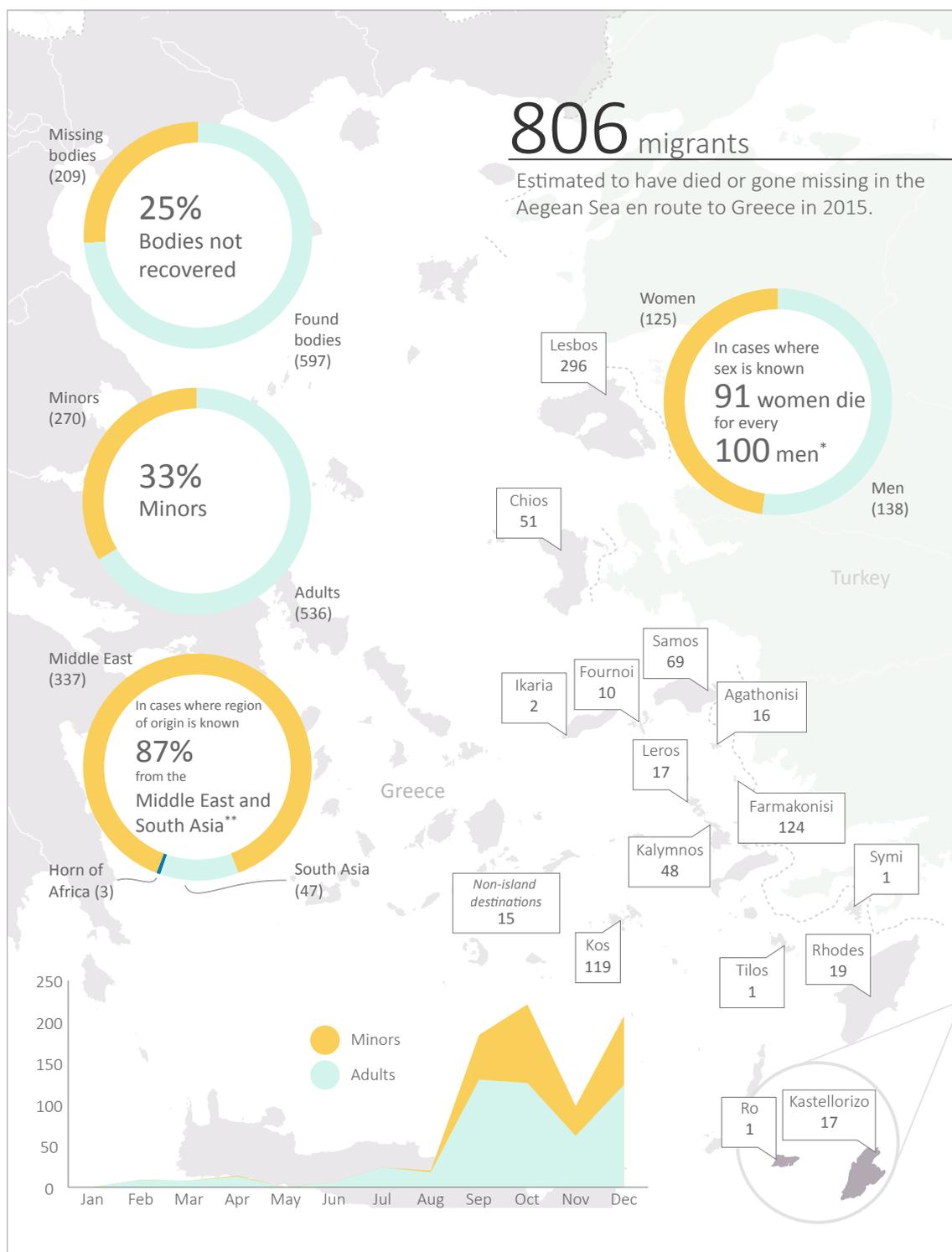
Source: IOM Missing Migrants Project. Data obtained from local authorities, IOM field offices and media reports.

Notes: Numbers refer only to deaths about which IOM is aware. Precise values presented reflect the data available to IOM and do not claim to represent the exact numbers of migrants who have died or gone missing from each region; all figures are approximate. Information on nationalities and region of origin is patchy and in some cases the region of origin has been assumed based on available evidence.

⁶ Data provided by Dr Panagiotis Kotretsos. E-mail communication, 2 March 2016.

⁷ While effort was done to avoid this, some bodies may be recovered in the weeks following a shipwreck, and this may not have made it into IOM data. Hence, the share of bodies found is a minimum.

Figure 6: Recorded dead and missing migrants in the Aegean Sea, 2015



Source: IOM Missing Migrants Project. Data obtained from local authorities, IOM field offices and media reports.

Notes: (*) Sex unconfirmed in 543 cases. (**) Region of origin unconfirmed in 419 cases. Presumed to be from Middle East and South Asia. (a) Numbers refer only to deaths about which IOM is aware. Precise values presented reflect the data available to IOM and do not claim to represent the exact number of dead and missing migrants or calculations; all figures are approximate. (b) Additional bodies may be recovered after initial search and rescue and may not be reflected in estimates on share of bodies found. (c) Numbers of children who died is a minimum estimate only. (d) Islands listed are where bodies were found or are the presumed destinations based on the departure point, location of shipwreck and route of the boat. (e) Names and boundaries indicated on the map do not imply official endorsement or acceptance by IOM.

I.2.2. Mainland Europe

In the summer and autumn of 2015, hundreds of thousands of migrants and refugees passed through the Western Balkan route from Greece, heading north-west through the former Yugoslav Republic of Macedonia towards Austria and Germany, and some onwards to other European destinations. While the land routes to Europe have been much less deadly than the sea crossing from Turkey to Greece, there have still been fatalities. Pregnant and breastfeeding women, newborn babies, the elderly and disabled people were among the most vulnerable, trekking by foot, truck, bus and train for nearly thousands of kilometres. Migrants were known to fall dangerously ill from eating wild mushrooms and other plants along the route; several children are known to have died from health complications; young men were also at risk, with one dying from electrocution while climbing atop a train at the Greece–former Yugoslav Republic of Macedonia border in protest of the decision in November to allow only Syrian, Afghans and Iraqis citizens to pass.⁸ The most documented and shocking case along land routes into the European Union was of 71 asylum-seekers from the Middle East and South Asia who were found dead in the back of a truck in Austria in August 2015. In 2014, this route was little used and there were no recorded deaths.

Greece's north-eastern border with Turkey saw a sharp decline in the numbers of migrants crossing following the launch of Operation Aspida and the construction of a border fence in 2012. Bulgaria has also increased border securitization with Turkey. With increased pressures on borders into Europe, 2015 saw a rise in numbers entering Greece through its land borders, although numbers remained relatively low. Deaths in the Thrace region of Greece decreased steeply, from a high of 53 in 2010 to 8 in 2015.⁹ Identification is a challenge, and only an estimated 25 per cent of migrant remains investigated since 2010 in the Thrace region have been identified.¹⁰

In Western Europe, most instances of deaths were in Calais or nearby during attempts to reach the United Kingdom, with over 30 people losing their lives in France and the United Kingdom in 2015 (Figure 7). Of these, at least 27 died in or near Calais or in the Channel Tunnel.¹¹ This is double the number known to have died on this route in 2014, and more than any other year recorded by the organization Calais Migrant Solidarity. Over 70 migrants have died in Calais or while attempting to reach the United Kingdom since 2002, according to the group.¹² The vast majority are young men, with the largest number originating in Eritrea.

⁸ See A. Sims, "Refugee electrocuted touching railway cables as protests break out on Greek-Macedonian border", *Independent*, 3 December 2015. Available from www.independent.co.uk/news/world/europe/refugee-electrocuted-touching-railway-cables-as-protests-break-out-on-greek-macedonian-border-a6759076.html

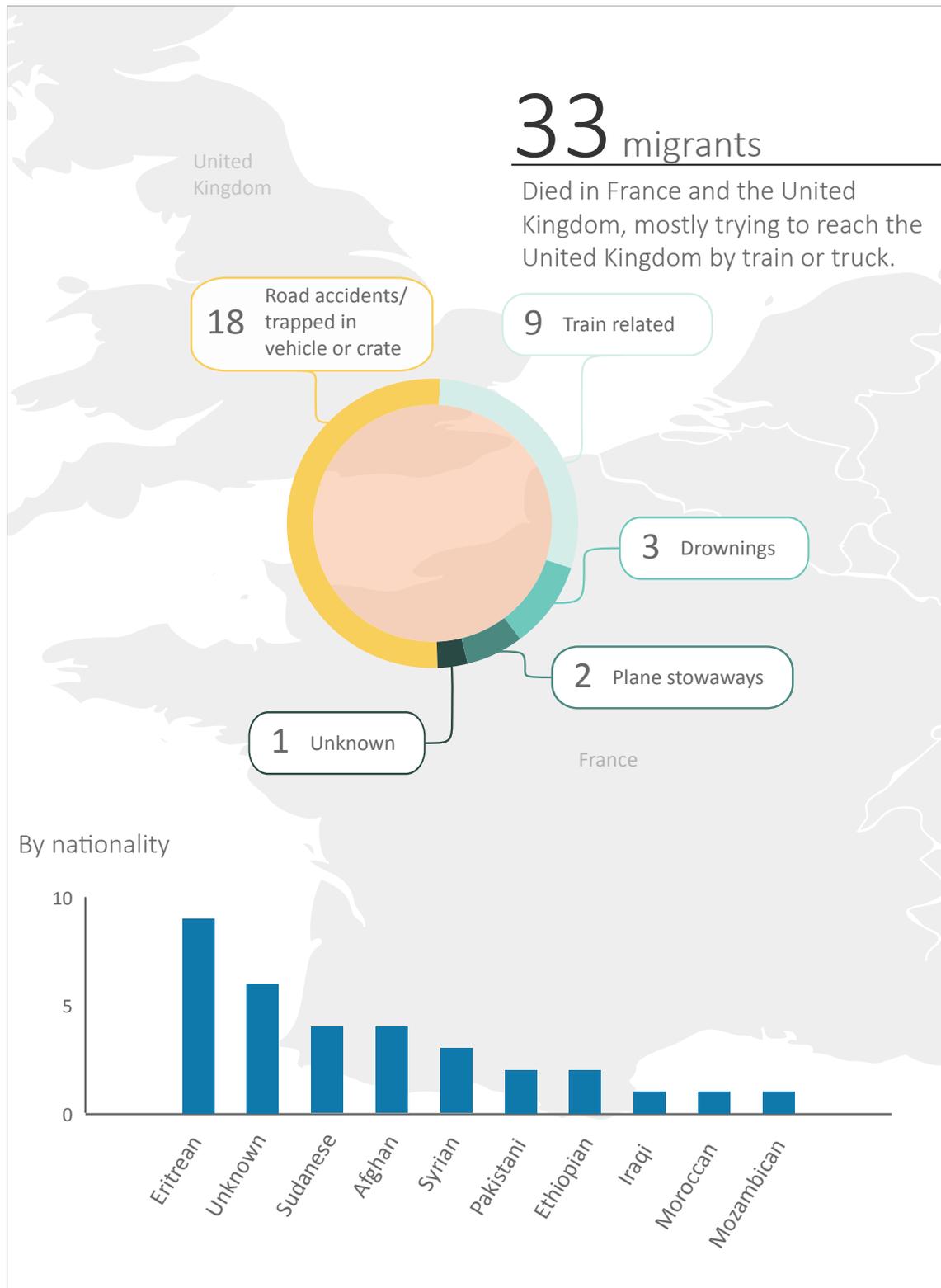
⁹ Data provided by Dr Pavlos Pavlidis, Laboratory of Forensic Sciences, Democritus University of Thrace (personal communication).

¹⁰ *Ibid.*

¹¹ Others died in other regions of France or while travelling as plane stowaways to the United Kingdom (or to the Netherlands in one case).

¹² See <https://calaismigrantsolidarity.wordpress.com/deaths-at-the-calais-border/>

Figure 7: Recorded migrant deaths in France and the United Kingdom, 2015



Source: IOM Missing Migrants Project. Data obtained from media reports and Calais Migrant Solidarity.

I.2.3. North Africa and the Sahara

Little is known about the deaths of migrants travelling overland from sub-Saharan Africa towards Northern Africa; this remains a large gap in any comprehensive count of deaths worldwide. Migration is crucial for the region – with African migrants living and working in North African countries or transiting through North Africa to cross the Mediterranean to Europe – the vast majority departing from Libya, but also from Egypt and Morocco. Journeys from West and East Africa may last months or years, with many migrants working along the way to pay for the next leg of the journey, or living for some time in countries along the route, not intending originally to continue on.

Migrants face great risk during these journeys; from the physical hardship of the trip, to neglect, abuse, torture and outright killings at the hands of smugglers, traffickers, other criminals and officials. Additional payment may be arbitrarily demanded and migrants held, and at times abused, until payments can be made. Women, and at times men, are at high risk of sexual violence, including rape (Collyer, 2015; Naik, 2015; Horwood, 2014).



Migrants making the journey
across the Ténéré Desert, Niger.
© Claire Beilvert

There are no reliable estimates for the number of migrants who die on these journeys. Anecdotal evidence suggests death is common, however. The Blog Fortress Europe has recorded at least 1,700 deaths in the Sahara and North Africa between 1996 and 2013, and IOM reported more than 50 in 2014, and at least 70¹³ in 2015. These are vast underestimates, however, and point more to the paucity of information and data, than to the actual numbers of people who are dying on these journeys. In June 2015, the remains of more than 30 migrants were found in the desert near Arlit, Niger, exposing a small sliver of the Sahara's death toll. In North Africa, a number of incidents occurred near the Egypt–Israel border.

Once migrants arrive in Libya, Egypt and other North African countries, they may stay or continue on to Europe. Those who stay often face difficulties due to extremely inhospitable conditions – particularly in Libya – which may eventually push some of them to attempt the Mediterranean crossing (Altai Consulting, 2015). Conditions are particularly harsh in Libya, where migrants face harassment, intimidation, labour exploitation, bonded labour and arbitrary arrest and detention (Altai Consulting, 2015). Reports document inhumane conditions, abuse and torture of migrants who are detained (Naik, 2015; UNSMIL and OHCHR, 2013). In 2015, Human Rights Watch estimated that between 5,000 and 10,000 migrants and asylum-seekers were held in detention in Libya (Human Rights Watch, 2015). There is no estimate for the numbers who die while in detention, but anecdotal evidence suggests it must not be uncommon, with migrants succumbing to starvation, sickness without proper medical care, abuse and torture (see Naik, 2015). A study by the United Nations Support Mission in Libya (UNSMIL) found that 27 Libyans died while in custody in Libya, suspected due to torture, from late 2011 to mid-2013 (UNSMIL and OHCHR, 2013).

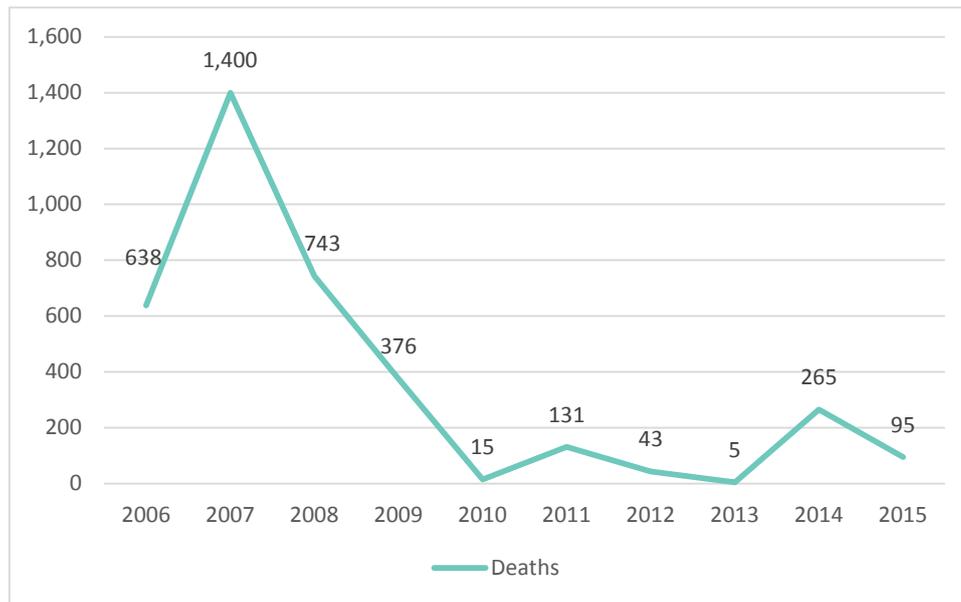
I.2.4. Sub-Saharan Africa

Migration routes through sub-Saharan Africa pose considerable risk, whether on land, over water or across sea. Deaths in sub-Saharan Africa are particularly visible in the Horn of Africa, where migrants face risk whether they travel by sea to Yemen and onwards into the Gulf States, or overland towards South Africa or through Sudan to Egypt and Libya. The greatest number of recorded deaths occurs during the sea passage across the Gulf of Aden and the Red Sea, perhaps because deaths are more visible than those occurring on remote land routes. Between 2011 and 2014, it is estimated that over 360,000 Ethiopians and Somalis crossed the Red Sea and the Arabian Sea to reach Yemen (RMMS, 2015). In 2015, the flow has been bidirectional, with travel continuing both due to and in spite of the continuing conflict in Yemen. It is estimated that over 92,000 migrants arrived by boat in Yemen mainly from Ethiopia, one of the highest annual figures since 2006 (UNHCR, 2016b). In the other direction, it is estimated that 168,000 Yemenis and migrants of other nationalities have fled Yemen to neighbouring countries, with nearly 79,000 of these crossing the Gulf of Aden and Red Sea to mainland Africa (UNHCR, 2016b; RMMS, 2016).

Approximately 95 migrants are known to have drowned in 2015 crossing between the Horn and Yemen. This is a sharp decline compared to the 265 migrants estimated to have died in 2014 on this route, and a substantial decrease from the deadliest years of 2007 and 2008 when around 1,000 migrants died in each year (IOM Missing Migrants Project; Horwood, 2014) (see Figure 8). Little is known about the gender or age of those who die, as information is vague and unconfirmed, generally obtained from media sources and government statements.

¹³ This includes about 30 migrants who died at sea en route to the Canary Islands.

Figure 8: Recorded migrant deaths in the Gulf of Aden and Red Sea, 2006–2015



Sources: Horwood, 2014 based on UNHCR data; IOM Missing Migrants Project.

Note: Data for 2007 is until the end of November. Data should be taken as approximate values.

In addition to sea routes, an unknown number of migrants die crossing lakes and rivers and traversing land routes on foot or in overloaded vehicles, whether heading towards South Africa, or northwards through Sudan to Egypt and Libya. Little is known regarding deaths of migrants on these journeys, although anecdotal evidence suggests it is common (Horwood, 2014). Migrants are exposed to risks at various levels, including through both the harshness of the terrain itself and the neglect of smugglers, as well as direct abuse and violence at the hands of smugglers, traffickers and other criminals (Horwood, 2014). Migrants may be shot at as they cross borders, for instance from Eritrea (Collyer, 2015).¹⁴ Little is known about the extent to which missing migrants are identified – likely identification and notification of families is almost entirely informal through companions on the same trip informing surviving family, when possible.

A little discussed migration route that has cost likely thousands of lives is that between the islands of Comoros and the French archipelago of Mayotte. Estimates of drownings on this route vary wildly, with more conservative estimates at 7,000 to 10,000 since movement between the islands was restricted in the mid-1990s (Sueur, Cointat and Desplan, 2012). About 40 migrants are known to have gone missing at sea or died during this voyage in 2015, although actual numbers may well be much higher (IOM Missing Migrants Project).

In 2015, several migrants from Malawi and Zimbabwe are known to have died crossing the Limpopo River that acts as a border between Zimbabwe and South Africa.

Text box 2: Burial of migrant bodies in Yemen

by IOM Yemen

Burying migrants in Yemen would normally be the role of the embassies and local communities, but due to a lack of resources, this role has shifted to humanitarian agencies working with migrants and refugees. Several agencies handle migrant burials, depending on where the migrant dies. The Yemen Red Crescent (YRC) and the Society for Humanitarian Solidarity (SHS) assist in the burials of those who have died at sea, while IOM responds to cases in which migrants die within the country, whether transiting through or residing there.

¹⁴ For a detailed discussion of the risks faced by migrants, see Horwood, 2014.

The process of burial differs depending on whether the migrant has family in Yemen. For IOM cases, if the migrant has relatives living in Yemen, IOM contacts them to obtain an identification paper from the neighbourhood leader; this paper confirms that the deceased belongs to that family and lives in the same neighbourhood. If this is obtained, the dead body can be buried by the family. If the deceased person has no family in Yemen, IOM reports to the embassy and the community of the irregular migrant's death and then initiates the process of burial. This involves completing a medical report on the deceased person's health history, and then getting permission from the Government so that the body can be kept in the hospital's morgue until IOM receives legal permission from the prosecution for the dead body to be buried. Finally, IOM organizes the burial of the deceased migrant in a cemetery and covers all costs.

In most cases in which IOM is involved, the deceased have been in IOM partner hospitals for several days, weeks or months; thus, when they die, IOM is able to identify them. IOM also searches for the family or relatives of deceased migrants by taking photos of the deceased and questioning the other migrants who were with him or her. If a phone number is available, IOM contacts the deceased migrant's family in the country of origin to inform the family of the death and receive permission to bury the dead body in Yemen. Families often agree to this because repatriation is too expensive. IOM has limited resources to cover the costs, and there are no other agencies that repatriate dead bodies. Some of the deceased irregular migrants that are buried are not identified. This is because they were found dead in streets during their journeys or drowned at sea. They are buried either by the YRC or SHS, which work along the coast of Yemen, or sometimes by Yemeni people.

Various challenges exist when dealing with the burial of irregular migrants in Yemen. For one, local authorities often rely on IOM and other actors to cover the costs, complete the legal formalities, and contact the family in the country of origin. Without the involvement of IOM, YRC and other humanitarian agencies, it is probable that corpses would not be buried and would be discarded to rot. IOM has also faced obstacles with keeping bodies in hospital morgues until legal papers are obtained, a process that may take more than one or two days. Sometimes, the migrants are not allowed to be buried in the ordinary cemetery especially if the migrant is Christian. Therefore in Haradh, there is a piece of land dedicated by the Government to be a cemetery for migrants.

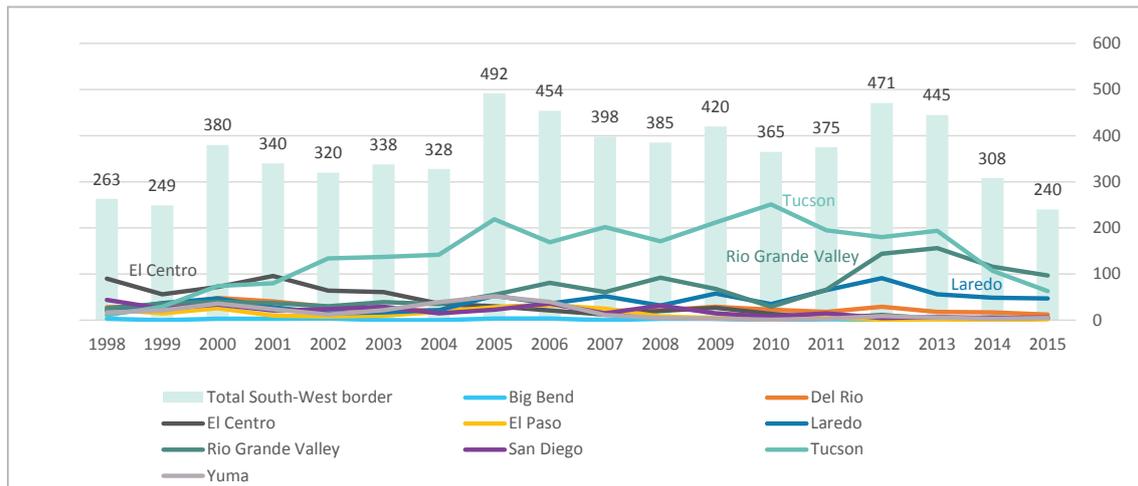
IOM medical teams work in Sana'a, Aden, Haradh and currently in Hodeida. From 2012 until August 2015, IOM's Migration Health Unit had assisted in the burial of 114 irregular migrants, including 27 in Sana'a, 82 in Haradh and Hodeida, and 5 in Aden. Most died due to accidental trauma and critical health conditions.

1.2.5. North and Central America

The border between Mexico and the United States, and the northward journeys originating in South and Central America, can be extremely dangerous for migrants. The US Border Patrol has estimated that over 6,500 migrants have died on the US side of the border since 1998, fluctuating between 250 and 500 migrants annually (US Border Patrol, 2015). In 2015, IOM estimates at least 320 migrants died along the United States–Mexico border, a number similar to 2014. Most die from exposure to the elements, including hyperthermia. A considerable number drown in the Rio Grande each year, while others may die in violent incidents, or may fall ill and be left in the desert, among other causes. While the US Border Patrol records numbers of migrant deaths, their data refer only to bodies found on the US side of the border, and in which the Border

Patrol had some involvement.¹⁵ Medical examiners have no legal obligation to relay their data on border deaths to the US Border Patrol. As such, Border Patrol data represent only a subset of the total number of deaths along the United States–Mexico border. Collected since 1998, Border Patrol data do provide a valuable source for observing trends over time and are one of the very few government-produced sources of consistent, publicly available data. Border Patrol data indicate a decline in deaths since 2012 (see Figure 9).

Figure 9: Migrant deaths along the US south-west border as recorded by the US Border Patrol, by border sector, fiscal years 1998–2015



Source: US Border Patrol.

The recording of migrant deaths by county authorities along the US south-west border is patchy, with some counties maintaining excellent records and others not differentiating suspected migrant deaths from other unidentified remains. An exceptional example in the management of the dead on the US border is Pima County Office of the Medical Examiner (PCOME) in Arizona. Covering most of Southern Arizona – the primary entry point for irregular migrants from 1998 to 2012 – PCOME has investigated 2,470 deaths since 2001.¹⁶ Despite following best practices, identification remains a primary challenge, and one third of cases investigated by PCOME between 1990 and 2013 remained unidentified as of mid-2014 (Martínez et al., 2014). Webb County’s records show slightly lower levels of identification, with just over 40 per cent unidentified of the approximately 250 migrant remains examined in the period from mid-2013 to mid-2015 (Texas Forensic Science Commission, 2015).¹⁷ Practices as regards management of migrant dead are very poor in some cases, to be examined in more detail in Chapter 3, Section 3.2.1.

Efforts to link the unidentified dead with families searching for missing relatives are patchy along the border and no systematic, border-wide approach exists. The situation of identification on the United States–Mexico border is explained in detail in Chapter 3.

The northward journey to reach the US border through Central America and Mexico presents additional risks for migrants. Transit migrants may be assaulted, robbed, raped, kidnapped or face extortion from criminals and government officials. Many ride along the tops of trains – referred to collectively as “La Bestia” – and may fall to their deaths or injury. IOM data includes at least 40 who died on trains in Mexico in 2015. The Honduran Association of Returned Migrants with Disabilities (*Asociación de migrantes retornados con discapacidad* or AMIREDIS), estimates that 700 Hondurans have been maimed by the trains in Mexico. Deaths linked with crime are also

¹⁵ Author’s personal communication with representatives from the US Border Patrol.

¹⁶ Data obtained from the Pima County Office of the Medical Examiner (PCOME) on 6 January 2016. PCOME covers two thirds of the Border Patrol’s Tucson Sector, and has been responsible for 95% of migrant death examinations in Arizona since 2003, according to the *Coalición de Derechos Humanos* (see Martínez et al., 2014).

¹⁷ Webb County Medical Examiner covers migrant deaths investigations for 10 counties along the Texas–Mexico border.

prevalent, as are drownings while crossing rivers. There exists no coordinated system for tracking migrant deaths in Mexico or Central America, and information is scattered and imprecise. IOM's figures are based almost entirely on media reports, which only capture a portion of the true number. In 2015, IOM noted at nearly 80 deaths in the region, almost all in Mexico, which is down slightly from 105 in 2014. It is not clear to what extent the change is due to an actual decrease in deaths, or the availability and quality of data between the two years.

Data on repatriation of bodies to Central American origin countries from Mexico can be helpful, although generally it is not clear in which context the migrant died. According to figures from the Ministry of Foreign Affairs of Honduras, in 2013 and 2014, 162 migrant bodies were repatriated from Mexico, the great majority of which were men.¹⁸ El Salvador repatriated a similar number in 2013 and the first half of 2014.¹⁹ In the first nine months of 2015, Guatemala repatriated 194 bodies from Mexico with "irregular migration" listed as the cause of death for 44 of them.²⁰ While it is not possible to tell from these figures if migrants were residing in Mexico at the time of death or if they were in the process of migrating through, the location of death in Mexico and the cause of death can be indicative. In 2015, the Ministry of Foreign Affairs of Honduras repatriated 72 nationals from Mexico between January and November. Of these, the top States in Mexico from which migrants were repatriated to Honduras are on the route of La Bestia. The majority of Hondurans repatriated in 2015 were killed in homicide incidents (38), while 11 died in train accidents and 3 in rivers. The cause of death was undefined in 17 cases.²¹ The Government of Ecuador reported that 135 Ecuadoran migrants had gone missing while travelling to the United States in 2014 and the beginning of 2015, although some may be still living (Agencia EFE, 2015).

Text box 3: Crime and kidnapping involving migrants transiting through Central America and Mexico

by *Gabriella Sanchez*²²

San Fernando, located in the State of Tamaulipas, Mexico, is a small locality about 90 miles from the US Border with Mexico. Given its proximity to the border, San Fernando became an important point along Mexico's migrant trail (Booth and Miroff, 2011).

On 24 August 2010, the relative anonymity of San Fernando was forever disrupted when news emerged that the community had been the site of a massacre of unprecedented proportions. In an empty warehouse on the outskirts of town, and following an alleged confrontation with bandits, forces from the Government of Mexico located the remains of 72 men and women presumed to be undocumented migrants in transit. The victims had been blindfolded, their hands tied behind their backs. Some of the bodies showed signs of torture.

The subsequent discovery of several more mass gravesites made it clear that San Fernando was not an isolated incident. These discoveries included the mass kidnapping of 40 migrants in the southern State of Oaxaca (CIDH, 2013:72), the discovery of 47 clandestine graves containing the remains of 193 people presumed to be migrants between the months of April and May of 2011 in the surrounding area of the initial massacre in San Fernando (CIDH, 2013:13), and the discovery of several dozen torsos pertaining to individuals assumed to be of Central American

¹⁸ Information obtained from the Ministry of Foreign Affairs of Honduras.

¹⁹ Information obtained from the Foreign Affairs Ministry of El Salvador.

²⁰ Data from the Dirección de Asuntos Consulares, Guatemala.

²¹ The remaining three died of natural causes. Data provided by the Migration Observatory in Honduras (MOH), Ministry of Foreign Affairs.

²² Gabriella Sanchez is an assistant professor at the National Security Studies Institute of the University of Texas at El Paso.

origin and presumed to be part of a group of migrants previously kidnapped on a highway in the neighbouring state of Nuevo León (Najar, 2015). These events give evidence of the growing number of migrants who were disappearing in the context of their journeys through Mexico.

San Fernando exposed a trend within a systematic pattern of migrant victimization – mass kidnappings, in which groups of migrants ranging from a handful to several hundred are captured during their journeys and held for ransom against their will by criminal actors, often in collusion with the corrupt authorities (CNDH, 2009, 2011; CIDH, 2013). The phenomenon of mass kidnappings contributes to the disappearance and death of hundreds, perhaps thousands of migrants every year. Migrants are also known to die from other criminal and violent activity, as well as due to the hardships of the journey itself – including harsh environmental conditions and exposure to the elements.

1.2.6. Caribbean

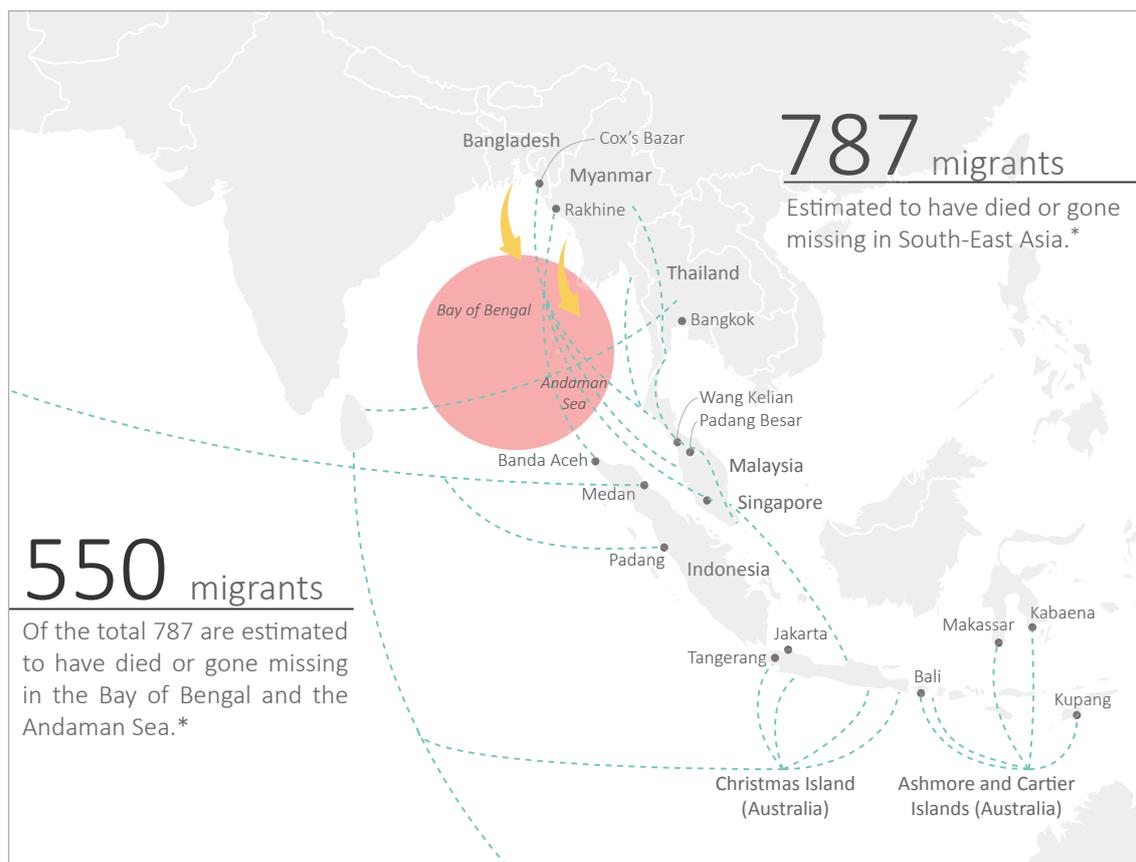
In 2015, IOM recorded 50 deaths in the Caribbean, primarily of Haitians. In April 2015, a boat bound for the Turks and Caicos Islands sank, leaving as many as 40 migrants from Haiti dead. 21 bodies were recovered in the initial search-and-rescue operations.²³ In 2014, IOM recorded nearly 70 deaths in the Caribbean, and at least 80 are known of in 2013 (Hansford, 2013). Migrants are travelling to destinations in the Caribbean – such as the Dominican Republic, the Bahamas, and Turks and Caicos British territories – and to the United States, travelling by sea to Florida or Puerto Rico. An increasing share is travelling through Central America and then overland to the US south-west border. Interdictions of Cubans along the south-west border of the United States surpassed 17,000 in fiscal year (FY) 2014, up from just over 5,000 in FY 2011 (Longmire, 2015). In early 2016, a Cuban migrant died while stuck with hundreds more at the border between Panama and Costa Rica (AFP, 2016).

2015 saw an increase in numbers of Cubans trying to reach the United States, with interdictions at sea of irregular migrants by the US Coast Guard rising to 3,828 in the FY 2015, the highest number since 2008. In 2015, Cubans made up over three quarters of interdictions by US Coast Guard (US Coast Guard, 2016). The increase may come as a reaction to softening of relations between the United States and Cuba, which led to uncertainty among potential migrants over the continuation of the “wet foot–dry foot” policy whereby Cubans who make it to land in the United States are given legal permission to stay, while those intercepted at sea are sent back.

²³ See “Haiti shipwreck: 40 migrants could be dead, US coast guard says”, Reuters, 10 April 2015. Available from www.theguardian.com/world/2015/apr/10/haiti-shipwreck-migrants-40-dead

I.2.7. South-East Asia

Figure 10: Migrant routes and recorded deaths in South-East Asia, 2015



Source: Data on dead and missing are from IOM's Missing Migrants Project, based on data from UNHCR, the Arakan Project and media.

Notes: (*) This number refers to estimates of deaths and specific incidents about which IOM is aware; it is an estimate and should not be taken as a precise number. (a) Information on routes derived from a variety of sources, including IOM, UNHCR and media. (b) Names and boundaries indicated on the map do not imply official endorsement or acceptance by IOM.

South-East Asia continues to be one of the most deadly regions in the world for migrants. While numbers of deaths are unknown, it is estimated that about 800 died or went missing in 2015. An estimated 70 per cent (550) of these deaths occurred at sea in the Bay of Bengal and Andaman Sea as migrants from Myanmar and Bangladesh attempted to reach Thailand, from where most travel on to Malaysia. In 2014 and the first half of 2015, over 94,000 are estimated to have made this crossing, and hundreds of thousands have fled since 2012 when violence broke out in Rakhine State, Myanmar (UNHCR, 2015). In May 2015, at least 5,000 thousand migrants were abandoned by smugglers off the coast of Thailand, Malaysia and Indonesia, and were initially barred by authorities from disembarking. At least 70 are estimated to have died while stranded at sea, and others remain missing (*ibid.*). Mass graves unearthed along the border of Thailand and Malaysia in the spring and summer of 2015 revealed the remains of over 160 migrants who had been held in jungle camps by smugglers.²⁴ Others are reported to have died travelling within Thailand and Malaysia, and more than 60 Indonesian migrants drowned off the west coast of Malaysia in September 2015.

²⁴ See "Asia migrant crisis: New mass graves on Malaysia-Thai border", BBC News, 23 August 2015. Available from www.bbc.com/news/world-asia-34033474; and "Thai officials among more than 100 charged with human trafficking", The Guardian, 24 July 2015. Available from www.theguardian.com/world/2015/jul/24/thai-officials-among-more-than-100-charged-with-human-trafficking

Data on deaths of migrants in the region are extremely scattered and incomplete. Lacking any more concrete information, estimates for deaths during the sea crossing are largely based on extrapolations from interviews with a sample of survivors (*ibid.*). Currently, there exists no coordinated mechanism, nor dedicated institutions or agencies to which families can report missing relatives, let alone any to assist in tracing those who are lost. Even in cases of death on land where bodies have been exhumed, families – many of which are in camps in Bangladesh and Myanmar – lack access to processes of identification.

Text box 4: Family interview

by Arakan Project

Name: (omitted) – Unregistered female refugee living in Bangladesh

Age: 25

Marital status: Married with two children (one daughter aged 8, and one son aged 4)

Date of interview: 14 January 2016

My husband was a healthy man and a good father to our two children. He used to work hard every day but was always good-humoured. Mostly he worked as a day labourer, sometimes as a rickshaw puller, as a porter or an agricultural worker.

In late February or early March 2015, my husband and four others went together to Shaporidip [tip of South-East Bangladesh] for excavation work. Whenever he goes there, he usually returns within a week or else sends money for our family through a fellow worker. But this time, I had no news from him for about two weeks, and I became very worried.

Sixteen days after he left home, I suddenly received a phone call from an unknown foreign number. The man on the line was threatening. His voice was rough and his language abusive. He said, “You b** [bitch], you sent your husband here without any money, now talk to him and arrange the money as quickly as possible.” The man handed over the phone to my husband.

My husband could not talk for a while and was crying. Then he explained that the night after he went for work in Shaporidip, his employer had abducted him and his four co-workers while they were sleeping in his [employer’s] house. He had put them by force into a small boat, which brought them to a big boat at sea. He also said: “Now I am here in the jungle of Thailand. There is hardly any food and water here. The trafficker’s men beat me when I said that I don’t have any money. I never had any intention to come here. Please release me from these brutal people. Try to borrow some money from our neighbours and relatives. I will find a way to reimburse them all.”

I became mad; I sold all my gold ornaments and our family shack. My in-laws gave me whatever they had but that was not enough. The trafficker demanded 170,000 taka [Tk] [about USD 2,200]. I also had to borrow Tk 85,000 from another man with interest.

During that time, I kept in contact with my husband and the trafficker in Thailand to give my husband hope and to reassure the trafficker.

It took me about a month to gather the full amount of Tk 170,000. Then I called my husband again, but his voice was weak and he said that he was sick. I told him that the money was now ready and that he would be released soon. Then I asked the trafficker to send someone to my place to pick up the money. But he replied that I will have to go to Shaporidip, [and] that a man will meet me at the bus station to guide me to the broker’s house in Shaporidip.

The next morning, I travelled to Teknaf with my four-year-old son and my brother-in-law. An auto-rickshaw driver was waiting to take us to the broker's house. Suddenly, a group of border authorities stopped us on the road to Shaporidip. They searched us and found the Tk 170,000 and my mobile phone. They brought us to the Teknaf police station and told the police that they suspected me to be involved in trafficking because of the money they found.

We were interrogated and detained for two nights at the police station. Then we were sent to Cox's Bazar Court with the seized money and mobile phone. I was produced before the court, and I wanted to tell my true story to the magistrate but I could not. From the court, I was transferred to jail with my young son. We languished more than five months in jail.

During my time in jail, my sister borrowed Tk 40,000 to hire a lawyer and pay court expenses. We finally got bail after five months' stay, and we were released. My sister took me to live in her house.

As soon as I was released [end of September], I went to the broker's house in Shaporidip, but the neighbours told me that the broker had absconded a few months earlier [during the May crisis]. I tried to contact the trafficker in Thailand, but his mobile phone was constantly switched off. Then I called many contacts through friends and family in Malaysia and Thailand, but no one knew anything about my husband. Finally, someone gave me the number of a woman in Thailand who works with the traffickers. She told me that many people had died in the trafficker's camps in Thailand and that my husband and two of his co-workers had died from beri-beri [edema]. I did not know if that was true but later, I managed to contact the other two co-workers abducted along with my husband. Their families had paid the ransom quickly and they were in Malaysia. They said that when they left the traffickers' camp in Thailand, my husband was very sick and barely conscious. I am quite sure that he died. I was devastated.

By then, my debt had risen to more than Tk 200,000. I applied to the court to get my money back, which was deposited by the authorities, but the court refused to return it until the case is closed. I explained this to the lenders. Some are sympathetic to me, but the man I had borrowed Tk 85,000 from is not. He said, "I will take your daughter to stay in my house. She will be returned to you when you reimburse my money." And he took my eight-year-old daughter away.



Abandoned boat in Aceh, Indonesia. © Carlos Sardiña Galache / Yayasan Geutanyoe - A Foundation for Aceh

I don't know what to do. I cannot do any work, and I am traumatized. I lost my husband, and my only daughter was taken away from me. I know she has to work for the lender's family. No NGO is here to help me and assist me.

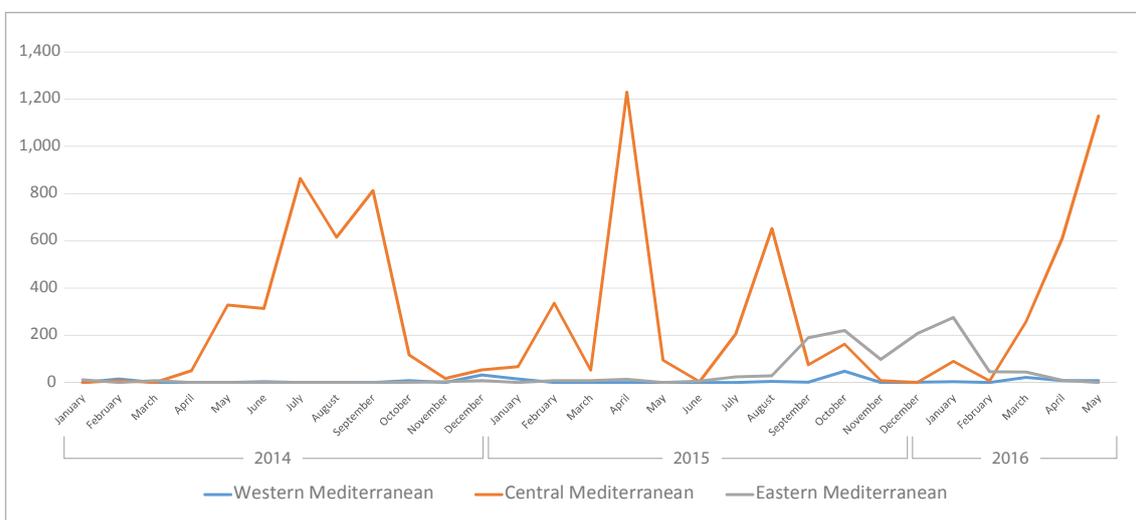
I tried to save my husband, and I had to mortgage my daughter. I don't know what the future of my children will be.

1.3. Update on global trends in 2016

In the first five months of 2016, over 3,100 migrants are estimated to have lost their lives on migration routes around the world. This is 12 per cent greater than deaths during the same time period in 2015. The increase is primarily driven by deaths in the Mediterranean, which jumped by nearly 40 per cent compared with the same time period in 2015. In May 2016 alone, over 1,100 migrants died or went missing in the Mediterranean Sea.

The Mediterranean continues to greatly outweigh other regions in the world in terms of recorded migrant deaths, accounting for over 80 per cent (2,515) of the deaths recorded thus far in 2016 (compared with 70% for all of 2015) (Table 1). As noted, comparison between regions is obstructed by variations in data quality, which means that data for some regions are highly incomplete. As in 2015, the majority of deaths in the Mediterranean this year have occurred in the Central Mediterranean – 83 per cent. For migrants traveling across the Central Mediterranean, the likelihood of drowning has jumped from 2015 to over 4 out of every 100 attempting the crossing. While at record highs in January, deaths in the Eastern Mediterranean have dropped significantly since February/March, following an agreement between the European Union and Turkey, which has led monthly arrivals to Greece to decrease by 98 per cent from January to May 2016. Although there was speculation that flows of asylum-seekers from the Syrian Arab Republic, Afghanistan and Iraq would shift to the Central Mediterranean, as of end May 2016, this has not yet occurred. Arrivals to Italy have increased by less than 1 per cent in 2016 compared with the same time period in 2015, and those arriving continue to be from sub-Saharan Africa, as in previous years. Arrivals from Egypt to Italy have increased in 2016, and there is concern this could become an increasing trend. There has also been some evidence of boats travelling to Italy directly from Turkey. While Syrians have been among these arrivals, numbers remain very low.

Figure 11: Recorded dead and missing migrants in the Mediterranean by route, 1 January 2014–31 May 2016



Source: IOM Missing Migrants Project. Data obtained from local authorities, IOM field offices and media reports.

When compared with data from early 2014, there is a large increase in deaths globally in both early 2015 and 2016, driven by large numbers of fatalities in the Mediterranean during the first months of these years. Although deaths in the Mediterranean exceeded 3,000 by the end of 2014, in the start of the year they were low, and the large numbers of deaths did not occur until the summer months.

Deaths in the Bay of Bengal and Andaman Sea are down significantly in the first five months of 2016 from the same time period in 2015, although it is possible news of more deaths during these months will emerge; data challenges in the region make comparisons over this short time period difficult. An increase in recorded deaths along routes from the Horn of Africa to North Africa is due to better monitoring mechanisms put in place.²⁵ More deaths have been recorded en route to the Canary Islands in 2016,²⁶ although again this may be due to improved monitoring. Deaths in other regions of the world have remained relatively similar in 2016 to numbers recorded in the beginning of 2015, with some variations – including an increase of deaths recorded in the Middle East and North Africa, as well as a reduction of migrant deaths in the Caribbean. It should be kept in mind that variations may in part be due to improved comprehensiveness of data over the years and not to actual changes in deaths in these regions.

Table 1: Recorded dead and missing migrants by region, 1 January 2014–31 May 2016

Region	Year			
	2014	2015	2016	Total
Mediterranean	425	1,827	2,515	4,767
South-East Asia	312	678	60	1,050
Horn of Africa	132	86	235	453
South-East Africa	268	10	24	302
North Africa and Sahara	56	28	98	182
United States–Mexico border*	54	44	69	167
Central America	60	25	25	110
Caribbean	18	47	11	76
Europe	8	20	23	51
Middle East	0	0	34	34
Other	1	15	10	26
Total	1,334	2,780	3,104	7,218

Source: IOM Missing Migrants Project. Data obtained from local authorities (coast guards, sheriff's offices, medical examiners), interviews with survivors provided by IOM field offices, UNHCR, Regional Mixed Migration Secretariat (RMMS), NGOs, and media reports.

Notes: (*) Data are not available by month for all US border counties for all years. 2014 data include only deaths in Southern Arizona plus 2 in other counties. 2015 data include deaths in Southern Arizona plus 13 in other US counties and on the Mexican side of the border. 2016 data include 31 deaths in Southern Arizona, plus 38 in other US counties and on the Mexican side of the border. (a) Numbers refer only to deaths about which IOM is aware – an unknown number of deaths are unrecorded; thus, for most regions, the data represent a minimum of the actual numbers. The comprehensiveness and quality of the data varies by region. Precise values reflect the data available to IOM and do not claim to represent the exact number of dead and missing migrants; all figures are approximate. (b) "Other" includes South America, East Asia and South Asia. (c) In a small number of cases data are only available in cumulative totals over multiple months or a year. In these cases, deaths were distributed evenly between each month.

1.4. How much do we really know about deaths of migrants?

While this chapter aims to estimate the numbers of dead, it is important to note that much is still unknown. It is still a struggle to arrive at basic estimates of the number of migrants who die – lost bodies, bodies buried in unmarked graves, left in deserts, or washed under the waves make the

²⁵ See the Regional Mixed Migration Secretariat's 4mi, which tracks trends, including deaths, along routes from the Horn of Africa.

²⁶ Included in North Africa and Sahara in Table 1.

task of counting a daunting one, and one that will never be complete. There is no national or international authority with complete figures. The accuracy of information varies considerably by region, with the Mediterranean perhaps being the most documented, given the swivel of the world's eye on it in the past few years. Even so, figures are uncertain and are estimates. With no passenger lists, with boats sinking without the knowledge of authorities and bodies washing up on shore with no identifying information, it is next to impossible to have a precise count. Along the United States–Mexico border, the US Border Patrol produces numbers, yet these include only cases on the US side of the border in which the Border Patrol is involved, and thus the count is an underestimate. Other authorities have precise information for certain counties, yet even so some bodies will not be found. Data for deaths on the Mexican side of the border are not consolidated by authorities. For other regions of the world, the situation of counting is far worse. Within much of Africa, there is next to no information. IOM has gathered information from media reports, but the vast majority of deaths on these land routes never make headlines. The lack of monitoring in the Bay of Bengal and Andaman Sea means that numbers who die during this crossing are very vague estimates arrived at through a variety of methods. Efforts to count deaths in other regions face similar challenges and lack of reliable data. Because of the considerable variation in data quality by region, accurate comparison between regions is not possible.

A number of organizations and civil society groups keep count of deaths for certain regions, particularly the Mediterranean, as well as the waters surrounding Australia and along the United States–Mexico border. Methods of counting and initiatives to do so are described in more detail in *Fatal Journeys: Tracking Lives Lost during Migration*. IOM began compiling data on deaths during migration following two tragic shipwrecks near the coast of Lampedusa in October 2013, which drew the world's attention to the plight of refugees and migrants crossing the Mediterranean. The aim was to draw together data on migrant deaths from around the world to create the first global data set on migrant deaths. IOM's data are collected from a variety of sources. These include local authorities, such as coast guards, sheriff's offices and county medical examiners; interviews with survivors of shipwrecks; NGOs; organizations such as UNHCR; as well as media reports.

IOM data are strongest for the Mediterranean and the United States–Mexico border region, while greatest challenges exist in the Bay of Bengal and Andaman Sea, as well as along land routes in Africa, South Asia and the Middle East. In some areas, data may be non-existent, particularly on remote land routes through Africa. Many families living in fragile, poor or authoritarian States have nowhere to report a missing person. Who is going to search and where? Media are not aware of small scale yet frequent incidents – and if they were, these reports still garner less attention than large shipwrecks near the coasts of Europe. The only knowledge on these land routes is through reports of survivors who mention the deaths of their companions. However, this information is anecdotal and has yet to be collected systematically to produce an estimate. IOM data on routes towards North Africa only record incidents that are covered in the media. Recent initiatives by the Regional Mixed Migration Secretariat based in Nairobi, and the Mixed Migration Hub (MHub) based in Cairo may offer new sources of data on deaths occurring on land routes towards North Africa. Data on the Bay of Bengal and Andaman Sea have been compiled by UNHCR, based on interviews with survivors (UNCHR, 2015), as well as through reporting by the Arakan Project.

In regions where media are the predominant source, multiple challenges arise. These are outlined in detail in *Fatal Journeys: Tracking Lives Lost during Migration*. They include the lack of follow-up investigation and reporting after initial publication; the omission of specific information on all casualties in a shipwreck, for instance; as well as selectivity of which incidents are reported and which make big news; language of the media searches also remains a limiting factor as most of IOM's research is done in English, Spanish, Italian and French, although the capacity exists to work in any language.

For the known deaths, there is often a lack of demographic data on the deceased. IOM records the region of origin as this is often more ascertainable than nationality. Unless the deceased are identified, this information is lost. Data on nationality of the deceased are strongest for

deaths occurring within Europe, in some cases in the Mediterranean, on the US border or in locations where migrants tend to originate in the same area and nationality can be inferred – such as in the Bay of Bengal and Andaman Sea. Data directly from medical examiners illustrate the challenges in ascertaining this demographic information even when proper forensic investigation is undertaken. Of cases investigated between 1990 and 2013 by the PCOME, sex could be determined in the vast majority of cases, but factors such as nationality and age were only possible to determine if the deceased was successfully identified.

Text box 5: Data collection in the Mediterranean

Data on deaths in the Mediterranean have improved in recent years with increased attention on the region. IOM data are largely based on coast guard reports and interviews with survivors of shipwrecks conducted by IOM field staff and partners. In some cases, media reports are used where coast guard or survivor information is not available. Several main challenges prevail in the Mediterranean.

For one, some boats may sink without the knowledge of any authorities. If there are no survivors, the incident may go entirely unrecorded. Families may not know their relative left on a particular boat, and those who do report missing relatives are often unheard, or have little avenue to find out more information. Currently, an investigation is under way through an interactive platform composed of journalists and interested public to determine the fate of the so-called Ghost Boat, which went missing in the summer of 2014 with 243 passengers on board. Official investigation is next to non-existent.²⁷

Second, bodies may be missing at sea without any precise knowledge of how many. This is particularly a problem in the Central Mediterranean where boats often carry hundreds of passengers. Estimates of the missing may range considerably. In the Aegean, bodies may wash up weeks after a shipwreck, and it is not always possible to determine if they were already reported as missing from a previous shipwreck. Thus, there is a possibility of double-counting these deaths or incorrectly attributing them to a previous shipwreck, and this can lead to inaccuracies in IOM data.

Confusion can also arise when multiple actors are involved in a rescue, or recover bodies days or weeks after an incident on different national coastlines. This is particularly relevant in the Aegean where the short distances between the Greek Islands and the Turkish coast mean that both the Greek and Turkish coast guards may be involved in a rescue operation, and where bodies are washing up on both territories. At times, official reports of an incident can vary between countries reporting or even within the same government, or between government and non-State actors reporting on an incident.

For a more detailed examination of the challenges and politics of counting, see Chapter 1 of *Fatal Journeys: Tracking Lives Lost during Migration*.

1.4.1. Who are those who die? How many are identified?

This report is not only about counting those who die, but also about what happens after. Who are these casualties of migration? Who are their families? Do they know what has happened, and how do they find out? What do families face when a son, a husband, a mother disappears? While there is very little existing research in this area, available data demonstrate how little is known about the identities of the dead; the majority remain nameless, their graves marked by a unique number or with no marking at all.

²⁷ See Medium, “Ghost Boat”, available from <https://medium.com/ghostboat>

Global rates of identification are not known. How can they be calculated if the number of people who have died is unknown? At best, the rates for certain regions can be provided, at least for the bodies that are found (see Table 2 for rates of identification of bodies found). In the Mediterranean, the Deaths at the Borders Database of VU University Amsterdam found that of deaths recorded in Southern European States from 1990 to 2013, only one third had been identified by authorities. This refers only to bodies found and recorded in official registries. Identification in Greece is relatively high, at least on some islands. On Rhodes, roughly 74 per cent of bodies were successfully identified in 2015 and the start of 2016, entirely through visual recognition.²⁸ In the Thrace region of Greece, about 25 per cent of cases found on the Greek side of the borders have been identified since 2010.²⁹ Investigations following the highly publicized shipwrecks off Lampedusa in October 2013 have led to the identification of over half of the victims (see Text box 7). Search efforts following what was perhaps the largest ever migrant shipwreck in the Mediterranean, occurring in April 2015, have led to the recovery of over 160 of the nearly 800 missing bodies, and identification procedures are under way. All these rates refer only to bodies that are found. Those that are missing at sea will never be officially identified nor will they be buried.

Along the US–Mexico border, two thirds of victims investigated between 1990 and 2013 by the PCOME, which covers most of Southern Arizona, have been identified (Martínez et al., 2014). Fifty-eight per cent of cases investigated by Webb County in Texas between mid-2013 and mid-2015 were identified (Texas Forensic Science Commission, 2015).

Table 2: Rates of identification of recovered migrant remains in available regions, available years

Area	Share of remains identified	Time frame	Source
Europe Mediterranean States (Italy, Greece, Malta, Spain, Gibraltar)	35%	1990–2013	Deaths at the Borders Database, VU University Amsterdam
Rhodes Island, Greece	74%	2015 and first two months of 2016	National and Kapodistrian University of Athens
Thrace region, Greece	25%	2010–2015	Dr Pavlidis, Laboratory of Forensic Sciences, Democritus University of Thrace
October 2013 Lampedusa Shipwrecks	+50%	–	LABANOF, University of Milan
Southern Arizona ^a	66%	1990–2013	Pima County Office of the Medical Examiner
Webb County, Texas ^b	58%	Mid-2013–mid-2015	Webb County Medical Examiner

Notes: (a) Southern Arizona – PCOME has covered an estimated 95 per cent of migrant death investigations in Arizona since 2003. PCOME identification rate obtained from Martínez et al., 2014. (b) Investigates deaths in 10 countries in Southern Texas.

Identification remains a major challenge that has received very little attention from policymakers, researchers and media alike.³⁰ The rest of the report will investigate this further, looking at the challenges of identifying remains in the context of undocumented migration and the experiences of families as they search for their missing relatives, and as well as suggest possible ways of strengthening systems of identification in the context of undocumented migration so fewer families are left in the waves of unresolved grief.

²⁸ Data provided by Dr Panagiotis Kotretsos. E-mail communication, 2 March 2016.

²⁹ Data provided by Dr Pavlos Pavlidis, Laboratory of Forensic Sciences, Democritus University of Thrace (personal communication).

³⁰ This has begun to change in the media and a number of reports on identification and burial have come out in recent months.

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Chapter 2 Identification and tracing

Stefanie Grant³¹

2.1. Introduction

In the spring of 2015, Giuseppe Giardino, who works as the gravedigger on the island of Lampedusa, spoke of burying migrants who drowned at sea:³²

“Wherever you see these crosses”, he explains, indicating broken wooded crucifixes among the weeds, “that’s where an unidentified migrant’s buried. ... The migrants number around 50 or 60 in this cemetery. ... Now they take all the corpses elsewhere because our cemetery is too small. ... It just couldn’t take all the dead migrants there’ve been.” ... He leads me [the reporter] to a tomb sandwiched between those of a married couple. “Here’s the only migrant who was identified”, he says, “it’s a girl, she was 18, she was with her brother. ... I buried her... and the brother was sitting just there crying. These are the things you never forget... [speaking of unnamed graves, he says] sometimes their families don’t even know they’re dead and lying here in Lampedusa. ...”

This chapter is about families in all parts of the world, whose relatives left on migratory journeys and are missing; it is unknown if they are alive or dead, or if they are dead, where they are buried. The chapter looks at the identification and recording of migrant death and loss at international frontiers.

It starts from three assumptions: first, that identification of the dead and tracing the missing are humanitarian duties regardless of the legality or irregularity of the journeys on which death and loss occurred; second, that families may legitimately expect that efforts will be made to this end; and third, that identification and tracing are not only of fundamental importance for families but also help to mitigate the economic and developmental impact of loss on migrant communities.

Today, migrants³³ are making dangerous journeys by land and sea in different regions: the Mediterranean, the Gulf of Aden, across north and sub-Saharan Africa, in Asia, in the Andaman Sea, the Bay of Bengal off Bangladesh, the Indian Ocean between Thailand, Malaysia, Indonesia and Australia, the Caribbean, the United States–Mexico border and in Central America. Most are fleeing persecution, escaping conflict and leaving extreme poverty. A majority of deaths in all regions appear to be unrecorded and unidentified.

As the number of refugees and migrants making these dangerous journeys has risen, priority has necessarily been given to rescue and care for the living. This is a proper allocation of limited resources, but it should not obscure the fact that death and loss also affect the living – the well-being, livelihood, and rights of the families of the dead.

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³² BBC World Service documentary, “The Cook, the Carpenter and the Migrants”, Emma Jane Kirby, 25 July 2015.

³³ *Migrants* include forced migrants, refugees and asylum-seekers, but should not obscure the fundamental legal distinction between migrants and refugees.

The importance of identification and tracing can best be understood through the perspective of families, but the “voices” of those who have lost sons, husbands, fathers, wives, daughters on migratory journeys are rarely heard. Nor has the impact of uncertainty – unresolved loss – on their lives been given proper attention.

Until very recently, little had been done to collect data, develop and share identification practices, or address the need of families in one country to know the fate of missing relatives in another country. Much more has been written on border control, as well as the criminal business of migrant smuggling and trafficking. While this is largely because of the policy priorities set by States, it is also because of the difficulties inherent in recording irregular cross-border movement, and because of the absence of migrants’ families from public discussion. It reflects an unfortunate distinction that has been made between loss of life in the course of irregular migrant journeys, and deaths in other humanitarian disasters where identification and family support are invariably central to national and international responses. Too often, migrant and refugee deaths have been seen as an exception to normal humanitarian practices. The available evidence suggests that in many regions it has been – and is – the norm rather than the exception for bodies to be unidentified or unrecovered. This has consequences for national, local and international State authorities. But its greatest and most tragic impact falls on the families.

The chapter brings together information on the following: (a) scale and nature of the problem; (b) methods of identification and their use in situations of migration; and (c) situation and needs of families of the missing. Despite the importance of the issue, comparatively little research has yet been done. Much of what has been written about border deaths concerns numbers and breaches of border control – the “arithmetic” of irregular arrivals.³⁴ Globally, there is still little official data on deaths and even less on identification, although better monitoring is now taking place, most notably in the Mediterranean region. The text relies on a limited body of academic and legal research, the publications of international agencies, media reports, personal visits, information from experts, and – where possible – the words of migrants and their families.

It argues that the responses to death and loss that are customary in situations of humanitarian disaster should apply equally to migrant death and loss: identification, treatment of the dead with respect and dignity, and recognition of the right of families – so far as is possible – to know the fate of missing relatives. Identification is also important for future generations of families. National and international mechanisms are needed to trace the missing, identify the dead and preserve evidence of identity.

2.2. Overview

2.2.1. Nature of the problem

There has been a general lack of accurate, and often any, data on migrant deaths, as outlined in Chapter 1. Many of the reasons why numerical data on deaths and missing is so weak (Brian and Laczko, 2014) apply equally to identification of the dead.

Each unidentified death becomes a missing person for a family. There is a continuum of loss. It starts with deaths that may never be known – in shipwrecks on the high seas, at remote land borders, or at the hands of criminal organizations; continues through deaths that are reported, but where bodies are not found; and through bodies that are found but not identified, and bodies that are identified but whose families cannot be traced; it ends – in too few cases – with identification of bodies and tracing of the families. The missing far outnumber the known dead.

In an unknown number of cases, migrants may go missing without any trace. Often a loss is known only to the families, who see death as one of several explanations for their absence.

³⁴ See, too, examination of the relationship between border policies and deaths (Spijkerboer, 2007; Martínez et al., 2014).

Ruben Andersson describes visiting a fishing village in Senegal with some 40,000 inhabitants; he was told that as many as 1,500 young men had died or disappeared after leaving for Spain in 2006: “Everyone has lost someone here” (2014:37). One fifth (19%) of 1,245 Syrian refugees interviewed by UNHCR in Greece in 2015 said they had been separated from family members in the Syrian Arab Republic and did not know where they were.³⁵ Of those whose bodies are found, even so the majority remain unidentified.

Unlike loss of life in other humanitarian and transportation disasters, where it is generally accepted that families are at the centre of rescue operations, few States have taken positive steps to establish the identity of those who die at their land or sea borders and trace their families. Reasons include illegality, family distance, difficulties in record keeping, and absence of political will. An additional factor is that reciprocity, which often drives international cooperation, is absent because – at least in the global north – identification of irregular foreign nationals is not thought to benefit a State’s own citizens.

These deaths challenge national registration systems – a key record not only of deaths but of who has died – and many are never registered. Problems in national practice range from procedural weaknesses to total failures of recording. At the borders of Southern Europe, for example, systems designed for nationals have generally not been adapted to record the special characteristics of migrant deaths. For example, in parts of North Africa, even if bodies are found, they are unlikely to be entered in functioning registration systems. In other situations, such as in Mexico, the bodies of migrants killed by criminal gangs may be deliberately hidden in order to escape criminal proceedings. In Libya, anecdotally, bodies have been dumped and abandoned by smugglers “as cargo”. Bodies washed ashore in Southern Tunisia in 2015 were being trucked directly to mass graves without identification.³⁶

Large-scale loss of migrant life has tended to be seen less as a humanitarian disaster, and more as a *sui generis* event to which identification procedures, which are all but axiomatic in other situations of humanitarian loss of life, do not apply. The European Deaths at the Border Database reached the rather understated conclusion that “much more could be done by European authorities to identify more people who die attempting to cross the external borders”.³⁷ Explaining his decision not to disclose even the known names of those thought to have drowned in a shipwreck in 2001, the Australian Minister of Immigration told Parliament that there was “no way of knowing or verifying all those who drowned, being an illegal venture out of another country, with the tragedy occurring at an unknown location”.³⁸

The result has been that identification and family tracing has generally been given little attention either nationally or internationally, despite calls from some regional governmental organizations, notably the Council of Europe and the Inter-American Commission on Human Rights (IACHR). In 2007, the Council of Europe’s Commissioner for Human Rights asked the European Union to account for and identify migrant deaths (Council of Europe Commissioner for Human Rights, 2007). A subsequent Council of Europe proposal that European Union States set up a system of data collection of the “mortal remains of lives lost at sea”, which is accessible to relatives, has not been acted on (Council of Europe Parliamentary Assembly, 2014:6.8). Most recently, the Parliamentary Assembly has repeated its call for a centralized register and unified recording and identification procedures (Council of Europe Parliamentary Assembly, 2016:12.1.2). The European Union’s decision in 2015 to fund training for Libyan coast guard and border officials in, *inter alia*, recovery and identification of bodies is a welcome recognition of the need.³⁹

³⁵ “UNHCR says most of Syrians arriving in Greece are students”, UNHCR News story, 8 December 2015. Available from www.unhcr.org/5666dda6.html

³⁶ E. Reidy, “The secret mass graves of the refugee crisis”, *Ghost Boat*, Episode 3, 21 October 2015. Available from <https://medium.com/ghostboat/the-secret-mass-graves-of-the-refugee-crisis-32341df89414#.e4lscugv2>

³⁷ www.borderdeaths.org. See also Spijkerboer, 2007.

³⁸ Questions on Notice Siev X, extracted from Australia Senate Hansard, 13 September 2005. Available from <http://sievx.com/testimony/2005/20050913VanstoneAmendedAnswerToQoN.html>

³⁹ “Future training could include corpse retrieval and storage and the provision of body bags, other equipment and medical supplies as well as trying to identify the dead in the hope of alerting families.” (Libya: UN agency helps country upgrade response to boats in distress of its coast, UNHCR News story, 19 August 2015. Available from www.un.org/apps/news/story.asp?NewsID=51677#.VdWF9Xhh3Uq)



Italian Coast Guard rescues migrants and refugees bound for Italy. © IOM/ Francesco Malavolta 2014

Following detailed recommendations by the IACHR in 2013 (para. 409), Mexico announced new measures, including a mechanism to search for and investigate cases of missing migrants.⁴⁰

Generally, it is left to national Red Cross societies, humanitarian NGOs such as MSF, and civil society to fill the gap left by States.

But identification of migrant bodies and tracing the missing is also an inherently – even uniquely – difficult task for a number of reasons.

For one, the recovery of bodies is often a major problem on land and at sea; this contributes to the number of the missing and precludes identification. As noted in Chapter 1, bodies were recovered for fewer than half of those thought to have died in the Mediterranean in 2015. Research by the European Union’s Fundamental Rights Agency found that most migrant fatalities in the Mediterranean occurred far from shore, and rescue operations either did not find or did not recover the dead bodies; recovered bodies were “only a very small portion of those believed to have died at sea” (2013:30).

Recovery of bodies can present formidable challenges. Where migrant boats founder in the high seas, even the fact of the shipwreck may not be known. UNHCR was told by refugees from Myanmar and Bangladesh of “entire boats sinking in the Bay of Bengal” in early 2015, but noted there was “no way to verify such reports or if, and how many, lives were lost”.⁴¹ Where boats are rescued, survivors may or may not know the names of fellow passengers who perished. For the families of those who are lost, all that will often be known is that nothing is known, but that a

⁴⁰ IACHR Welcomes the Creation of Institutions for the Protection of the Rights of Migrants in Mexico, IACHR Press release, 8 February 2016. Available from www.oas.org/en/iachr/media_center/PReleases/2016/008.asp

⁴¹ UNHCR, South-East Asia Irregular Maritime Movements, January–March 2015. Available from <http://reliefweb.int/sites/reliefweb.int/files/resources/554c6a746.pdf>

relative is missing. Along land routes, when legal movement is not an option because frontiers are closed and visas for legal journeys are unobtainable, travel is driven towards remote terrain, which in turn makes the discovery of remains less likely. The Colibrí Center for Human Rights in Arizona has over 2,500 missing persons reports of migrants travelling irregularly to the United States, an indication of how many bodies are not found on land routes. Sometimes, economic reasons play a role in the recovery of bodies. Robins, Kovras and Vallianatou (2014:12) note the reluctance of Greek fishermen to pick up bodies because of legal and bureaucratic delays. Italian fishermen told Albahari (2006:15) that if they reported finding bodies, “the whole fleet would be forced to stop. We can’t afford it.” Although all ships have a duty under maritime law to rescue the living, rescue operations often do not retrieve bodies from the sea.

At sea, not only are many lost in shipwrecks, but when passengers die on long sea journeys, their bodies often cannot be kept on a boat and are thrown into the sea;⁴² this means that a death will only be known if a relative or friend is present. This underscores the importance of interviewing survivors as soon as they disembark; but anecdotally, it seems that when survivors land, they are often asked only if a relative has died because police interviews focus on investigating smuggling and trafficking, rather than on recording all losses. Sometimes survivors and recovered bodies are taken to different places, even different coastal States, making it more difficult for survivors to see and identify the dead. One of the first actions of most survivors is to call home, or text a photograph of themselves on the shore – only then can their families know they are alive.



Pakistani immigrants row their engineless dinghy, which was drifting out of control, in rough seas between Greece and Turkey, early 30 May 2015. Ahmad, one of the immigrants onboard the dinghy, said that they had been rowing for over five hours before eventually reaching a beach in central Kos town. © Yannis Behrakis/Reuters

⁴² “The survivors all recounted how, at this stage, roughly the fifth or sixth day at sea, many people started dying, including the children. By the tenth day, around half [...] had died and had to be thrown overboard due to the smell. The fact that they had to do this further compounded the desperation and sense of hopelessness of the survivors.” Only 9 out of 72 people survived (Council of Europe Parliamentary Assembly, 2012, para. 40).

Conditions of illegality hinder not only the recovery of bodies but also other aspects of identification. Ships and boats carry no passenger lists, so the missing cannot be named. When bodies are found, either on land or at sea, they often carry no identification documents. Some of those recovered from the Sonoran Desert in Arizona have “absolutely no” personal effects or physical attributes, so they may never be identified (Anderson, 2008). Documents may have been taken by smugglers or destroyed to avoid detection. The Australian inquest into a shipwreck off the coast of Christmas Island in December 2010 was told that passengers had thrown their mobile phones and identity papers into the sea at the direction of the crew.⁴³

Furthermore, the danger and remote nature of clandestine routes used by irregular migrants give them little choice but to use “brokers”. Where migrants die at the hands of smugglers, identification is even more difficult, but it is also a prerequisite for prosecution on charges of murder or manslaughter. UNHCR was told that “[h]undreds of people” had perished in smugglers’ camps in the Malaysian jungle, “with no record of their deaths, no accounting for their lives, and no word to their families”.⁴⁴ Reported cases include deaths of migrants locked in cabins on boats, abandoned in the desert or killed because ransoms cannot be paid. In some situations – Thailand and the Sinai desert – migrants have been held hostage, mistreated and killed when attempts to extort payment from their families failed.

Knowledge of death in these situations is dependent on the testimony of those who escaped and identification on forensic investigation of gravesites. In Mexico, where thousands of migrants are reported to have been murdered in transit by criminal gangs – “criminal violence that has a predilection for migrants” – identification required exhumation of mass graves by the State (IACHR, 2013: para. 149). Malaysia engaged in a similar operation after the discovery of migrant graves in traffickers’ camps in 2015.

An additional problem arises from the fact that these are “open” disasters, unlike a “closed” disaster where – for example – an airplane carries a passenger list, so names are known, and families can be traced. In open disasters, the population at risk is defined only by who happened to be on the boat when it sank. The missing may have passed through a number of countries on complex migration routes, making it difficult to establish even their nationality; families may not know that a relative was – or might have been – on board.

In all these situations, retrieval of the body, identification and tracing of families present difficult, often insuperable, challenges, which have prompted comparisons with the unknown dead in war.⁴⁵ In April 2015, a boat believed to be carrying some 800 migrants and refugees collided with a rescue ship in the Mediterranean and sank. Twenty-four bodies that were initially recovered were taken to Malta where they were buried in numbered but unidentified coffins. The Times of Malta described the coffins as:

*“...a symbol of the magnitude of the migration problem as potent as the Unknown Soldier, which signified the victims of world wars”.*⁴⁶

⁴³ Australia, Coroner’s Inquest into Deaths of SIEC 221, Christmas Island, 15 December 2010.

⁴⁴ UNHCR, *Mixed Maritime Movements in South-East Asia 2015* (UNHCR Regional Office for South-East Asia, 2016). Available from <http://reporting.unhcr.org/sites/default/files/regionalupdates/UNHCR%20-%20Mixed%20Maritime%20Movements%20in%20South-East%20Asia%20-%202015.pdf>

⁴⁵ One Council of Europe expert has however noted that these are no greater than those accepted as legal obligations by States in time of conflict: “[w]ere these people to have died in battle or on and, all efforts would have been made to identify them, and notify their families. It cannot be that their situation as illegal irregular immigrants excludes them from equal consideration” (Council of Europe Parliamentary Assembly, 2014, para. 92).

⁴⁶ “Malta buries the dead as the EU seeks ways to save the living”, Times of Malta, 23 April 2015.

2.3. Identification

2.3.1. Registration and identification

The challenges in the context of migration are distinct from, but can usefully be compared with, the recording, identification and tracing of those who die or go missing within their own countries.

Establishing the identity of individuals – at birth, at death, as taxpayers, immigrants or victims of crime – is fundamental to the peacetime operations of the modern State. It is essential to the prosecution of a crime. Birth registration gives identity to a new life, while registration of death marks the end of a life and protects the rights of others – for example, to remarriage or property (WHO, 2010). These vital statistics are usually collected from relatives, neighbours, hospitals, doctors and police.

Death registration is a key step both for identification and protection of the legal interests of families. But death registration systems often do not operate well in the case of migrant deaths. Moreover, the available evidence shows that even in richer countries, systems set up to record deaths of nationals have not always been adapted to the special characteristics of migratory loss and death. Procedures that work well in domestic situations may not protect the interests of non-national missing persons and their families. In some less developed States, including migrant transit countries in Africa and Asia, national death registration systems are severely under resourced even for nationals; a 2015 study of civil registration and vital statistics systems suggests that fewer than 40 per cent of all deaths are registered globally (Mikkelsen et al., 2015).

In some countries, national databases collect information about missing citizens. In Germany, the Federal Criminal Police Office operates a national database that also holds information about unidentified dead foreigners/migrants. In the United States, the National Institute of Justice's National Missing and Unidentified Persons System (NamUS) holds data about missing persons and about unidentified bodies; it is a free online system and can be searched by medical examiners, coroners, law enforcement officials and the general public. But although NamUS is a powerful system, it is still largely inaccessible to families of missing migrants (see Chapter 3).

In some countries, there may be either no national databases, or existing databases may not include migrants, or they may not make it possible for information about unidentified bodies to be matched against reports of missing persons.⁴⁷ INTERPOL is now planning a police database that will be able to identify and link missing persons and unidentified bodies at an international level. The potential value of these systems for the international identification of missing and dead migrants is evident, but it has not yet been adequately considered, nor have the safeguards that would be needed to protect vulnerable migrants who may be understandably reluctant to report a missing relative to police authorities. In multicultural societies, distinctions between deaths of citizens and migrants will depend on legal data and not on physical data.

In time of war, where death occurs far from home and in the service of the State, international humanitarian law creates a framework for recording, identifying and notifying families through reciprocal arrangements between the home State and other parties to the conflict. In humanitarian disasters, where destruction of infrastructure and administrative systems may make normal methods of recording impossible, the international community often provides assistance.

In all these situations, States play a key role, and the right of the family to know the fact of a death, mourn the loss of a relative, and bury the body is generally unquestioned.

But with very few exceptions, these practices have not been followed in situations of migrant cross-border deaths.

⁴⁷ For example, although Greek law contains provisions for missing persons, it does not cover all missing persons; migrants who are lost at the border are not included (Jarvis, 2015).

2.3.2. Some rates of identification

Nonetheless, where bodies are found, even if they carry no passports and their families are not present, it may be possible to identify them. Innovative practices are being developed in different regions, which build on techniques developed in situations of conflict and disaster. The International Commission on Missing Persons (ICMP), whose expertise derives from its work in Bosnia and Herzegovina, notes that developments in the field of genetics, the use of modern forensic methods and the creation of dedicated databases have made it possible to locate and identify missing persons with a level of efficiency and certainty that was not previously possible.⁴⁸ But progress in applying these techniques to migrant identification has been slow.

In the United States, identification of the bodies of migrants found in desert regions on the border with Mexico is generally the responsibility of local authorities, including medical examiner offices, sheriffs, fire departments or justices of the peace; NGOs also play a part. Although resources and skill levels vary from one to another, some – notably the Pima County Office of the Medical Examiner – have developed a high level of expertise. Between 1990 and 2013, the PCOME examined the remains of 2,413 migrants, of whom approximately two thirds (66%) were identified, and one third (34%) were not identified. 80 per cent were male and 17 per cent female, with 3 per cent of unknown sex (Martínez et al., 2014; Anderson, 2014:8–14). In Brooks City, Texas, the identification rate in 2012 was 64 per cent (Kovic, 2013:12).

In Europe, although some estimates have assumed a 50 per cent identification rate, academic research suggests this may be too optimistic. In a pioneering research project, Deaths at the Borders Database (Last, 2015) examined 3,188 deaths of known or presumed migrants, which had been registered in State death management systems in Gibraltar, Greece, Italy, Malta and Spain between 1990 and 2013; data was collected from 563 civil registries and additional offices. Researchers found that although 35 per cent of the bodies were identified, 65 per cent had not been identified.⁴⁹ Gender and age breakdown, where it could be established, are as follows: 71.6 per cent male, 12.7 per cent female and 15.7 per cent unknown; 38.9 per cent were aged between 20 to 29 years old, 2 per cent were under 10, 1.5 per cent were over 50, and age could not be determined in 33.4 per cent cases. The known or assumed origins of the recorded dead are as follows: North Africa: 17.9 per cent; sub-Saharan Africa: 23.6 per cent; Middle East: 4.9 per cent; Asia: 6.0 per cent; Balkan: 6.7 per cent; unknown: 40.9 per cent (see Table 3).⁵⁰

The Deaths at the Borders Database found that children as well as people over the age of 40 were marginally more likely to be identified than those between the ages of 20 to 40, perhaps “because children and older adults are more likely to travel with relatives who – if they themselves survive the journey – would be available to the local authorities to aid with identification [...]”.

Researchers found that civil registries did not maintain a special index of migrant deaths, nor was it common to indicate on the death certificate that the person was an unauthorized migrant (although this did happen); identifying border deaths in death registries was therefore “a matter of deduction”.

⁴⁸ See ICMP, www.icmp.int/the-missing/ (accessed 2 December 2015).

⁴⁹ It should however be noted that these figures refer only to bodies that had been recovered.

⁵⁰ Deaths at the Borders Database for the Southern EU, available from www.borderdeaths.org/?page_id=7#_Toc418879226

Table 3: Population characteristics of the Deaths at the Borders Database for Southern European Union, 1990–2013

	Count	% of total
Sex		
Male	2,282	71.6
Female	404	12.7
Unknown	502	15.7
Origin		
North African	572	17.9
Sub-Saharan African	751	23.6
Middle East	156	4.9
Asia	192	6.0
Balkan	214	6.7
Unknown	1,303	40.9
Age		
Under 10	65	2.0
10 to 19 years	190	6.0
20 to 29 years	1,239	38.9
30 to 39 years	467	14.6
40 to 49 years	112	3.5
50 years and over	49	1.5
Unknown	1,066	33.4

N = 3,188

Source: T. Last (2015), Deaths at the Borders: Database for Southern Europe.

In Italy, forensic experts from the Forensic Anthropology and Odontology Laboratory of the University of Milan (LABANOF) examined all unidentified bodies that had been brought to the Milan morgue between 1995 and 2008;⁵¹ 62 per cent out of the total of 454 were identified over a 14-year period; 47.2 per cent were thought to be foreign immigrants (Cattaneo et al., 2010:167). Separately, around half of 387 bodies of refugees and migrants that were brought to shore from shipwrecks off Lampedusa in October 2013 were visually and definitively identified by relatives and fellow passengers in the 12 months after the tragedy. Fewer than 20 have since been identified by forensic experts (see Text box 7).⁵²

In Yemen, the SHS, a local NGO working with UNHCR, searched for and collected the bodies of those washed ashore from shipwrecks in the Gulf of Aden; their personal details were recorded and the bodies were buried in a special cemetery; prayers were said (see Text box 2 for more on burial of migrants in Yemen).⁵³ Little is known about the dead, although most are believed to be from Ethiopia and Somalia. Recorded cases show the lack of information; for example, on 19 October 2014, six bodies were recorded as having been recovered. In each case, the entry read:

Nationality unknown — gender male — Age Unknown — cause of death drowning — death place Bin Sinaa — Shabwa governorate — burial place Al-hamra Cemetery — dead date 17/10/2014.

⁵¹ Laboratorio di Antropologia e Odontologia Forense (Forensic Anthropology and Odontology Laboratory (LABANOF)) of the University of Milan Medico-Legal Institute.

⁵² Italian Government Special Committee for Missing Persons, LABANOF, Medico-Legal Institute, University of Milan.

⁵³ See <http://shsyemen.org/en/?cat=4>



Mukalla, Yemen. Gravestones line the beach at a cemetery for African refugees who wash up on Yemen's southern shores. The cemetery is managed by the Society for Humanitarian Solidarity, a local NGO. © Paul Stephens

Cemeteries are another indication of identification rates. In the cemetery at Kato Tritos on Lesbos, less than a quarter – or 12 out of 55 – of the headstones marking the graves of bodies buried between October and December 2015 had names.⁵⁴

By way of comparison, the experience of Thailand – where 5,395 people from 33 countries died in the 2004 tsunami – shows what was achieved in a disaster of enormous proportions where humanitarian support and expertise was provided by other countries and international organizations. The tragedy happened on 26 December 2004; by 31 August 2005, 2,200 bodies had been identified.⁵⁵

Identification rates must of course be seen in their particular context, and are rarely directly comparable. They depend on a number of variables. Deaths at the Border Database suggests three:

- (a) coincidence – the presence of relatives or friends or documentation;
- (b) capacity – local authorities often lack the expertise, networks and resources that could increase the chances of identification; and
- (c) lack of interest – investigations sometimes do not even attempt to establish identity when deceased are thought to be “just” irregular migrants; where there are new bodies every year officials may suffer from “compassion fatigue”.

⁵⁴ Seen by the author, 22 December 2015.

⁵⁵ BBC, www.bbc.co.uk/sn/tvradio/programmes/horizon/tsunami_prog_summary.shtml: accessed 1 October 2015; P. Sribanditmongkol et al., *Forensic Aspect of Disaster Casualty Management Tsunami Victim Identification in Thailand* (World Health Organization, Geneva). Available from www.who.int/hac/events/tsunamiconf/presentations/2_16_forensic_pongruk_doc.pdf

A fourth, and key, variable is whether information can be systematically collected both from found bodies (post-mortem data) and from families, which are usually in other countries (ante-mortem data).

2.3.3. Methods of identification⁵⁶

Three international organizations have particular expertise in the identification of missing persons: (a) International Red Cross movement, through its work to trace missing persons in conflicts; (b) ICMP, which was established to account for missing persons in former Yugoslavia (see Text box 6); and (c) INTERPOL, which facilitates international police cooperation.

Text box 6: International Commission on Missing Persons (ICMP) – Building capacities to account for missing migrants

by ICMP

ICMP is the world's only international organization focused exclusively on addressing issues relating to missing persons from conflict, human rights abuses, disasters, organized crime, migration and other causes. It seeks to ensure the cooperation of governments and others in addressing the issue of missing persons. It works to build institutional capacity, encourage public involvement and address the needs of justice; it also provides technical assistance.

The devastating spike in the number of fatalities among migrants and refugees trying to cross the Mediterranean since the beginning of 2014 has created a desperate need for new and effective approaches to the issue of missing migrants in Europe.

When a migrant goes missing, efforts to deal with the situation – and to support families left behind – are hampered by a relative lack of information. The presumption will be that the missing person has died, yet bodies are often not found or are difficult to identify. The investigative capacities of affected States are not currently deployed in a manner that can cope with the numbers of migrants who go missing, and this necessarily limits the extent to which States fulfil their statutory domestic and international legal obligations to account for the missing.

An effective strategy to address this issue will, in the mid to long term, include protecting the rights of migrants and survivors and ensuring access to justice; and providing psychosocial assistance to families of the missing, informed by an assessment of the financial, cultural and legal implications for families and their communities in countries of origin.

ICMP recommends core steps to improve identification in the context of the Mediterranean. These include the following:

- Agreement among key stakeholders on a unified system of processing data on the missing, including DNA data;
- Introduction of a mechanism to share key data from missing persons reports (that is, who is looking for whom) by family members and others, with their consent, among relevant institutions, including the European Union, IOM, ICMP, ICRC and police mechanisms such as INTERPOL.⁵⁷ This would greatly facilitate inter-agency cooperation and reporting mechanisms of affected families;

⁵⁶ See generally Morgan, 2009.

⁵⁷ Data would only be shared on the basis of express, free and informed consent, and with INTERPOL only data that the organization's functionality warrants.

- Provision of evidence to the courts in countries of entry;
- Establishment of a repatriation mechanism in countries of entry and origin for the remains of the missing; and
- Assistance to countries of origin in meeting their obligation to be accountable to families of the missing, particularly in respect to Article 2 of the European Convention on Human Rights on the protection of the right to life.

ICMP's approach to the challenge of missing migrants is based on nearly two decades of experience in developing cross-cutting programmes for post-conflict scenarios and disaster victim identification. It has well-established programmes that focus on developing institutional, legal and technical capacities, encouraging the active participation of civil society, and providing assistance to judicial institutions. It also maintains a standing capacity to provide forensic assistance, including high-throughput DNA identifications, forensic archaeology and anthropology with expert capability in locating, recovering and examining human remains, and a custom-designed Identification Database Management System. Based on a 2013 cooperation agreement, ICMP and IOM are working together to stimulate discussion among relevant actors to develop an international strategy for the identification and repatriation of people who go missing on the journey to Europe.

When people die during international conflicts, in accidents or humanitarian disasters, the remains of unknown individuals are typically searched for, recovered and where possible, identified. Identification is a prerequisite for tracing families and notifying them of the fate of a missing relative. Conversely, identification typically depends on information provided by the families. As INTERPOL notes in its Disaster Victim Identification Guide (2013), the identification process “depends on the quality and quantity of the Ante Mortem data”.

In most situations, identification of migrant deaths is carried out either as part of a police investigation into a criminal offence, or as a humanitarian exercise to establish who has died in an accident or disaster. In either case, methods of identification include the following: (a) visual recognition by family, friends or travel companions; (b) fingerprints; (c) personal documents; (d) personal descriptions; (e) forensic odontology; and (f) DNA. Identification of those who died in the tsunami in Thailand relied primarily on dental records and fingerprints.

One of three conditions must usually be met: (a) evidence of identity is found with the body, such as a passport, an identity card or a mobile phone; (b) a relative or friend can definitively recognize the body; and (c) in the absence of either of these, information about the person before death is compared with information from the dead body to establish that both relate to the same person. Where bodies have been in water for some time or are without limbs or even a head, DNA can still be taken and kept.

Work on the US–Mexican border is one example of the innovative practices that have been developed in a few countries to identify migrant deaths. The important role – “fundamental” (Cattaneo et al., 2010:167) – which forensic anthropology⁵⁸ can play in migrant identification is increasingly recognized. Its use in the investigation of human rights abuses was first developed by forensic anthropologists in Argentina in the 1980s; today, the Argentine Forensic Anthropology Team (*Equipo Argentino de Antropología Forense* (EAAF)) is applying these techniques to the identification of dead and missing migrants in Central America. The team pioneered identification of the bodies of the “disappeared” in Argentina in the late 1980s.

⁵⁸ “Forensic anthropology is the application of the physical anthropologist’s knowledge of human variability to medico-legal problems” (Doretti and Fondebriker, 2001:140).

Robin Reineke has described her work as an anthropologist at the Colibrí Center for Human Rights in Arizona (see Chapter 3 for a detailed discussion on identification along the United States–Mexico border). She studies personal items carried by migrants – handwritten notes, a child’s drawing, faded photographs, laminated prayer cards of venerated saints, a slip of paper with an address and the words “mi mamá”. “One day in the desert heat is enough to make a body unrecognizable, so the possessions that are found with the remains can be incredibly important to the family.”⁵⁹ Similarly, Bruce Anderson, the forensic anthropologist for the PCOME, lists the following as examples of “pertinent personal effects”: (a) Mexican voter registration cards, birth and marriage certificates; (b) address books and scraps of paper with telephone numbers; (c) foreign currency; and (d) cultural objects, for example religious icons such as “scapulars” of the Virgen de Guadalupe (Anderson, 2008). Information about a missing person may come through the following: (a) national consulates and police; (b) NGOs such as the Colibrí Center for Human Rights, which has a database of missing migrants; (c) responses to photographs and notices in local newspapers; (d) social media; and (e) through a “grapevine” system among migrant groups. It can then be compared with data from a body that has been found.

In 2014, Italy – through the National Commission for Missing Persons – began systematic efforts to identify migrants who had died in two shipwrecks in October 2013, and had not been identified by relatives or friends. Significantly, this is a humanitarian and not a criminal investigation. The commission’s work illustrates not only the application of sophisticated forensic expertise to migrant deaths, but also the difficulties in obtaining data from families whose own whereabouts may be unknown. Professor Cristina Cattaneo from the University of Milan, who leads the forensic work, describes naming the dead as a matter of “human dignity and human rights”.⁶⁰

Text box 7: Identification efforts following the Lampedusa 2013 shipwrecks

*by Vittorio Piscitelli and Cristina Cattaneo*⁶¹

The Office of the “Commissario Straordinario del Governo per le Persone Scomparse” (the government’s Extraordinary Commissioner for Missing Persons) was instated in July 2007 with the specific mandate of coordinating public initiatives for the search of the missing, including through the comparison of data on the missing with data on unidentified bodies. Data on unidentified bodies are registered in a dedicated national registry where all data concerning unidentified cadavers found on Italian territory and victims of shipwrecks are collected and stored. The phenomenon of missing persons has been steadily increasing in the past few years, not only in Italy but in the rest of Europe. This was stressed in the recent Congress on the Missing held in October 2015 during the Italian Presidential Semester of the European Union.

The shipwrecks off the coasts of Lampedusa on 3 October 2013, and shortly after on 11 October 2013, caused the death of 387 migrants and stretched the capacity of the Italian State to respond.

Already working short-staffed in response to the continuous disembarkations on Italian coasts, the Police Headquarters in Agrigento and specifically its Polizia Scientifica faced difficulties responding to the high number of recovered corpses.

⁵⁹ “Arizona: Naming the dead from the desert”, BBC News Magazine, 17 January 2013. Available from www.bbc.co.uk/news/magazine-21029783

⁶⁰ E. Povoledo, “Italian Lab Battles ‘Not to Lose the Dead’ from Migrant Ships”, *New York Times*, 2 October 2015. Available from www.nytimes.com/2015/10/03/world/europe/italian-lab-battles-not-to-lose-the-dead-from-migrant-ships.html?_r=0

⁶¹ Vittorio Piscitelli is the Government’s Extraordinary Commissioner for Missing Persons (Commissario Straordinario del Governo per le Persone Scomparse). Cristina Cattaneo is the Director of LABANOF, Department of Biomedical Sciences for Health, University of Milan.

Hence, additional activities for identifying the corpses from the two Lampedusa disasters were undertaken. These were done to fulfil the legitimate requests of the relatives, meet the obligations of institutions according to their respective competences, and comply with law no. 203/2012, which is dedicated to improving the recovery of corpses in order to assist and guarantee identification without distinction of citizenship. Such dedicated action to identify the victims of the Lampedusa shipwrecks was the first of its sort in Italy and throughout Europe.

The process involved several steps. First of all, data concerning the number of shipwreck victims and information concerning the activities performed by the Police Headquarters in Agrigento were acquired through contacts with the Public Prosecutor of Agrigento, with the Prefecture and the local Police Headquarters. The Headquarters of Agrigento, despite the shortage of resources available for addressing this unexpected emergency, performed a thorough photographic registration, sampled all the documental evidence and extracted biological material from the bodies for the DNA analyses by the regional cabinet of the Polizia Scientifica. Soon after the event, 184 and 8 corpses were identified (by visual recognition) from the shipwrecks of October 3 and 11 respectively. In total, 195 corpses were still without a name.

Thanks to the collection of this data, the second step could be performed. This consisted of interviewing relatives (and if possible, showing them post-mortem (PM) photographic material), collecting ante-mortem (AM) data, searching for matches with PM data and eventually identifying the recovered corpses by classical forensic methods (DNA, odontological and medical-anthropological). The procedure was developed according to technical indications of the University of Milan (*Laboratorio di Antropologia e Odontologia Forense (LABANOF) – Sezione di Medicina Legale, Università degli Studi di Milano*), which acts as an external consultant for the Government's Extraordinary Commissioner for Missing Persons.

Difficulties arose due to lack of access to AM data provided by families, which was needed for comparison with PM data collected by the Polizia Scientifica of Agrigento. The latter were recorded in a database with photographs and all available evidence.

The registration was performed by the University of Milan, with whom a memorandum of understanding had been signed, together with the Department of Civil Liberties and Immigration of the Ministry of Internal Affairs.

The signing of the protocol occurred on 30 September 2014 and followed a series of dead-end phases with other groups, which were originally considered to be included in the project. These included the Public Prosecutor of Agrigento, the Prefecture of Agrigento, the Italian Red Cross and the International Committee of the Red Cross (ICRC) (the latter ones for facilitating contact with relatives).

However, since these groups must maintain confidentiality of all performed activities, they could not be included in the memorandum of understanding. Therefore, before the signing of the protocol, a formal communication and call were conveyed to the relatives of victims through the most representative humanitarian organizations, such as the Italian Red Cross, ICRC, IOM, Amnesty International, Conferenza Episcopale Italiana (CEI)-Fondazione Migrantes and associations of relatives, such as Borderline-Europe and the Committee "3 Ottobre"; the latter had threatened filing a complaint before the European Court of Justice.

This call invited relatives to collect all AM material (identification papers, photos, DVDs, videotapes, clinical documentation, X-ray analyses, personal belongings such as combs and toothbrushes) to use for comparison with medicolegal, odontological,

DNA and anthropological PM material. In cases of a possible match, adequate comparisons according to classical scientific methodology could be performed by the team of forensic scientists of the University of Milan (LABANOF).

Before the anniversary of the tragic event, on 1–2 October 2014, meetings with a first group of relatives took place in Rome. The meeting complied with the needed conditions of confidentiality and security, and involved the collaboration with personnel from the Polizia Scientifica, as well as psychologists, translators and cultural mediators. During a second event, on 4–5 December 2014, additional interviews took place in Milan at the headquarters of LABANOF, University of Milan, followed by further individual meetings. Additional meetings have since taken place in Milan, and, to date, 61 AM files have been completed from relatives of those missing in these disasters. In each of these meetings, the relatives expressed strong appreciation for the efforts of the Office of the Commissioner in what is considered a unique initiative.

These meetings have so far led to the collection of AM data for 61 of the missing persons, of which 15 have been identified and 18 excluded (that is, the bodies of these missing did not reach the Italian coasts). The remaining cases are still under investigation; the acquisition of DNA profiles from the corpses is in progress, and more events for interviews and AM data collection are being organized.

Finally, the Ministry of the Foreign Office was included in the process to evaluate the chances of increasing access to relatives through Italian consulates in countries with high numbers of Eritreans – the main nationality of the October 2013 victims. Contacts with the Italian Red Cross and ICRC were re-established for this purpose.

In the past months, the Commissioner's Office, together with the University of Milan (who has also involved the Sicilian universities of Catania, Palermo and Messina), has also started PM procedures on the 169 recovered victims of the 15 April 2015 shipwreck in waters between Libya and Italy – the largest in the Mediterranean in recent memory and involving an estimated 800 dead. This is done in coordination with the Marine Military, the Prefecture of Siracusa, the Asp of Siracusa, the Mobile Squadron and Polizia Scientifica of Catania. All data are currently being inserted into a specific software provided by the ICRC (ICRC AM PM database) to the University of Milano.

The activities performed according to the previously cited protocol can be considered a significant step towards a golden standard for the assessment of future similar emergencies.

An example of identification in the course of a police investigation is the Austrian police enquiry after a refrigerated truck was found abandoned on the highway in August 2015. Inside were the bodies of 71 migrants (59 men, 8 women and 4 children). Death was by suffocation and bodies had decomposed, many beyond visual recognition. Police identified the dead through passports, mobile phones and with the help of families, many in the Middle East; a number of the forensic experts working on the case used experience that they had gained in the 2004 Asian tsunami.

At the Eisenstadt police station, an officer arrived to speak with Mr Abd-Mugeeth. A second man asked him to open his mouth so he could take a swab of saliva. ... The officer started looking through some papers then ... pulled out a photograph of a head scarf. "Have you seen this before?", he asked. "I'm not sure", Mr Abd-Mugeeth said. The officer showed him a picture of a small pouch. Mr Abd-Mugeeth flicked through the photos his brother had sent on his phone. In one shot, of his brother

and his wife. ... Mr Abd-Mugeeth saw she wore the same pouch around her hips. "And look", Mr Abd-Mugeeth said, pointing to his phone. "It's the head scarf. It's the same." The officer pulled out one last photo that showed a golden necklace with Kurdish letters. "It's Zina's, 100%", Mr Abd-Mugeeth said. ... Mr Abd-Mugeeth asked whether he could see the bodies of his brother and sister-in-law, or at least pictures of them. The officers said he couldn't until the bodies were identified. "You would not be able to recognize them", the officers said. ... "But her hair color", Mr Abd-Mugeeth said. "You must have been able to see her hair color." The police officer looked down at the table. "I'm so sorry", he said. "But no, we couldn't even recognize her hair color."⁶²

Even without the investigative and financial resources available to European police forces, it is possible to collect and store data. Volunteers from the Libyan Red Crescent Society, trained by the ICRC, collect the bodies of migrants who have washed ashore and swim out to sea to retrieve others. The team does not have proper protective clothing, and most volunteers wear their normal clothes. Bodies are then transported to a hospital; DNA samples are taken, sent to Jordan to be processed, and then stored in a database to help identification in the future.⁶³

2.3.4. Obstacles arising in national practice

In 2013, the ICRC convened a conference to examine what was being done to identify migrants who had died in the Mediterranean. It brought together National Red Cross Societies from Southern Europe, specialists in tracing and forensic experts from the University of Milan. This was the first expert meeting of its kind. Its findings and recommendations have global relevance (ICRC, 2013a).

The conference pointed to a number of very basic problems. It found that there were no centralized databases holding information on unidentified bodies at either national or European levels. Existing databases were not accessible to concerned institutions or to the victims. Different methods of recording meant that data could not be compared between – and sometimes even within – countries. Collection of information on unidentified bodies was underdeveloped or non-existent. There was a lack of AM data to compare with information from dead bodies.

These findings are borne out by academic research and reports from media and civil society describing shortcomings in national practice inside and outside Europe. These range from a lack of budget provision for local authorities to a lack of political will on the part of States.

Resource shortages – of expertise, infrastructure and funding – place limits on what can be done. Reports from a number of countries, including the United States, Italy and Greece, emphasize the difficulties faced by local authorities whose budgets do not cover the costs of rising migrant deaths; they refer to the cost of DNA testing, lack of refrigerated morgue space, the cost of burials and costs of burials and maintenance of cemeteries, as well as shortage of forensic expertise. Meeting in Lampedusa in 2014, civil society and migrant groups called for a European Union fund to cover the costs of identification, but this has not so far led to action or discussion by European Union Member States.

⁶² E.E. Jervell, "A Month after Migrant Truck Tragedy, Relatives Keep a Grim Vigil", *Wall Street Journal*, 29 September 2015. Available from www.wsj.com/articles/a-month-after-migrant-truck-tragedy-a-grim-wait-1443576982

⁶³ T. Westcott, "Dealing with the Migrant Dead", IRIN News, 30 October 2015. Available from <http://newirin.irinnews.org/dealing-with-the-migrant-dead>

Europe

In all situations, research and reporting have generally confirmed the need to improve how bodies are cared for, recorded and “managed” to ensure that burial practices respect both the right to dignity and the religious beliefs of the dead, as well as create a system of centralized data collection, regionally, nationally and locally.

Three problems are of fundamental importance. In the first place, systems for registering deaths of nationals have often not been adapted to deal with the different characteristics of migrant deaths. Second, local death “management” and forensic procedures were not strengthened to deal with increased arrivals and deaths. Third, local infrastructure was overwhelmed by the humanitarian emergency created by the unprecedented number of arrivals in 2015; for example, half a million migrants landed on the Greek island of Lesbos, which has a resident local population of 85,000. Although the numbers of dead and missing on the shorter crossing from Turkey to Greece were proportionately lower than on the Central Mediterranean route to Italy, the island’s hospital, cemetery and morgue could not cope; humanitarian assistance was not provided by other European Union States, leaving a vacuum that was filled by NGOs and volunteers, most of whom came from outside Greece.

The Deaths at the Borders Database used death certificates as its main research source; they were the most reliable document because it was “highly irregular for a death not to be registered and virtually impossible for a death to be registered more than once”. In Agrigento in Sicily, the civil registration system proved to be an insufficient source, so cemetery registers were also searched. Lead researchers Last and Spijkerboer found generally that in the absence of “specific laws dealing with the burial of unauthorised border crossers ... bodies have been scattered among government, religious and specially designated cemeteries ... Depending on the practice of each individual cemetery, records may or may not specify location and cause of death ...” (Last and Spijkerboer, 2014).

In Italy, although there is a legislative framework for dealing with the dead, and missing in practical terms there is no national database that can match unidentified bodies with missing persons. Cattaneo describes unidentified bodies being brought to municipal morgues, hospitals, cemeteries and institutes of forensic pathology, without a common recording system (Cattaneo et al., 2010).

In Greece, Jarvis notes that it is theoretically possible for there to be a good chain of communication between, for example, the coast guard, the coroner, the hospital, the mortuary, the district attorney, the police, the ICRC and the Representative of the UNHCR, as well as other NGOs, and with the family and loved ones of the deceased. She adds: “[t]hat is the theory. How often the system works properly is difficult to know” (Jarvis, 2015).

Research on Lesbos in 2014 found that, in practice, bodies had been buried “with no consideration for ... potential future identification”; the vast majority was buried in unmarked graves. PM data was not linked to the gravesite. At a cemetery in Mytilene, they saw:

“bodies lightly covered by earth, while the only mark on the grave is a broken stone on which is written the (purported) nationality of the migrant, a number and the date of death [e.g. Afghan n.3, 5/01/2013...]. In the absence of any identity papers on the body, or a survivor to confirm the identity, the identities of the victims are rarely known. ... the claimed nationality is often based on a more or less informed guess on the part of the authorities” (Robins, Kovras and Vallianatou, 2014).



Cemetery at Kato Tritos, near Mytilene on Lesbos Island, Greece, December 2015. © Stefanie Grant

After space in the old cemetery was exhausted, and under pressure from civil society, the Mytilene municipal authorities allocated land for the new cemetery at Kato Tritos in October 2015. Volunteers conduct funerals and maintain the graves. Each grave is now well kept and has a clearly inscribed headstone giving either a name or stating that the name is unknown.⁶⁴

In Spain, Perl described visiting a cemetery in Tarifa, in Southern Spain, on the Straits of Gibraltar. She saw two graves with headstones. “Both of them say in black letters on white stone: Inmigrante de Marruecos 2009. [The gravedigger] looks at me and says that he buried these two men. He assures me: ‘they were not from Morocco’. ‘But why does it say immigrant from Morocco?’ I ask. He shrugs his shoulders: ‘the headstones are standardised’” (Perle, forthcoming).

A joint project by academics in the United Kingdom and IOM is examining the policy vacuum that exists at national and European Union levels in relation to missing and dead migrants by exploring the procedures and practices adopted by authorities in investigating, identifying, burying and repatriating the remains of migrants, and understanding the needs of families of missing migrants in countries of origin. It builds on existing studies on the Greek island of Lesbos and on the Italian island of Lampedusa. In parallel, it will engage with families in areas affected by large-scale migration (Tunisian and Syrian refugee communities) through a multisite ethnography that seeks to understand the needs of families of missing migrants.⁶⁵

⁶⁴ Seen by the author on 22 December 2015; 12 graves had names, but 33 recorded the dead person as “unknown”.

⁶⁵ Missing Migrants and Deaths at the EU’s Mediterranean Border: Humanitarian Needs and State Obligations.

Tunisia

A qualitatively worse situation was reported in October 2015 from Zarzis, a port in the south-east of Tunisia. Bodies that washed ashore were buried in mass graves without identification. The General Hospital morgue had capacity for only six corpses; the smell and fear of disease was said to “anger” local citizens who did not want the bodies buried in the town’s cemeteries. So they were “dumped” into a municipal garbage truck and taken to a plot of unused land outside the town. Mohammed Trabelsi, a volunteer with the Tunisian Red Crescent, described bodies being buried in piles: “They just dig and put them in the ground”. Legally, a report should be submitted to the attorney general’s office when a corpse is found. But in practice, only three pieces of information are important: whether there were signs of violence on the body, the cause of death, and when it happened. No photographs were taken and no information was recorded about physical details that might help with later identification. The burial ground was “a barren, dusty patch of land littered with garbage and surrounded by low dirt walls. ... There are no physical indications — no tombstones or grave markers — signifying that this is a place where the dead are buried”. The ICRC is now training local authorities.⁶⁶

It is unclear whether the situation in Zarzis is unusual or is also to be found in other places.

United States, Mexico and Central America

Similar problems to those in Europe are reported in the United States, Mexico and Central America, although a high level of expertise can be found among some individual officials and civil society organizations.

In the United States, “[t]here is no centralized repository for all reports of missing persons last seen crossing the U.S.–Mexico border. A family can report a missing person to an office in one state, while the body is discovered in another. There is ... no consistent way for these records to be connected”.⁶⁷ The Colibrí Center for Human Rights recently completed a centralized database system to address this problem, and continues to collect missing migrant data to create a complete list relevant to those believed to have disappeared on the United States side of the border with Mexico. Colibrí’s database, which contained 2,500 records as of January 2016, includes records for missing migrants regardless of their country of origin, or the US State in which they disappeared. These records are then compared by Colibrí to records regarding unidentified remains located within the United States.

Kovic describes the lack of a state-level policy in Texas regarding the recording and reporting on migrant remains (2013:16):

A lack of standardization has left all of the counties on their own to deal with this growing crisis with no federal or state support. ... [W]hen asked about the processing, identification, and burial of unidentified human remains, the majority of officials were unable to provide clear answers. Texas counties are not required by law to have a medical examiner and lack local funding for the processing and identification of human remains. Many counties do not have a written protocol regarding who is responsible for taking DNA samples.

⁶⁶ E. Reidy, The Secret Graves of the Refugee Crisis, 22 October 2015. Available from <https://medium.com/ghostboat/the-secret-mass-graves-of-the-refugee-crisis-32341df89414#.ggtbv16l>

⁶⁷ R. Reineke, “Lost in the System: Unidentified Bodies on the Border”, North American Congress on Latin America (n.d.). Available from <https://nacla.org/news/2013/8/6/lost-system-unidentified-bodies-border>

Mexico is a major transit country for Central American migrants travelling to the United States; many go missing on the journey, and many unidentified human remains are found. But in the past, there has not been effective coordination between Mexico and the Central American countries. After investigating migrant deaths in Mexico in 2013, the IACHR (2013: para. 189) reported that

“lack of information concerning the chain of custody that the remains followed makes it difficult to track the remains ... when there are no written records or photographs of the evidence being sent, who requested that the evidence be sent, when the request was made and where the evidence was to be sent; or when there is no record of who received the evidence, when and where the evidence was sent, and who has the evidence in safe keeping. ...”

The Commission recommended the creation of a national mechanism to share forensic information on unidentified remains in Mexico with databanks in El Salvador, Guatemala and Honduras (IACHR, 2013: para. 208).

This recommendation builds on a pioneering project in Central America to identify disappeared migrants by collecting information on bodies found along migration routes, and comparing it with data from families who have lost a relative. This Border Project is led by Mercedes Doretti, co-founder of the EAAF.

The project involves the creation of joint governmental and non-governmental forensic databanks on missing migrants in their countries of origin: in El Salvador, Honduras, Chiapas in Mexico, and Guatemala. Typically, the databanks involve the local Ministry of Foreign Affairs, a Human Rights Prosecutor’s Office, an association of families of missing migrants, and NGOs working on migrants’ issues. The databanks contain case files, including genetic data from relatives. Each family is interviewed, and information is provided on the missing migrant’s route, last contact, reports from travelling companions, physical description and their personal effects. Each family signs a consent and confidentiality form. This information is then shared with other databanks. Under an agreement with PCOME, in the United States, nearly 800 unidentified remains from the Arizona border are to be compared with information about missing migrants in the databanks. EAAF sees its role as temporary, lasting only until local medical legal institutes or other local forensics organizations become involved. See Chapter 3 for a detailed examination of identification practices along the United States–Mexico border.

2.3.5. Elements of an international identification and tracing system

Those who die or are lost on migratory journeys are, by definition, outside their home countries. Except where there is documentary evidence of identity, or families are present, identification is likely to require the comparison of data from bodies with data collected from families in other countries, and even continents.

Identification cannot succeed if it relies only on information that is collected at a national level. To be effective, identification systems must be transnational. The Red Cross should be a main point of reference; its detailed guidelines and protocols have been developed primarily for use in situations of conflict, but are also suitable for use in situations of migration (ICRC, 2009; ICRC, 2013a). It recommends systems – local, national and international – which ensure, at a minimum, that:

- (a) Every unidentified body is adequately “managed”, analysed and tracked to ensure proper documentation, traceability and dignity;

- (b) Common forensic protocols and standards are agreed and used within and between States; and
- (c) Data relating to the dead and the missing is held in searchable and open databases at local, national and international levels with easy access by families (ICRC, 2013a).

In a rare academic discussion of this issue, Robins, Kovras and Vallianatou (2014) have built on their detailed knowledge of Lesbos in Greece to identify the elements of a supranational identification and tracing system. They write that where bodies are found, data must be collected from them systematically and according to international standards. Documentation and distinguishing marks, as well as clothing and other possessions, must be collected and preserved. Ideally, such data will include DNA for comparison with that of a relative. To ensure both the quality and standardization of such data, established protocols, such as ICRC standards, should be used. This will enable such data to be collected at a range of levels (regionally and nationally) and shared throughout the European Union. Standardization means that minimal protocols in management both of data and human remains are followed so that data and bodies can be compared and matched. PM data can then be correlated with AM data from relatives, many of whom are likely to be in migrants' home countries. This requires outreach both to migrant communities in Europe and communities of origin, as well as coordination by an agency with international presence. Supranational databases are needed, and discussion of their form and function can draw on a substantial body of international practice and expertise that already exists outside the migration field.

Other suggestions for action at the international level include the creation of a new institution, perhaps in the form of an independent monitoring body with representatives of governments, civil society and international organizations (Brian and Laczko, 2014:38).

At a regional level, the most useful and innovative approaches are to be found in the databanks and data matching systems that now exist to record and identify the dead and missing on the journey from Central America, through Mexico to the United States. Their innovation lies in the unusual combination of a focus on the family, technical expertise, governance systems and functionality.

In Europe, the Deaths at the Borders Database has suggested the establishment of a regional database within the Council of Europe. This parallels proposals by parliamentarians for a centralized register, accessible to relatives, and "unified procedures for recording and identifying the dead with a view to enabling the tracing of missing persons throughout all European countries" (Council of Europe Parliamentary Assembly, 2014:6.8; 2016:12.1.2). Separately, Amnesty International has recommended that the European Union establish a "centralized database and communication mechanism to provide official information to families" (Amnesty International, 2014:63). But detailed consideration has not yet been given to how these ideas would operate in practice.

Whatever their form, international mechanisms should be accessible to families, should protect their privacy and security, and should not be linked to border control (Grant, 2015:13).

2.4. Families

“Knowing the whereabouts of the disappeared migrants or locating the bodies of those who perished is of the utmost importance to their families, as it enables them to bury their loved ones according to their beliefs, and get closure to [their] mourning...” (IACHR, 2013: para. 195).

Identification seeks to give a name to a physical body. Every unidentified body is a missing person for a family. The challenge for families is absence, not knowing whether a missing relative is alive or dead. A body may not have been found, or it may have been found but not identified. Many families may never even know of a death. Each migrant death, whether recorded or unrecorded, leaves a family mourning its loss, or waiting for news of a missing father, husband, wife, mother, son or daughter. Tunisian families have described their grief over “the ones who died and whose bodies have been given back to us, as well as the ones we have not heard from”.⁶⁸

But although this uncertainty of not knowing can have profound effects on their lives, well-being and livelihoods, families have generally been overlooked in discussion of migrant deaths; distance has made them invisible.

Four issues can be distinguished: (a) the search for missing relatives; (b) the situation and needs of families; (c) the actions they take; and (d) the support they need.

2.4.1. Searching for missing relatives

Where families become separated, they can turn for help to national Red Cross and Red Crescent societies.

Text box 8: Family tracing through the International Committee of the Red Cross (ICRC)

When the bombs began to fall on his hometown, Mr Hussein decided he had to get his family out of the Syrian Arab Republic. The first to leave were his 5-year-old son, Mohammad, and his uncle (Mr Hussein’s brother). They made it safely to Izmir in Turkey. In the early hours of the morning, he, his uncle and at least 50 others crowded on to a small boat. Halfway towards one of the Aegean islands, their boat was intercepted by the Greek coast guard. Mohammad was taken on board with the other small children and the women, while the men waited for the coast guard to return for them. But before it did, another passing vessel picked them up. Mohammad and his uncle had been separated. Mr Hussein recalls the ordeal: “The phone rang in the small hours of the morning. It was my brother. He’d just been released in Turkey. He was shouting, ‘I’ve lost Mohammad, I’ve lost Mohammad.’ ... I realized I had to do something. I found the Red Cross website. ... Within 24 hours of my visit, the ICRC in Athens had found Mohammad in a police station on one of the Aegean islands. They’d already got in touch with the station, and they gave me the phone number. When I heard Mohammad’s voice at the end of the line saying ‘Papa, Papa,’ I couldn’t hold back the tears.”⁶⁹

⁶⁸ Appeal by the mothers and families of disappeared Tunisian migrants, available from www.storiemigranti.org/spip.php?article1047

⁶⁹ <http://familylinks.icrc.org/en/Pages/NewsAndResources/News/-Greece-A-Syrian-father-is-reunited-with-his-five-year-old-son-.aspx>: accessed 23 August 2015.



Every year, mothers of missing migrants from El Salvador, Guatemala, Honduras and Nicaragua follow the path that their sons, daughters and relatives on foot or by train, in the hope of finding them alive. This photo is from a demonstration in Mexico City, 11 December 2013. © César Martínez López/Cimacnoticias

The Restoring Family Links network of Red Cross and Red Crescent National Societies enable families to publish and search for photos of missing relatives online. But although some families succeed in finding relatives through the Red Cross, the obstacles can be all but insurmountable. Where national Red Cross societies are not active, civil society groups can play an important role. Information, if it exists, is likely to be in another country, whose police, civil registration and burial procedures may not be accessible. Even if families know where someone was last seen alive, visa restrictions and cost may make it impossible to travel to search for a missing person or identify a found body. In the complex context of irregular migration and refugee flight, unexplained absence cannot be assumed to mean death; other explanations include illness, immigration detention or even a voluntary decision, and – in the worst cases – kidnapping, hostage-taking for ransom and death if the ransom is not paid.

Those families who accompanied the dead or missing person, or who are able to travel to the place where they think a relative may have died, can then find themselves caught between competing and overlapping bureaucracies. Without centralized databases or access to national and international search mechanisms, few families know where to look or who to ask. Zagaria reports that families who were able to travel to Lampedusa to search for relatives missing after the October 2013 shipwrecks had to find their own way through the bureaucracy. What they needed was access to a file of data on each unidentified body, containing information from police and the coroner, a death certificate, mortuary number and the cemetery number.⁷⁰

⁷⁰ Interview with Valentina Zagaria, 9 June 2015.

Similar problems are reported in parts of the United States, where, according to Jimenez (2009:60), families:

... wend their way through a web of law enforcement agencies, databases, states, counties, coroners, forensic specialists, consular officials, as well as nonprofit organizations to locate relatives who may have died in unauthorized border crossings, been detained by immigration authorities or kidnapped by smugglers. ... They bounce from source to source. They painfully persist, sometimes for years, until the missing person is found, the dead are laid to rest, ... or the search becomes a lifelong endeavor.

In one reported instance, relatives who travelled to Mexico from their homes in Central America after hearing of the discovery of migrant graves were told to “go from one morgue to the next to see if they could identify their loved ones among the bodies” (IACHR, 2013:193).

Kovras and Robins (forthcoming:476) found similar problems in Greece in 2014.

The coast guard informed us that their duty is limited to giving the dead body to the hospital; then the responsibility is passed to the district attorney. In turn the district attorney, assuming that the death is not caused by criminal action, ceases to take responsibility and the body is left in the local hospital. ... [T]he forensic surgeon of the hospital in Lesbos, informed us that his duty ends with the forensic examination of the corpse. To our question as to what happens next, he had no answer, explaining only that speedy burial was necessary as the hospital does not have the necessary infrastructure to preserve the bodies for more than a couple of days. We then turned to the director of social services of the hospital; she informed us that in general they take care of the unidentified bodies, but there is no budget allocated for the burial of dead “illegal” migrants, ... she [...] suggested that we speak with the mayor, as due to the lack of funds the hospital usually asks the municipality to take responsibility for the burial.

Social media can be effective in helping families to find missing relatives.⁷¹ Trace the Face is an app developed by the Red Cross, which allows families to upload photographs of missing relatives. Everywhere, families and migrant communities search for their missing relatives by word of mouth, through extended family and diaspora networks, and – increasingly – using social media. Together with mobile phones, social media have become central to families’ efforts to trace the missing. Requests for information about missing relatives and attaching photographs and descriptions are frequently posted by families on Facebook or Twitter, in the many languages spoken by migrant communities – including Arabic, Somali and Tigrinya. In September 2014, local people used Facebook to trace the family of a young Syrian man whose body washed up on the beach on a Greek island. He was swiftly identified. Later, he was buried in a Muslim cemetery, and the family was able to attend the funeral (Jarvis, 2015).

Anecdotally, there are reports of graves being marked by the travel companions of those who die on the journey. A Nigerian refugee, a survivor from a journey across the Sahara desert, described the simple steps that were taken by his companions to record a life and a death; they marked a grave with the name on a stone or wooden cross. “When someone died, we got a board and there was one man who used a stone to scratch [the date] when he had died and his name.”⁷²

⁷¹ A. Ram, “Smartphones bring solace and aid to desperate refugees”, Slate, 5 December 2015. Available from www.wired.com/2015/12/smartphone-syrian-refugee-crisis/

⁷² Interview by author with a Nigerian refugee about his desert journey to Libya, 1 February 2014.



Human remains are retrieved from a mass grave at a rubber plantation near a mountain in Thailand's southern Songkhla province, 6 May 2015. © Surapan Boonthanom/Reuters

Nunu Kidane and Gerard Lenoir were told by young Eritreans that they leave word behind with trusted friends at different points in their journey in case they do not make it to their destination. Each trip across a border was made with full knowledge that they may not survive, and this was particularly true of leaving Tripoli in Libya, because the sea “leaves no trace of a body”. It gave them comfort to know that their families would know if they did not survive the journey.⁷³ Stonor writes that it is “common” for migrants to write their names and the phone numbers of their families inside the hull, or on their T-shirts, when a boat begins to struggle in the water. Just before the first Lampedusa shipwreck in October 2013, when the boat listed and took on water, those on deck who knew they would not make it called out their names and the names of their villages, so that survivors might carry ashore news of their deaths.⁷⁴

Another tragic point on the continuum of loss is the situation of the families of migrants who have been held hostage by traffickers or criminal gangs, such as refugees from Myanmar and Bangladesh in Thailand, Central Americans in Mexico or Eritreans in the Sinai desert. Their families may learn that sons or husbands are alive only through a telephone call asking for ransom money, and threatening death if it is not paid. The Arakan Project reported a family whose son was abducted by traffickers and taken to a cargo ship in the Bay of Bengal; on arrival in Thailand, his parents were contacted and asked to pay a USD 2,000 ransom. It took time for them to borrow the money. On the day they sent the money, they received a telephone call telling them their son was dead.⁷⁵

⁷³ <http://blackallianceblog.blogspot.co.uk/2009/11/african-immigrants-and-refugees-in.html>

⁷⁴ F.S. Saunders, “Where on Earth are you?”, *London Review of Books*, 1 March 2016. Available from www.lrb.co.uk/v38/n05/frances-stonorsauanders/where-on-earth-are-you

⁷⁵ Telephone interview by author with Chris Lewa, 2 April 2015.

2.4.2. The situation and needs of families

Marianne Pecassou, former Head of Tracing at the ICRC, has said that “there are two kinds of victims: the individuals who have gone missing and their families, torn between despair and hope, living with uncertainty and pain, sometimes for decades”.⁷⁶ The problems they face are in part emotional and psychological, and in part practical, financial and legal (ICRC, 2013b).

The impact of absence and uncertainty on families whose relatives are missing in situations of conflict or humanitarian disaster has been well documented.⁷⁷ Much less research has been done into the situation of families of missing migrants, but available evidence shows comparable levels of distress and trauma. “What is hard is uncertainty. If I knew he was dead, I could understand, but uncertainty gnaws at me. Death is part of my life” (ICRC/Senegalese Red Cross, 2013). Salvadoran parents told the IACHR: “[e]very night we wonder where she is, what happened to her. We cannot sleep. If we go to work, we cannot concentrate on what we have to do. We suffer constant anxiety and physical sickness” (IACHR, 2013: para. 159). In Guatemala, Reineke was struck by the difference between those whose loved ones had been identified and those who were still waiting. The families of the missing “were distraught – sickened by the condition of not knowing. You cannot grieve without a body, without certainty that the person is gone”.⁷⁸

Accounts of families of those who have disappeared in non-migratory circumstances suggest that these reactions are neither unique nor specific to migration.⁷⁹ Pauline Boss, an authority on the impact of unresolved – “ambiguous” – loss, describes the impact of uncertainty on the families of passengers on board a missing plane. “[R]elatives ... suffer the agony of not knowing. Unlike with certain death, there is no official verification, no funeral or rituals of support, and no finality. ... The families ... of the missing are stuck in a painful limbo where relationships are brutally ruptured and yet grief is frozen”.⁸⁰

Two Red Cross studies have examined the needs of families in West Africa and Central America.

Research by the Senegalese Red Cross found that families of missing migrants had four basic needs: (a) identify what had happened to relatives – many had had no news since the day of departure; (b) economic support – often the disappeared was the main source of family income; (c) psychosocial support – especially for problems of anxiety and insomnia; and (d) help with legal issues – including the status of wives, inheritance and finances. Although 39 per cent assumed their relatives were dead after six years had passed, 31 per cent believed they were alive and might be in prison – perhaps in Algeria, Libya, Mauritania, Morocco and Spain. Sixty-two per cent reported physical health problems, often linked to anxiety, and a larger percentage (between 70% and 90%) reported emotional and psychological problems. Uncertainty as to whether a husband was alive or dead meant that funeral or mourning rituals could not take place; women did not know if they were widows. They could not divorce. Three quarters said they would like a memorial in memory of the missing (ICRC/Senegalese Red Cross, 2013).

In Central America and Mexico, a second Red Cross study found that the absolute priority for families was to know what had happened to missing relatives and, if they had died, where a body was buried so they could visit the grave. Families who were interviewed asked for a consolidated regional registry of missing persons, which also recorded unidentified bodies and the names of inmates in detention centres. Assuming the death of a relative, 45 per cent of Senegalese families said they wanted to know where the body was located, and half of them would like to see it (ICRC, 2014).

⁷⁶ “Red Cross Gave Me Hope: Missing, Not Forgotten”, American National Red Cross, 29 August 2014. Available from www.redcross.org/news/article/Finding-the-Missing-in-Colombia

⁷⁷ See Robins, 2013.

⁷⁸ Naming the Dead, University of Arizona, 13 May 2013. Available from www.arizona.edu/naming-dead

⁷⁹ See Robins, Kovras and Vallianatou, 2014:5. In *Families of the Missing*, Simon Robins writes of a Nepali woman, whose husband disappeared. The woman had not “made any rituals. I still wear the symbols of marriage because I haven’t seen him dead” (2013:544).

⁸⁰ P. Boss, “The pain of flight MH370 lies in its ambiguity”, *The Guardian*, 18 March 2014. Available from www.theguardian.com/commentsfree/2014/mar/18/flight-mh370-families-grief-ambiguity

The Red Cross’s research also describes the financial needs of families who have lost their breadwinners. Similar problems face the families of missing migrants in Tunisia.⁸¹ Andersson describes walking along the lanes of Yongor, a village in Senegal, and meeting a woman in her thirties, carrying a bucketful of goods on her head. He was told that she now had to work because she had lost five family members, after men from the village left for Spain. No one knew how many of them had died at sea; she was one of the wives, children and parents who were “left bereaved and often bereft of income” (Andersson, 2014:37).

Figure 12: Families of the missing – Needs and challenges of the search



⁸¹ Interviews with families by the author, February 2014.

2.4.3. Assistance to families

Senegalese families interviewed by the Red Cross said that help from their Government was a top priority; they wanted Senegalese consulates to search for missing relatives in countries of transit.

Although consular services are extensively used to trace families in Central America. But they appear less engaged in other regions, including Europe – perhaps because consular communication and notification to families require functioning State structures, and cannot operate in countries of conflict, including Syrian Arab Republic. Conversely, in some situations, consular engagement will not be safe or appropriate; families of refugees who have left their countries illegally may well be at risk if government officials learn of a relative's flight.

Some governments provide assistance to families in their search, for example, Honduran, Guatemalan and El Salvadorean consuls channel inquiries from families to Mexican prisons, hospitals and morgues. The recently announced Transnational Mechanism of the Government of Mexico has the potential to enable families to search for missing relatives by reporting the disappearance to a Mexican consulate in their home country.⁸²

Examples of short term, ad hoc initiatives by some States include telephone “hotlines” such as one opened by the Foreign Ministry of Malta in October 2013 for enquiries from families, and the e-mail address opened by Italian police in Catania in 2015 to register missing persons.

In a number of countries, civil society humanitarian groups help families to search. Volunteers with Angeles Del Desierto in San Diego search for missing relatives; if they find a body, they call the sheriff or fire department to make a report and request transport to the county medical examiner's office.⁸³ The Colibrí Center for Human Rights in Arizona works with families to link found bodies to missing persons. The center works with forensic scientists and medical examiners and creates forensically detailed missing persons reports, including “often overlooked details”, such as tattoos, prayer cards, belt buckles or other unique belongings.⁸⁴ The Village of All Together on Lesvos, which has worked with migrants and refugees since 2012, helps families search for missing relatives; volunteers also arrange funerals where there is no family. Speaking of these families who do not know that their relatives are dead, Efi Latsoudi says: “[a]ll their life they are living with this loss ... this trauma, and they cannot do anything. It is a wound that never heals”.⁸⁵

Doretti describes how EAAF's Border Project places families at the centre of its work.

*We take background ... interviews with the families to know when the migrant left; when was the last time that that person called; ... what was the route that the person was thinking of taking. ... Then we collect the ante mortem information. ... Each family will now have its forensic file ready to be considered against any morgue that has remains in the US or Mexico. ... The main goal is to provide a better service to families ... to respect them, to be transparent and to provide them with the best available technology that exists.*⁸⁶

⁸² Fundación para la Justicia y el Estado Democrático de Derecho (2015), “Tarjeta Informativa: El Mecanismo Transnacional”. Available from http://fundacionjusticia.org/cms/wp-content/uploads/2015/07/Tarjeta_Mecanismo-transnacional.pdf

⁸³ http://losangelesdeldesierto.org/About%20us_English.html

⁸⁴ www.colibricenter.org/about-us/

⁸⁵ CBS Sixty Minutes, Interview with Efi Latsoudi, “A Proper Burial for the Dead”, 18 October 2015. Available from www.cbsnews.com/videos/a-proper-burial-for-the-dead/

⁸⁶ B. Borrell, “Forensic Anthropologist Uses DNA to Solve Real-Life Murder Mysteries in Latin America”, Scientific American, 8 October 2012. Available from www.scientificamerican.com/article/qa-forensic-anthropologist-mercedes-doretti/

Solidaridad Direct, a small NGO in Southern Spain, is an example of what can be achieved by civil society groups to notify and provide support. On 20 October 2003, 37 bodies were washed up on the beach at Rota on the south coast of Andalusia. Local people, led by Rafael Quiros, learned that several came from Hansala, a village in Morocco in the Middle Atlas. Quiros travelled to Hansala; although news of the shipwreck had reached some families, consular procedures had broken down, and the families had not been officially notified. It was a situation of extreme poverty, where families could not afford to keep their sons in school, the boys had no work, and therefore decided to leave. Quiros started Solidaridad Direct; volunteers in Spain collected funds to assist the whole community and provided support for a health clinic, water supply, and to keep the boys in school.⁸⁷ The departure rate and deaths dropped.

Various Facebook groups have sought to provide forums for families searching for missing relatives. One of these, Search and Find your Family for Refugees, had nearly 7,000 “likes” in February 2016, and contained more than 100 photos and descriptions of missing family members. It was started in the fall of 2015 by a small group in Austria.

The wish of families to find the place of burial is repeated again and again. Syrians interviewed in Greece emphasized the importance of being able to visit a grave, even if physical repatriation was impossible (Kovras and Robins, forthcoming). Padre Vincent, a Tanzanian priest in Lampedusa, told Zagaria that in the future, Africans who had lost family members would make pilgrimages to commemorate and mourn at the tombs of unknown migrants (Zagaria, 2010). This is consistent with research into deaths away from home and the importance of repatriation of bodies for African migrant communities in South Africa. One migrant told researchers: “[t]he culture says you cannot be lost. ... We must one day be able to show his grave to whoever wants to see it” (Nunez and Wheeler, 2012).

Some burial grounds plan for future family visits; in Izmir, Turkey, Dogancay Cemetery has set aside land for a separate cemetery for migrants. The Imam, Ahmet Altan, explained that this was done to make identification easier even after burial: “We have a whole system in place for families to identify the bodies for up to 100 years”.⁸⁸ In the Kato Tritos Cemetery on Lesbos, Mostafa Dawa, who volunteers as a gravedigger, inscribes the approximate age, the location from which the body was retrieved, the date of death, and the number of the DNA sample on the marble gravestones of unidentified bodies. He hopes this will help family members who may one day visit the island to find the body of a relative.⁸⁹



Cemetery at Kato Tritos, near Mytilene on Lesbos Island, Greece, December 2015. Inscription states: *Unknown Boy, 12 years old, Protocol Number 188, buried on 26/11/2015 while found on 01/11/2015.* © Stefanie Grant

⁸⁷ Interview by author with Rafael Quiros, 17 May 2008.

⁸⁸ R. Goldman, “The Migrant Crisis: No End in Sight”, *New York Times*, 3 February 2016. Available from www.nytimes.com/interactive/2016/02/04/world/europe/migrant-crisis-by-the-numbers.html

⁸⁹ S. Rubin, “The Gravedigger of Lesbos Laying Nameless Refugees to Rest”, *The Daily Beast*, 4 March 2016. Available from www.thedailybeast.com/articles/2016/03/04/the-gravedigger-of-lesbos-laying-nameless-refugees-to-rest.html

2.4.4. Action by migrant families and communities

With a few exceptions, public action by migrant families within their home countries appears to be limited; exceptions include Tunisia (see below) and Central America, where mothers of missing migrants – Caravana de Madres Migrantes Centroamericanas – have travelled to Mexico, most recently in April 2016, to search for their children.⁹⁰ In Senegal, Mother Mercy, whose only son disappeared at sea, on a journey to Spain, started a women’s collective to fight illegal emigration (Andersson, 2014). A migrant organization in Morocco publicizes the names of the missing through a television programme, *Moukhtafoun* (“The Disappeared”); faces are displayed on screen with a phone number to allow people to call if they see or recognize the missing person.

But Perl suggests that in some cases, families “remain in a state of not knowing what happened to their relatives and not knowing how to demand the right to know” (Perl, forthcoming).

Families of refugees who continue to live in a country of persecution are likely to be reluctant to speak about their missing relatives, for fear that they could be at risk if the refugee’s unauthorized flight became known. Eritreans express this fear very strongly. The pain and grief felt by many relatives were powerfully expressed by Eritrean refugees when they met the Pope in 2014, on the anniversary of the October 2013 Lampedusa shipwrecks. They told him of their distress at not knowing where their relatives were buried, or “under what [cemetery] number” their graves had been listed; one said: “[w]e don’t know where to go to cry for them”.⁹¹ The Eritrean refugee diaspora is now collecting information about Eritreans who have been abducted in Sinai, their names, and whether an individual is known to have died or disappeared. They say:

*Many suffered there, many were killed in the desert, and some have disappeared.
We need to remember them – each and every one. Help us to collect the names of
our victims so they are not forgotten.*⁹²

NGOs and migrants met on Lampedusa in 2014, on the anniversary of the October 2013 shipwrecks. Participants planned campaigns for migrants who went missing on the journey to Europe; some described the deaths as a “crime against humanity” committed by States, through their frontier policies and their failure to prevent deaths and identify the dead; they emphasized that families had a right to know what had happened to their missing relatives. They asked States to identify bodies, and the European Union to set up a fund to pay for the identification of bodies. They called for European Union and non-European Union States to establish commissions of enquiry, with representatives of States, families and civil society, which could – inter alia – establish responsibility for deaths and compensate victims. Participants repeated the words of the Argentine mothers of the “disappeared”, “No olvidamos” (“We don’t forget”).⁹³ Families have also organized in receiving States in Europe to support efforts to find the missing.

Tunisia

The families of more than 300 Tunisians who have been missing since they left for Italy by boat in 2011 and 2012 have waged a four-year campaign to trace their sons, fathers and brothers (Forum, 2012; Moorehead, 2014). Some tried to travel to Lampedusa in 2011, after TV footage appeared to show their sons arriving on the island, but were refused Italian visas. They held demonstrations in Tunis outside the Italian embassy and the Tunisian Ministry of Foreign Affairs

⁹⁰ “Inicia la XI Caravana de Madres Migrantes Centroamericanas”, *El Economista*, 30 November 2015. Available from <http://eleconomista.com.mx/sociedad/2015/11/30/inicia-xi-caravana-madres-migrantes-centroamericanas>. Also see <https://maptia.com/ivancastaneira/stories/caravana-de-madres-migrantes-centroamericanas>

⁹¹ C. Glatz, “Pope: People must open hearts to migrants who face closed borders”, *Catholic Herald*, 2 October 2014.

⁹² Questionnaire on file with author.

⁹³ Truth and justice for migrants who perished or disappeared in their journey toward Europe: Recommendations and Conclusions. Workshop on “Migrate to survive, stop the massacre!”, Sabir Festival, 3 and 4 October 2014, Lampedusa, Italy. Available from <http://openfsm.net/projects/egyptian-social-forum-for-youth-2013/lists/esfy-international/archive/2014/10/1414019719412/1414019719904.pdf>

during a visit by Italian parliamentarians. The mothers – the “photograph people” – carried placards with images of their sons, inviting comparison with the mothers of the disappeared in Latin America. Families describe continuing and acute distress, as well as emotional and physical health problems, akin to those found among relatives of missing and disappeared persons in other situations. The mother of one missing boy set herself on fire in a Tunis street in protest at the government’s failure to provide information.

Six people were given visas to go to Rome, where they asked for an exchange of digital fingerprints to determine whether their sons had arrived in Italy. Tunisia collects fingerprints for national identity cards, and Italy collects fingerprints from arriving migrants. In response, Italy agreed to review its records, describing the search as a “right” for the Government of Tunisia and a “commitment” for Italy; but the results were inconclusive. In 2013, 151 relatives sent a petition to the European Union asking for a commission of investigation.

[W]e want everything that is possible to be done to answer our questions. ... we have gathered information ... [W]e know: when they left, from where, where they were directed, on which boats, how many people were in each boat, the phone numbers they called us from during their trip, the time of their phone calls, the phone company; we also have the news videos where some families recognized their sons and daughters, ... and we know the precise location of some of the verified shipwrecks.⁹⁴

In March 2015, the Government of Tunisia announced it had set up a commission of investigation.

2.5. Frameworks and standards

International protocols and norms have been developed for tracing the missing and recording the dead in humanitarian disasters, and situations of internal displacement, for identifying their mortal remains, and for working with families. These build on well-established rules in time of war (ICRC, 2015) and reflect the experience of both the Red Cross in its work to trace missing persons and international agencies who work in situations of humanitarian disaster. INTERPOL has acknowledged the right of disaster victims “not to lose their identities after death”.⁹⁵ All recognize that identification is a duty, and that families have a right to know the fate of missing relatives (UN IASC, 2006; Morgan, Tidball-Binz and van Alphen, 2009). In his 2014 report, the UN Secretary-General for the first time included missing migrants in the wider population of missing persons (UN General Assembly, 2014:3).

The ICRC’s *Model Law on the Missing* (2009) sets out guiding principles for recovery and identification of bodies, their burial, and notification to families; these reflect not only the practices of international humanitarian law but also the content of international human rights law. They apply principally in situations of conflict.

All available means must be employed to identify human remains. If the remains of a person are found, yet not identified or identifiable, the body and all personal effects must still benefit from all measures that ensure dignified handling and burial. A record should necessarily be kept active in order to allow for future identification and subsequent notification to relatives.⁹⁶

⁹⁴ www.storiemigranti.org/spip.php?article1047

⁹⁵ INTERPOL Resolution No. AGN/65/RES/13, “Recognising that for legal, religious, cultural and other reasons, human beings have the right not to lose their identities after death...”.

⁹⁶ ICRC, 2009: Commentary to Art. 23.

This composite body of law and practice is the basis for a number of practical principles that recognize the right of families to know the fate of missing relatives. They are of equal relevance in situations of migrant death or loss. They include the following:

- All available means must be used to identify human remains.
- Family members should be fully informed about the location of gravesites and have full access to them. They should be given the opportunity to erect memorials and conduct religious ceremonies as needed.
- Human remains and personal effects shall be returned to the families.
- If remains cannot be returned – for example, where next of kin cannot be identified or contacted – they must be disposed of respectfully and in a manner that will help their future identification.
- Cremation of unidentified bodies should be avoided. Instead, they should be stored or buried temporarily, pending future identification and return to families.
- The dead should be treated with respect and dignity, identified and buried in individually marked graves in sites that are identified and registered.
- The missing should be recorded. Their rights and interests should be protected until their fate has been ascertained or their death recognized.

2.5.1. States in whose territory the dead are found

In parallel to their duties in situations of conflict under international humanitarian law, States are bound by international human rights law, which they should apply through their national laws. In the specific context of international migration, this means that States should harmonize domestic legislation with international human rights law to “ensure that international human rights are respected, protected and fulfilled in all ... encounters with migrants at international borders” (UN OHCHR, 2014).⁹⁷

Perhaps the most important right under international human rights law protects the right to life; there is a procedural duty on States to investigate deaths, ensure independent and transparent scrutiny of the circumstances of a death, identify those who died, and provide information to their families. The principle of equality means that there should be no discrimination between nationals and migrants in their right to life.⁹⁸ Equivalent steps should be taken to identify nationals and identify migrant children without legal status.

Children are entitled to special protection; a child has a right to preserve his or her identity, and this may require States to identify bodies who may be those of a mother or father – for example, after a shipwreck.

⁹⁷ Surprisingly, the UN Recommended Principles do not mention border deaths or identification.

⁹⁸ International Covenant on Civil and Political Rights, Art. 2 and 6.

Text box 9: Rights of children in the context of missing migrants

States shall: “take all necessary measures to trace and re-unite children with parents or relatives where separation is caused by ... external displacement arising from armed conflicts.”⁹⁹

States shall: “respect the right of the child to preserve his or her identity, including nationality, name and family relations...”.

Rights must be: “available to all children – including asylum-seeking, refugee and migrant children – irrespective of their nationality, immigration status or statelessness”.¹⁰⁰

The right to family life has direct relevance to the family’s right to know whether a body has been found and where it is buried. Although there is as yet little international human rights case law relating to migrant deaths – in part a reflection of the difficulties faced by families in bringing cases to courts – decisions, such as by the European Court of Human Rights on a family’s rights in relation to burial of the dead, offer guidance on the rights of migrant families.¹⁰¹

Where migrants are victims of enforced disappearances – a term that is distinct from border deaths but in some circumstances the two can overlap – international human rights law requires States to “locate, respect and return” the bodies, and gives families a right to know the truth.¹⁰² In their standard setting work, the Inter-American Court of Human Rights and the IACHR have applied to migrant loss the rights enjoyed by families in cases of enforced disappearances, affirming the families’ right to know the fate of missing relatives and the obligation of the State to meet the “just expectations” of families that this would be done (IACHR, 2013).

Each State is bound to give domestic effect to international laws that it has ratified. It is then a matter for each State how they are implemented, determine in practice how deaths are registered and identified, and how the missing are recorded and families traced. It is also for each country to collect vital statistics, register deaths, investigate unnatural deaths, and set burial procedures.

There are important differences between States both in their legal approaches and in their institutional and financial capacity to register and identify deaths.

In common law systems, the identity of the victim and the cause of any unnatural death are normally determined as matters of fact through a public inquest. This is required in each case, distinct from any subsequent criminal investigation, and has a role in preserving the legal interests of the family and heirs. In major disasters – including air crashes and shipwrecks – a public inquiry may be set up to examine the circumstances of the incident that caused the deaths; an identification commission of police and experts may be established (Matthews, 2014).

⁹⁹ African Charter on the Rights and Welfare of the Child, A.25(20)(b); Convention on the Rights of the Child, A. 8(1).

¹⁰⁰ Convention on the Rights of the Child; UN Committee on the Rights of the Child, Art. 8; General Comment 6: Treatment of unaccompanied and separated children outside their countries of origin (1 September 2005). UN Doc CRC/GC/2005/6, para 12.

¹⁰¹ The Court found, for example, a violation of a family’s rights in a case where the State prevented relatives from participating in funeral ceremonies and paying their last respects to the dead person (*Sabanchiyeva and Others v Russia*).

¹⁰² International Convention for the Protection of All Persons from Enforced Disappearance, Art. 24(2) and (3). The Convention applies where there has been State involvement or acquiescence in the disappearance; it is relevant to migratory situations where, for example, police or border guards are complicit in the actions of smugglers or traffickers.

2.5.2. Migrants' home States

Three issues are of particular importance for families in the migrant's home State: (a) protecting access to human rights; (b) protecting the legal interests of a missing person and the rights of his or her relatives; and (c) assistance in searching for missing relatives in other countries.

International human rights law requires equal access to rights, including health and education, without gender or other discrimination. The absence or death of a husband or father should not deprive his wife or children of their rights.

Separately, the legal interests of a missing person should be protected until such time as there is certainty that he or she has died. The ICRC's *Model Law on the Missing* provides for a "declaration of absence"; a family member may then be appointed to manage the missing person's affairs "in his/her best interests", and a declaration of death may later be issued (ICRC, 2009: Arts. 8, 9, 20). This practice is a recommended part of national law in a number of countries (Council of Europe, 2009).

Where foreign nationals die abroad, it is normal inter-State practice to transmit information to families through the consul of their State of nationality.

2.5.3. Data protection

Another area where standard setting is needed concerns safeguards for personal data, including forensic genetic data, which is collected and retained for the purposes of identification. Two particular human rights issues arise.

The first is confidentiality. In considering the application of human rights to the use of forensic genetics, the United Nations has noted the need to ensure respect for the protection of human rights in the collection, processing and storage of human genetic data including in the search for missing persons where PM or AM information is collected from bodies or from families (ICMP, 2013:36).¹⁰³

A second issue concerns the wishes of the families of dead or missing migrants. Where persons go die or missing in disasters, law enforcement agencies such as INTERPOL take the lead in locating and identifying victims. But many migrants have taken deliberate steps to avoid detection, and evade entry on to any official database; their relatives may have legitimate fears that their personal data could be shared with immigration or security agencies to control their freedom of movements. This reinforces the need to ensure that databanks that hold migrant genetic information comply with human rights standards and are not used for the purposes of immigration control, and that where possible data is used in accordance with the family's wishes.

2.6. Conclusions

As the number of refugees and migrants making dangerous journeys has risen, priority has necessarily been given to rescue and care for the living. This is a proper allocation of limited resources. But it should not obscure the fact that death and loss also affect the living – the well-being, livelihood and rights of the families. Identification and tracing are humanitarian duties that help to mitigate the economic and developmental impact of loss on migrant communities.

Migrant death and loss at frontiers are not new phenomena, but the task of migrant identification and tracing is in its infancy. Often, local and national death registration and identification systems are neither designed nor adequate for the particular challenges arising in the context of

¹⁰³ Report of the Office of the UN High Commissioner for Human Rights on the Right to Truth and on forensic genetics and human rights, A/HRC/15/26, 24 August 2010, para. 62.

international migration. The magnitude of some migrant movements, including today across the Mediterranean, has overwhelmed the capacity of national infrastructures to deal even with the basic tasks of death registration and the care of dead. A lack of forensic expertise, insufficient morgue and cemetery space, and inadequate procedures are particular problems.

International systems to identify dead and missing migrants do not yet exist.

But despite these very real difficulties, it is possible to identify the dead, trace families and record missing migrants. At a minimum, identifying the dead and tracing the missing involves efforts to retrieve bodies on land and at sea, record deaths, establish identity on the basis of documents and possessions found on the dead person, enable relatives and friends to identify a found body, and ask survivors on journeys on which death and loss occurred to record what they know. These steps are not expensive.

At a maximum, identification may require significant financial and institutional resources. Developments in the field of genetics, the use of modern forensic methods and the creation of dedicated databases mean that missing persons can now be identified with a level of certainty that was not previously possible. This knowledge has not yet been systematically applied to migrants.

2.6.1. The context

There is an acute lack of accurate data about who has died on migratory journeys in terms of names, ages and gender. Much of what is known is anecdotal and reliant on media reporting. The depth of this data deficit distinguishes migrant death and loss from death and loss in other situations of accident and humanitarian disaster. This is beginning to change as a result of recent work by academics, civil society and international organizations.

Two reasons for the lack of data are of particular importance. First, research is difficult because the journeys on which migrants die and go missing are irregular, and often organized by smugglers and traffickers with the deliberate aim of evading detection by national authorities. Second, many families cannot provide information because they do not know where a brother, husband, father or sister travelled, whether he or she was on a boat that sank or at what point he or she embarked on a dangerous land journey. Nor do they know how to report and search.

A third obstacle is the important but unfortunate distinction that has been drawn between loss of life on irregular migratory journeys, and death and loss in humanitarian disasters and fatal aviation or maritime accidents. This has led to a failure to respond to death and loss in large-scale migratory movements as humanitarian emergencies and provide international assistance to overwhelmed and failing local services. It has also meant that the same technical expertise has not been made available as in other situations of humanitarian loss. Nor have the rights of families been recognized as they are in the context of humanitarian disasters and accidents.

A fourth and related factor is the lack of an agreed international regulatory – normative – framework that defines States' obligations in these situations: to missing migrants, and to the relatives of the dead, whether they are in countries of migration or asylum or in their home States. The rules that define the rights of families and the duties of States where deaths occur in humanitarian disasters have not been applied to migrant death and loss. Irrationally, these tragedies have been treated as an exception. This is a serious protection gap.

2.6.2. The situation and rights of families

Based on the available evidence, the difficulties experienced by families of missing migrants are essentially similar to those experienced by families of missing persons in other situations, such as conflict, humanitarian disaster and enforced disappearance. Uncertainty about the fate of a missing relative – unresolved or ambiguous loss – appears to have an equally severe and

negative impact on health, well-being, rights and livelihoods. But there has been little research into the specific situation and needs of migrant families.

Nor has families' right to know the fate of missing relatives been recognized, as it is in other situations of natural and humanitarian disaster, where efforts are made to trace and notify relatives. With rare exceptions, the views and "voices" of migrants' families have not been included in international or national discussion. This is in part because geographical distance has led to invisibility. Few families are present in – or able to travel to – places where bodies have been found. Through a perverse logic, the same visa restrictions that led the dead to embark on dangerous journeys also have the effect of preventing their families from travelling to identify their bodies.

Perhaps the greatest problem confronting families is the lack of centralized and accessible information about the dead and missing, which makes it difficult – often impossible – for them to search for relatives, and establish whether they are alive.

Unless effective action is taken to identify the missing and trace families, the desperation of migrant groups will grow. It will be understandable if they interpret inaction and the present policy vacuum around identification as a callous endorsement of the border policies, which they see as responsible for death and loss.

2.6.3. Identification

There is some good State practice. Italy set an example to other States when it acknowledged the "legitimate expectations" of families that those who died in the 2013 Lampedusa shipwrecks would be identified, and mandated forensic experts to do so. The Mexican Transnational Mechanism has the potential to assist families in their search for missing relatives. Civil society organizations, in Central America, Mexico and parts of the United States, are working with governments to collect information from families whose relatives are missing, and link it to data from found bodies. These are models that should be known in other regions. There are also examples of good forensic practice by national police forces in criminal investigations into migrant deaths.

But there are exceptions. Common problems reported by researchers include the following: (a) lack of centralized databases holding information on unidentified bodies; (b) data from bodies are not accessible by families; (c) different methods of recording mean that data cannot not be compared between – and sometimes even within – countries; (d) weak or non-existent systems for the collection of information on unidentified bodies; and (e) lack of AM data to compare with PM information from dead bodies.

Where bodies are found without documents and cannot be visually recognized by relatives or friends, identification seeks to match data from families of the missing with data from the bodies. Forensic experts are now applying skills developed in other situations – fatal transport accidents, humanitarian disasters, and criminal investigation – to migrant death and loss.

Since many of the dead have travelled long distances, identifying bodies found in one country with data from families in other countries, even continents, requires international mechanisms. But these mechanisms have yet to be designed and developed. Local, national and regional initiatives run in parallel, and often in isolation. There has been little, frequently no, interchange of expertise and best practices between those working in different countries.

In many situations, a majority of those who die are fleeing conflict and persecution, and are refugees. In their case, family tracing, and the collection of AM data, require a distinction to be made between the practices that are appropriate in tracing migrants' families, and those that trace refugees' families who remain in countries of persecution, and may be placed in jeopardy if the flight of a relative is known to the authorities.

Social media is now widely used by migrant communities to trace missing relatives and identify found bodies. It has real potential as a tool in both identification and tracing. But this has not yet been fully explored and utilized.

2.6.4. National systems

The evidence shows that bodies in many countries are buried, or disposed of, in ways that do not respect their dignity, religious beliefs and cultural practices, and that may hinder identification in the future. Procedures and practices for recording evidence of identity, caring for – “managing” – the dead, retrieving bodies, recording the chain of custody, and burial practices, vary between countries, and sometimes within a country.

In many situations, data has not been recorded in a form that enables comparison within and between countries, and protocols for recording information and tracking bodies have not been agreed internationally. This means that data often cannot be compared even between national agencies involved in rescue, or in caring for and “managing” bodies, including coast guards and border guards, commercial vessels, police, coroners and mortuary officials.

It is important that national databases include information about all missing and unidentified bodies from death registries, police records, hospitals, burial or cemetery registers and mortuary numbers. The data should be conserved and held securely in order to facilitate future identification, including at the request of parents, spouses and children of the missing. It should be made available to families who are searching for missing relatives.

The good management of cemeteries where citizens are buried is sometimes in sharp contrast to the often chaotic way in which migrant bodies are buried. In the future, it is likely that families will make long journeys – they may see them as pilgrimages – to visit gravesites where parents, children or siblings are, or may be, buried. They will hope to find cemeteries that are well organized, properly maintained and accurately mapped so graves can be easily located. While an analogy with war graves is not strictly accurate, the expectations may well be similar to those of families whose relatives died during conflict.

2.6.5. Towards an international system

The deficit in identification practices that emerges from this survey is matched by the lack of informed and serious discussion at a global level about how an international institutional architecture for tracing and identification should be designed and governed. An informed and open discussion is urgently needed. It should include States, representatives of families, international organizations, civil society and forensic experts.

In parallel, research is needed to establish the facts, create a firm evidence base, understand different geographical and cultural contexts, and inform policy choices. Research priorities include the following: (a) better recording of death and loss and better understanding of local practices; (b) design and operation of national and transnational mechanisms; (c) the situation and the needs of families of dead and missing migrants; (d) use of technology and social media to search and identify; (e) legal protection of the missing; (f) data protection to ensure families’ privacy and the separation of their data from data used for border control; and (g) application of human rights law to migrant death and loss.

The concluding section of this report, “Missing Migrants: Five-Point Plan of Action”, details a plan of action.

Clarification on terminology

Border deaths	Those who have died attempting to migrate by irregularly crossing international borders.
Migrants	Include forced migrants, refugees and asylum-seekers, as well as other migrants; use of the term is not intended to obscure the fundamental legal distinction between migrants and refugees.
The missing	All those whose whereabouts are unknown to their families. Historically, the term “missing” was used to refer to soldiers who were lost in conflict, but whose bodies had not been found. It has a wider legal meaning, encompassing someone whose existence has become uncertain because he or she has disappeared without trace, and there are no signs that he or she is alive.
Red Cross	Includes the ICRC and the Restoring Family Links network of Red Cross and Red Crescent National Societies.

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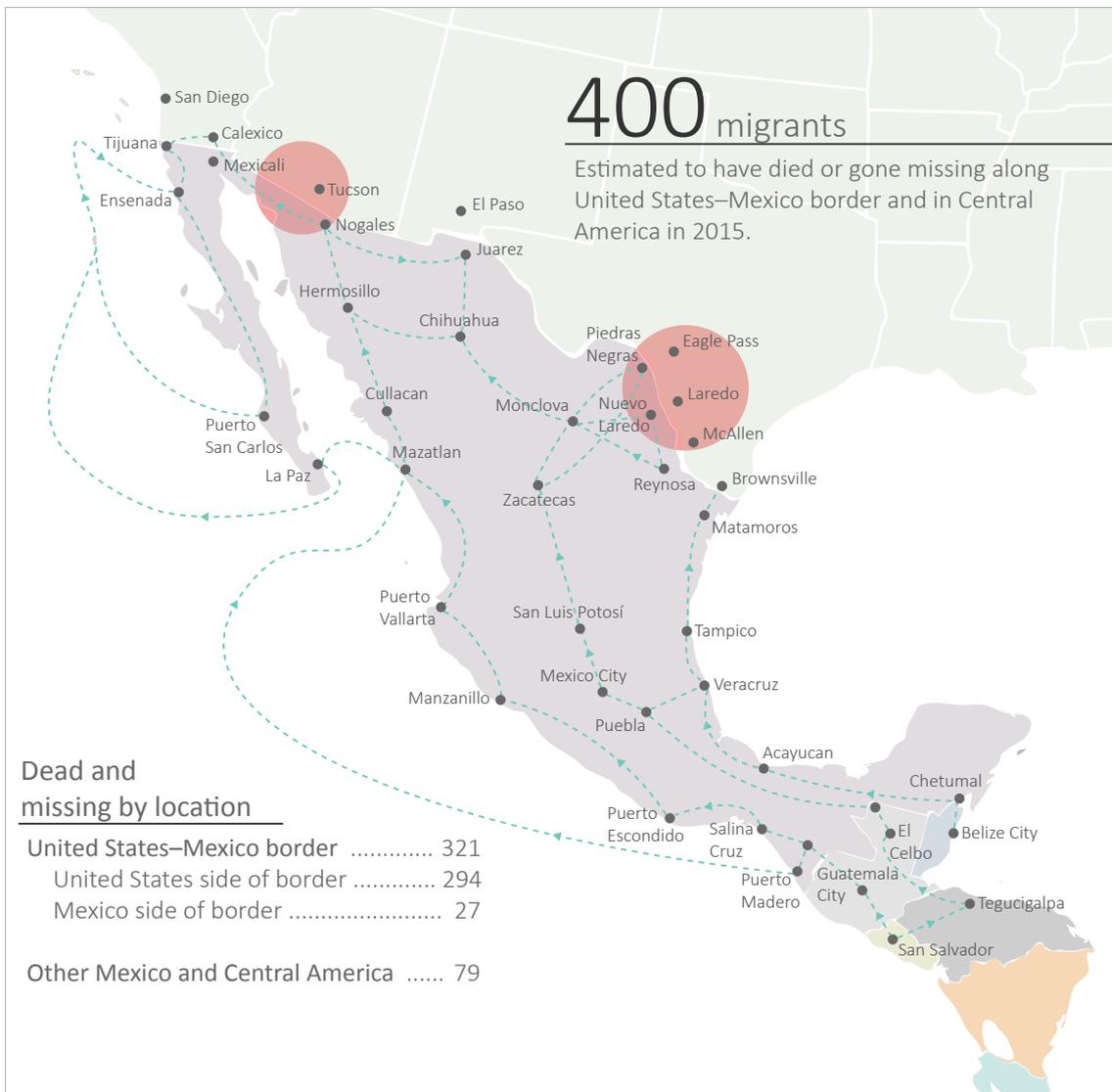
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Chapter 3

Missing persons and unidentified remains at the United States–Mexico border

Robin Reineke¹⁰⁴

Figure 13: Migration routes and recorded deaths in Central America and along the United States–Mexico border, 2015



Source: IOM Missing Migrants Project. Data obtained from US county medical examiners and sheriff’s offices, and media reports.

Notes: (a) Numbers refer only to deaths about which IOM is aware; thus, the data represent a minimum of the actual number of migrant deaths. Precise values presented reflect the data available to IOM and do not claim to represent the exact numbers of deaths; all figures are approximate. (b) Data on the Mexican side of the US border are compiled from media reports and are likely an underestimate. (c) Data on deaths within Central America are also compiled from media reports and represent an underestimate of the actual number. Other evidence suggests deaths in Central America are significantly higher, but precise data are not available. (d) Names and boundaries indicated on the map do not imply official endorsement or acceptance by IOM.

¹⁰⁴ Dr Robin Reineke is co-founder and Executive Director of the Colibrí Center for Human Rights based in Tucson.

Felix and Reyna¹⁰⁵

Felix had lived in North Carolina for several years, where he had worked at a poultry plant and was raising two children with his wife, Reyna. In early 2009, he was pulled over for a traffic violation. When unable to produce a driver's license for the police, Immigration and Customs Enforcement was called, and Felix was detained. He was deported to Guatemala, away from his job, which he depended on in order to support two children in the United States and two children in Guatemala. Though Felix knew how dangerous the desert crossing was, he had to get back to work. So, in the middle of the summer, he crossed the international boundary between the United States and Mexico on foot with a group and a *coyote* (guide). They traveled through the west desert of Arizona on a day when the high was recorded at 109 degrees Fahrenheit. On July 10, Reyna got a call from the *coyote*, who told her that Felix hadn't made it. He had overheated. He had collapsed in the desert and was left behind somewhere by a road frequented by Border Patrol, near a place called "Choulic."

The author first met Reyna in the summer of 2011, while volunteering at the PCOME, located in Tucson, Arizona, to create a complete list of those missing, who were last known to be crossing the United States–Mexico border. Reyna was listed as the family contact for Felix in a report collected from the Consulate of Guatemala. Reyna agreed to be interviewed for research into the experiences of families of missing migrants in the Americas. In the summer of 2011, the author visited Reyna in her home in North Carolina, a small trailer located on company land owned by a large poultry producer. In addition to collecting her testimony, the author also updated the records for Felix's missing person report. Reyna explained how his disappearance had affected her family:

It has been so hard. We suffer so much. We don't know anything. He wanted to be with his wife. He wanted to be with his kids. And they love him so much. And they need their papa. And I need him. They need new things. They say, "Mama, I want new clothes. I need a backpack." I have to work all night and into the day to pay the rent. And we have two children in Guatemala. Without knowing where he is, I don't know what to do. I can't do it all by myself. For two years now, we know nothing of him.

In the spreadsheet the author maintained – which contained data gathered directly from families who had called the Medical Examiner's Office – along with data collected from various human rights groups, consulates and journalists, there were two records for Felix. One was in his real name, with his home country of Guatemala correctly listed. That was the record from the Consulate of Guatemala. The other record, which was collected from the Mexican consulate, was in the name of Armando, which was Felix's Mexican alias. Reyna had reported Felix missing to the Consulate of Guatemala in his proper name, and to the Consulate of Mexico using his alias. Neither report, however, had the correct date of disappearance. One of the reports listed the year as 2008, not 2009. The other listed the date of the crossing as August 9, not July 9, as Reyna told me.

Upon return to Tucson from North Carolina, the author searched among Pima County's records of unidentified dead for Felix, not expecting to find anything, as was the case for most of these searches. Remains were usually too degraded, and the information gathered from families was usually too scant to make an immediate identification hypothesis. For Felix, it had already been two years, and it was likely that his body had either not yet been found or was so highly decomposed that conclusive results would be impossible without DNA. The author pulled from a shelf a heavy binder maintained by the forensic anthropologist, which was full of notes and photocopied records pertaining to unidentified remains found in 2009.

¹⁰⁵ Names are changed to protect confidentiality.

There, on July 9, just as Reyna had reported, was a record for a man found near Choulic, Arizona. The photos taken of the man's face after death looked strikingly similar to the photos Reyna had of Felix. Saddened that the link had not been made years ago, the author called Reyna, and told her that there may be a match. Reyna walked down the road to the little *tienda*, where the clerk had a computer and an e-mail address. Though Reyna was illiterate in both English and Spanish, she carefully read the e-mail address of the clerk aloud over the phone. The author e-mailed the digital photograph taken of the unidentified man, and then heard the soft crying of Reyna and the words "Sí, es él" (Yes, it's him).

Reyna and her family waited two years to get the information that they so desperately needed, even though Felix's body was found within a few hours after his death. During those two years, Felix's body had been gradually destroyed, leaving only a small box of cremated remains to be sent to Reyna. His body had first slowly decomposed during the nine months it spent in a refrigerated cooler at the Medical Examiner's Office while investigators searched for a family. The forensic examinations necessary to establish identifying information meant that his hands had been removed, along with his skull and a portion of his shinbone. Then, with no clear leads, Felix's body was released as unknown human remains to the Pima County Public Fiduciary. Lacking the physical space to bury all those losing their lives on the border, the county then oversaw the cremation of Felix's body and the ultimate storage of his cremated remains at the county's cemetery plot.

When Reyna saw the photo of Felix, she wept, and then she expressed relief. She was thankful that she would finally be able to stop worrying and sleep at night, and would finally have a physical place to visit to remember Felix with their children. Sadly, due to even more bureaucratic delays within the Government of Guatemala, Reyna waited another eight months before finally receiving what was left of Felix's body so that she could bury him and grieve with her family.

3.1. Introduction

Felix's body was one of at least 6,571 found on United States soil between 1998 and 2015 (US Customs and Border Protection, 2015). The United States–Mexico border was not always this deadly. There has been overwhelming consensus in existing research that the increase in migrant fatalities along the United States–Mexico border beginning in the mid-1990s was brought about by a change in US border enforcement policy (Cornelius, 2001, 2005; Eschbach et al., 1999; Martínez, Reineke and Rubio-Goldsmith, 2014; Nevins, 2005; Nevins and Aizeki, 2008; Reineke and Martínez, 2014; Rubio-Goldsmith et al., 2006). This increase in deaths was dramatic. In just one year, the deaths of migrants crossing into California more than doubled, rising from 23 in 1994 to 61 in 1995 (Cornelius, 2001). Overall, between 1994 and 2000, that State saw a 509 per cent increase in the fatalities of migrants (*ibid.*). The increase in migrant deaths then shifted to Arizona, where they have not reduced significantly since the early 2000s. From 1985 to 1998, the number of recovered migrant remains for US Border Patrol's Tucson Sector in Arizona averaged 19 per year (Anderson, 2008). From 2001 through 2014, the yearly average was 170, representing a nearly tenfold increase (calculated from US Customs and Border Protection, 2015). As of 2013, the PCOME provided medicolegal death investigation over the entire southern border of US Border Patrol's Tucson Sector. Prior to 2013, the PCOME did not investigate deaths in Cochise County, and provided such services only to the western two-thirds of the sector's border (Anderson, 2008). This still accounted for 95 per cent of migrant fatalities in the State of Arizona.

These numbers, however, tell only a partial story of the catastrophe that has unfolded along the United States–Mexico border over the last two decades. Despite the best efforts of forensic practitioners, nearly a third of the cases examined at the PCOME remain unidentified to date. At the end of 2015, the Pima County public cemetery contained the remains of at least 800 unidentified individuals believed to be migrants, and the Colibrí Center for Human Rights –

a non-profit organization based in Arizona – had reports for 2,700 missing persons last seen attempting to cross the border. Families search endlessly for information about missing loved ones and suffer the often debilitating effects of ambiguous loss and complicated grief. Local government agencies tasked with investigating these deaths are painfully under-resourced and struggle without access to organized information about missing persons. A patchwork of various international, State and local jurisdictions means that data for both the missing and the dead are decentralized and inconsistently managed. Finally, racism and discrimination against immigrants in the United States means that cases of missing and dead migrants are deprioritized, or even worse, that the families of the missing and dead are exploited or abused.

This chapter is about the missing, the unidentified dead, and the efforts to connect them along the United States–Mexico border. Since 2006, the author has worked in various capacities to assist both families in search of the missing and forensic scientists in search of information about the unidentified dead. In addition to providing data and research findings from ethnographic research on this topic, this chapter includes insights gathered from a decade of direct work on this issue, in collaboration with the PCOME and the Colibrí Center for Human Rights, both located in Tucson, Arizona. Pima County has been at the epicentre of this crisis, acting as the medicolegal agency for more than a third of all recorded cases of deceased migrants along the entire border. The Colibrí Center for Human Rights is a non-profit, non-governmental, family advocacy organization with the mission to end migrant death and related suffering on the United States–Mexico border. The author co-founded Colibrí in 2013, after years of observing the dire need for a devoted and independent entity to support the families of the border’s missing. Colibrí works directly with families to create forensically detailed missing person reports, which are stored in a database and compared against records of unidentified remains found in the borderlands. The observations for this chapter are thus drawn from both academic research and the experience of a forensic practitioner in the context of migrant death and disappearance along the United States–Mexico border.

3.2. Invisibility and erasure: The unidentified and the missing

From home to destination, migrants in the Americas face a particular kind of vulnerability that is revealed when they disappear at the border. In reference to undocumented immigrants in the United States, anthropologist Nicholas De Genova described illegality as “an erasure of legal personhood—a space of forced invisibility, exclusion, subjugation, and repression” (De Genova, 2002:427). However, this “invisibility, exclusion, subjugation, and repression” precedes the act of migration, and is actually what often prompts it. When a person already living such vulnerability and invisibility then physically disappears, they become “doubly disappeared” (Edkins, 2011). Migrants are socially and politically vulnerable to the extent that when they disappear, the disappearance is almost complete. This “almost” is important – those who disappear leave traces, and the people who love them refuse to give up searching. However, for both families and those wishing to help them, the searching process is itself impeded by the same conditions of vulnerability that caused the migrant to leave home, and to die or disappear. Whether living in the United States, Mexico or Central America, families of the missing face overlapping layers of bureaucracy, exclusion and exploitation. Civil society organizations working to support the families face similar exclusion, marginalization and lack of access. Even government employed forensic scientists working at medical examiner and coroner’s offices confront unique challenges in their efforts to identify migrant dead. The experience of families trying to find missing loved ones along the United States–Mexico border reveals a yawning gap in the protection of human rights in the Americas.



A photograph of the installation, “Walled In | Walled Out” by artist John Stobbe. The piece depicts the names and case numbers of more than 2,500 people who have died in Southern Arizona.
© John Stobbe

The story of Felix and Reyna illustrates many of the common themes experienced by families of missing migrants: vulnerability, poverty, fear, bureaucratic errors and delays, and a deeply disorganized context within which to search. Although Reyna and her family did finally get answers about Felix’s whereabouts, their experience highlights the inefficiencies of the current system. Thousands of families still await answers, and thousands of bodies such as Felix’s languish in morgues and cemeteries along the border. This chapter will first discuss the problems inherent in cases of unidentified remains believed to be migrants, and then turn to the challenges faced by families in their search for the missing. The chapter concludes with a discussion of some of the innovative collaborations between government offices and non-governmental family advocacy organizations that could hold the key to resolving the majority of missing migrant cases in the United States.

3.2.1. The unidentified

When the dead are found – if they are found at all – they are often highly decomposed and lacking evidence that would assist in locating their next of kin. Forensic practitioners at the PCOME have been unable to identify between 30 and 40 per cent of decedents believed to be migrants each year. These unidentified remains cases have added up over the years to approximately 900 individuals at the time of publication. As of 2014, Arizona ranked third, following California and New York, for the number of cases of unidentified remains entered into the NamUs (not specific to migrants) (Mejdrich, 2012). The risks migrants face during their journey, such as dehydration, deportation or abuse, can have an effect on the ability of forensic practitioners to identify their remains should they not survive. From the material items worn or carried by migrants to the routes they take through the desert, the vulnerability of migrants in life contributes to their erasure in death.

Migrants preparing for the trek through the desert purchase dark or camouflaged clothing to help them escape detection by Border Patrol. As a result, deceased migrants are often found without distinctive clothing that would be recognizable to their families. Many carry false identification media, or none at all. Central American migrants such as Felix often use false Mexican identification documents, so that if they are apprehended by Border Patrol, they may be deported back to Mexico, rather than all the way back to Guatemala or El Salvador. Items are also taken from migrants by *coyotes*, criminal gangs or Border Patrol. *Coyotes* are known to require migrants to abandon personally identifying information in the event of apprehension. *Bajadores* – or roaming gangs of bandits – prey on migrants and rob them of valuables, further reducing the material evidence that might assist in identification in the event of death. US Border Patrol is known to confiscate the belongings of migrants, such as identification documents, which are then often not returned upon deportation. One study of deported Mexican migrants found that one out of four migrants who had been carrying identification media reported that Border Patrol took their ID cards and did not return them (Martínez and Slack, 2013).

In addition to the lack of material evidence, the remains of migrants are also often found in a highly decomposed state. The same conditions that lead to the deaths of hundreds of migrants each year challenge efforts to identify their remains. The Sonoran Desert is known for its aridity and extremely high daytime temperatures, which range from 100°F to 110°F (38°C to 43°C) in the summer months. Attempting to evade checkpoints, migrants travel through the most remote regions of the Sonoran Desert. As was the case for Felix, those wishing to cross the border usually meet their *coyotes* and prepare for the journey in a Northern Mexican town such as Altar, Sonora. They cross the actual international border very quickly, and then walk for two to five days in the desert before being picked up in motor vehicles and driven to major cities. Already trekking through a remote area, those who suffer the effects of hyperthermia (heat stroke) often become disoriented and can wander deeper into the desert.



For these reasons, the bodies of those who die in the crossing are often not discovered or reported quickly after death. In many cases, by the time they are discovered, desert conditions have already rendered the individual unrecognizable. A single summer day in the desert can desiccate the skin so much that visual recognition of the face is no longer possible. However, most of the dead are not discovered after a single day but after several months. One study estimated that the average length of time that migrant bodies remain undiscovered in the desert is 6 to 11 months (Martínez et al., 2014). Bodies become skeletal remains very quickly, and the added effects of insects and animals can reduce them to just a few bones and teeth by the time they are found.

The condition of the remains of migrants upon arrival to the PCOME often precludes identification techniques, such as visual recognition by family, tattoo comparison or fingerprint matching. Most of these cases require the expertise of a forensic anthropologist to produce biometric data, such as the individual's physical characteristics and approximate time of death, which then may be compared to missing person reports to identify the decedent (Reineke and Anderson, forthcoming). Forensic anthropologists at the PCOME have been tasked with approximately 150 such cases per year from 2001 through 2015 – an extremely high caseload for a county medical examiner's office.

Although the PCOME is the entity that has investigated the highest number of migrant deaths along the United States–Mexico border, the challenges this office encounters are not unique in the border context. Officials in California and Texas experience similar difficulties in identifying remains believed to be migrants (Binational Migration Institute, 2014; Collette, 2014; Jimenez, 2009). For areas where the border is defined by a river, such as the Rio Grande between Southern Texas and several Northern Mexican States, the challenges discussed above are complicated by the ambiguity of remains found floating in rivers – on which side of the river, and the border, did the person die? Did the person die in this county or in a county upstream? As most who perish in Texas die on private land, as opposed to public land as in Arizona, the time between death and discovery of remains can be even longer because fewer people are traversing the landscape. These issues have posed challenges to attempts to identify the dead, as well as attempts to comprehensively count the number of migrant deaths border-wide (Reineke and Martínez, 2014; Jimenez, 2009).

In addition to investigating the highest number of migrant remains cases in the nation, the PCOME also models some of the best practices found among medicolegal offices along the border (Binational Migration Institute, 2014; Jimenez, 2009). The former Chief Medical Examiner of Pima County, Dr Bruce Parks, described the ethical approach of the office simply and compassionately: “We treat people like we would want our family members to be treated” (McCombs, 2011). Unfortunately, this ethical stance appears to be relatively rare along the border, where too often, cases of migrant remains are treated by officials with an appalling lack of respect to basic dignity, human rights and due process.

Up until 2013, remains discovered in remote areas heavily traversed by migrants in several counties in Southern Texas were not properly examined, sampled for DNA or respectfully buried (Frey, 2015; Collette, 2014; Kovic, 2013). Without a full forensic investigation, there is very little chance of remains being identified. Excavations of a cemetery in Brooks County, Texas, in 2013 and 2014 found poorly marked and unmarked graves, often containing multiple individuals, with bodies and bones buried in trash bags, milk crates or in no body bag or coffin at all (Collette, 2014). Police and forensic records were misplaced, unavailable or did not correlate to gravesites for individual burials.

An in-depth investigation by the Investigative Fund at the Nation Institute found that Brooks County officials and contractors broke several Texas State laws regarding proper investigation and disposal of human remains (Frey, 2015). However, a State-level investigation by the Texas Rangers absolved the county of any wrongdoing in terms of how remains were buried. The report was submitted in full just two days after the investigation was initiated, and relied heavily on reports prepared by the very same entities that should have been the focus of the investigation

(*ibid.*). At the time of writing, forensic scientists and border human rights organizations continue the painstaking work of recovering valuable information from the dead, and trying to match the unidentified to the missing.

The Texas Ranger investigation has been the only official, legally binding inquiry to date into practices regarding unidentified remains in Brooks County, despite the fact that forensic anthropologists have publicized substantial data and evidence that the Texas Criminal Code was repeatedly violated. Although the behaviour of Brooks County officials is upsetting, the fact that there has been no oversight and accountability is even more troubling, and reveals the broader problem along the United States–Mexico border: migrants and their families can be treated without respect to the law, due process and human rights, with complete impunity. Thanks to the efforts of community organizations and forensic anthropologists, Brooks County now follows best practices in the investigation of unidentified remains. There are other counties along the border with serious problems. Many counties throughout California and Arizona cremate unidentified remains, a practice that came about following the increase in volume of such cases on the border (Binational Migration Institute, 2014; Medrano, 2006). One county in California not only cremates the unidentified but has also contracted a company that scatters the ashes into the sea.¹⁰⁶ Forensic ethics and best practices guidelines unanimously agree that the cremation of unidentified remains is a bad practice that should be avoided (Binational Migration Institute, 2014). In addition, the 1949 Geneva Conventions stated, “Bodies shall not be cremated except for imperative reasons of hygiene or for motives based on the religion of the deceased” (ICRC, 1949). As the authors of a 2014 report on best practices for the investigation and examination of migrant remains on the United States–Mexico border pointed out (Binational Migration Institute, 2014):

The notion that unidentified remains should be available for families to reclaim is an internationally held principle. It is adhered to even in the course of active war-time conditions, when the dead may not be retrievable for the period of armed conflict. In the case of mere economic constraints, as opposed to conditions of active combat, international requirements for the treatment of the dead during war should be considered a basic guideline for those responsible for releasing unidentified decedents.

When one considers the disposition of the unidentified dead along the United States–Mexico border, what is apparent is the way in which migrants are exposed in multiple meanings of the word. During the crossing, migrants are exposed not only to the blistering sun, but also to abuse from *coyotes*, *bajadores* and US Border Patrol. After death, their remains are exposed to the destructive effects of aridity and heat, animals and insects. If what is left of their body is found, the dead are then exposed to uneven forensic practices along the border, where they may be buried without an exam, or in a common grave, or even cremated and scattered at sea. All of this affects the ability of families to find the remains of their missing loved ones.

3.2.2. The missing

Once someone does not arrive at their destination as expected, or the family receives word – often from another family member, a fellow traveler or a *coyote* – that a loved one was left behind in the desert, a process of searching commences that can last for months, years or a lifetime. Though many missing migrants are in fact likely deceased, it is important to view the unidentified remains and the reports of missing separately. While the problem for forensic investigators is an unidentified dead body, the problem for families is a missing living person. The needs of families are simultaneously personal and political and should not be seen simply as a search for a dead

¹⁰⁶ Interview with Imperial County, California Public Administrator, Norma Saikhon in collaboration with the Binational Migration Institute. El Centro, California, 19 October 2012.

body, but as a search for truth, justice and reconciliation. The experiences of families of the missing related in this section were reported directly by families to staff at the Colibrí Center for Human Rights. Most are anecdotal and have yet to be documented quantitatively.

The Colibrí Center for Human Rights' database contains reports for 2,700 people last seen attempting to cross the border into the United States between the years 2000 and 2015. Colibrí's database includes reports for migrants from any country who are believed to have disappeared in any of the four US border states (California, Arizona, New Mexico or Texas). Though quite comprehensive, this list is likely incomplete due to the highly decentralized nature of data regarding missing migrants in the Americas, an issue which the Colibrí Center and others are working to address, as will be discussed in the following section.

Like migrants themselves, the families of the missing experience deep social vulnerability due to poverty, systemic racism and the debilitating effects of living in the United States as undocumented immigrants. The most consistent challenge faced by the families of missing migrants is the lack of a safe and centralized entity to report to that provides support, feedback and transparency. This absence is largely – but not solely – related to the fact that missing persons investigations in the United States are traditionally handled by law enforcement. The experience of deportability (De Genova, 2002) lived by immigrants in the United States today is such that they face very real risk when they seek out social services. Undocumented immigrants are afraid to contact education and health-care providers, let alone police (Alexander and Fernandez, 2014; Armin, 2015; Horton, 2010). In general, families of missing migrants are deeply afraid to contact US law enforcement. Programmes, such as the Immigration and Customs Enforcement's 287(g) agreements, which gave local law enforcement officers the authority and training to enforce federal immigration laws, have eroded the boundaries between local law enforcement and federal immigration enforcement. Though the 287(g) programme has been suspended, there are still many State policies that do the same thing, such as Arizona's SB 1070, which, even after a Supreme Court ruling limiting portions of the policy, still allows State police to ask about the legal status of people who are detained. The shifting ground of federal and local immigration policies and practices causes confusion and fear within immigrant communities.

The US Federal government has recently invested in a centralized system to manage and compare data between missing persons and unidentified remains, but it is currently largely inaccessible to the families of missing migrants. NamUs, managed by the National Institute of Justice was launched in 2009 as a "national centralized repository and resource center for missing persons and unidentified decedent records" (NamUs, 2016). The system automatically compares unidentified decedent data with missing persons data, and allows the public to assist in the "sleuthing" needed to make matches. With state-of-the-art technology and comprehensive data-sharing agreements with medicolegal offices and missing person clearinghouses throughout the country, NamUs represents an incredible stride towards resolving the estimated 40,000 unidentified remains cases in the United States, a crisis that has been termed the nation's "silent mass disaster" (Ritter, 2007). However, NamUs requirements effectively exclude most families of missing migrants from accessing and utilizing the system. NamUs policy requires that families wishing to submit their missing person case to the system must report to a law enforcement or criminal justice agency (NamUs, 2014). For a number of reasons that will be discussed below, the investigation of missing migrant cases should not be a task managed by law enforcement. In addition, the fact that the names and other details about missing persons entered into NamUs are publicly viewable online presents security risks to Mexican and Central American families who are vulnerable to extortion and abuse by organized crime.

In general, the specific nature of transnational migration in the Americas has rendered local, State and national mechanisms insufficient for effectively assisting families searching for missing migrants in the Americas. Without a safe and centralized response mechanism, families report their cases to dozens of agencies, resulting in massive decentralization of data and regular exploitation and abuse of the families by both State and non-State actors. Too often, families in search of information about missing loved ones are denied assistance by the very entities that are legally tasked with the provision of such services.

Because the remains of migrants have been discovered throughout Mexico and in dozens of jurisdictions within the United States, families of the missing face an extremely broad search area and a seemingly endless list of possibilities. Even for a family who knows that their loved one disappeared in the United States, as opposed to Mexico, the list of possible sources of information is long — consulates, Border Patrol, police, hospitals, various medical examiner’s and coroner’s offices, border humanitarian groups, immigrant rights groups, journalists, private investigators, academics, churches and many more. Families who live in Mexico or Central America usually report to local authorities, who then send case information to their State attorney general or its equivalent. This data is then sent to the consulate nearest to the area of disappearance in the United States, but often seems to be lost in the transfer between offices and countries.¹⁰⁷

For families of the missing who live in the United States, the process is more complicated. As noted above, because many of these families are undocumented, fear of deportation prevents them from contacting law enforcement agencies. However, many of those who report are being turned away. Families have reported being told that because the missing person was illegally crossing an international boundary, they must report to Border Patrol, which would mean calling the agency tasked with their removal from the country. Also, Border Patrol does not collect missing person reports unless they are search-and-rescue requests. Families have also reported that upon contacting US law enforcement, they were told that they had to report in person to the jurisdiction where their loved one disappeared. This is generally impossible for these families, who usually do not settle in border States, cannot afford extensive travel, and would face an increased risk of apprehension and deportation by travelling on highways across State borders, especially into those States bordering Mexico. In addition to being turned away, families have also reported being threatened with deportation upon contacting US police.

Reporting a missing person to State authorities is not only a problem for undocumented immigrants living in the United States, but also for those living in Mexico and Central American countries. Many do not have access to a phone or computer in the home, but rely on the local church or public notary for communication with people outside the local town. Many speak an indigenous language such as Mixtec or K’iche’, but not Spanish or English. In addition, for many indigenous peoples in Mexico and Central America, there is a deep mistrust of government due to centuries of violence and exploitation at the hands of the State. This fear has widened and deepened due to the increase of violence in Mexico during and after President Felipe Calderon’s “war on drugs”, in which an estimated 60,000 people were killed between 2006 and 2012 (Milenio, 2012). Such violence, which has caused many to migrate, also often involves the collusion of State authorities (Human Rights Watch, 2013; Isacson, Meyer and Morales, 2014; Pereyra, 2013). Families fear that reporting a missing migrant might bring retribution from a cartel or a corrupt police department. Staff at Colibrí have spoken with families who have experienced various types of mistreatment by authorities in Guatemala, Mexico and the United States, such as being spoken to with racist or humiliating language, being blamed for the disappearance of the person, being denied assistance by officials for arbitrary reasons, being extorted for money, and even being threatened with physical abuse or arrest.

The poverty and marginalization experienced by communities from which migrants originate means that the ante-mortem (prior to death) data families can provide about their missing loved one is quite limited. Most families cannot produce medical records or dental X-rays, because the missing person did not have access to such care. Some of these families live traditional farming lifestyles and do not track things, such as height or exact date of birth according to a Western calendar. These gaps between the information families have and the information agencies require means that missing person reports for migrants are often not collected, or are collected but contain very scant information.

¹⁰⁷ The author has personally spoken with dozens of people searching for a missing loved one on the border who say they reported to the local authorities in their home county, yet when looking at lists of missing migrants obtained from various consulates, their case is not present.

As they continue to search, families of the missing widen the network of people they contact and encounter unscrupulous individuals wishing to exploit their panicked and desperate need for information. In addition to experiencing mistreatment by authorities, families of the missing are abused by non-State actors, such as human smugglers, drug trafficking organizations or private investigators. Nearly all the families who have contacted Colibrí for assistance have received phone calls from anonymous callers demanding ransom for the missing person, whom the caller claims to be holding captive. Families are also regularly exploited by private investigators claiming to have access to privileged information, accessible to the family at a high price. Unfortunately, some already-impoverished families fall victim to these schemes, losing months of income or even life savings in the pursuit of information about their loved one.

Whether due to the centuries-long history of marginalization and violence experienced by the indigenous populations and rural poor of Latin American, or due to the failure of existing systems to support the needs of those searching internationally for the missing, families of missing migrants in the Americas are being abandoned and left to search in an increasingly vast, complex and often violent context. The low priority given by State authorities to supporting families of the missing in their search does not respect the human rights of families and exposes them to further risks and vulnerabilities. In addition to harming the well-being of families, who experience the painful psychological and social effects of ambiguous loss, the lack of attention to missing migrant cases also contributes to the problem of thousands of unidentified human remains in US border States.

The disappearance of bodies and persons along the US side of the border with Mexico is a grave human rights crisis that reveals how vulnerable international migrants are to neglect and abuse. The borderlands have become a zone of exception (Agamben, 2005) where policies and practices that would be considered reprehensible in other contexts are allowed to flourish unchecked. Thousands of people are falling into the gap in protection of human rights that exists in the borderlands, and not only are they dying, but they are disappearing: “People do not just disappear” (Wagner, 2008:7). Human action and inaction leads to others’ disappearance. From policies that push them into remote stretches of the desert, to practices that destroy the remains of the dead and exclude the families of the missing from accessing services, migrants are exposed to disproportionate levels of risk to human rights violations in the Americas.

The fact that the bodies and bones of the dead are being discovered on US soil unambiguously places the responsibility for their proper investigation and examination on US authorities. The extreme vulnerability experienced by the living, however, calls for a different approach. Whether in the United States or elsewhere, families wishing to report a missing loved one should be able to do so without fear of deportation, exploitation or abuse. Instead of creating a top-down set of expectations for families, officials should instead work with the entities that the families already trust. Families of missing migrants are, in fact, working closely with a network of non-governmental human rights advocates to build a transnational system that protects families and provides the information necessary to government officials so that the dead may be identified.

3.3. Innovative practices along the United States–Mexico border

3.3.1. Forensic Border Coalition

The complexity and enormity of the problem of missing migrants and unidentified dead along the United States–Mexico border is such that no single organization or entity has the entire solution. However, a network of such organizations has formed that, with increasing cooperation and support from government officials, will be instrumental in repatriating the dead and supporting the human rights of families of the missing. Formed in 2012, the Forensic Border Coalition is a network of NGOs and forensic scientists working collaboratively to support families of missing migrants and address problems related to the identification of human remains found near the United States–Mexico border. This ongoing humanitarian effort works to identify the dead, better understand the crisis of migrant death and disappearance along the border, and improve the practices and protocols for the investigation of the dead. All of this is done with attention to international standards for the protection of human rights and by establishing supportive follow-up procedures for families who are seeking their lost loved ones. Made up of the Colibrí Center for Human Rights, the EAAF, the South Texas Human Rights Center (STHRC), the Forensic Anthropology Center at Texas State University (FACTS), and the Migrant Rights Collective, the Coalition manages the most comprehensive data set of missing migrants and unidentified remains relevant to the United States–Mexico border.

3.3.2. The Colibrí Center for Human Rights

www.colibricenter.org

The Colibrí Center for Human Rights was founded in 2013, building on nearly a decade of work done by the Missing Migrants Project in Arizona. Colibrí's database of missing migrants and unidentified remains found along the United States–Mexico border is similar to that of NamUs, but is private. Colibrí's process relies on building strong relationships with both families of the missing and the officials tasked with the investigation of unidentified remains. Colibrí is based in Arizona and works most closely with the PCOME, which has provided in-kind support to Colibrí in the form of office space and equipment, allowing the collaboration to be a regular part of the daily investigation process at this county office. Colibrí supports the investigation of migrant cases in Pima County by managing all incoming inquiries from families of missing migrants, providing detailed AM data to forensic practitioners and producing identification hypotheses that can then be followed up scientifically. The relationship between this governmental office and this non-governmental, non-profit organization is an innovative practice that protects both the needs of families and honors forensic best practices.

Although based in Arizona, Colibrí's database contains reports of migrants missing in all four border States, and the Center has supported over 100 forensic identifications made in both Arizona and Texas. At the time of publication, Colibrí was working to complete the post-mortem side of its database to include reports for unidentified remains found outside of Arizona. Colibrí collects AM data from families who believe their missing loved one disappeared on the US side of the border. Families generally contact Colibrí in one of three ways: (a) calling the PCOME; (b) submitting an enquiry through Colibrí's website; or (c) contacting Colibrí through Facebook. Colibrí's small team then takes detailed, forensically relevant missing person reports by phone, which are then entered into their database and compared against records for unidentified human remains. Colibrí's bilingual staff is trained not only to collect accurate, forensically relevant data, but also to approach families with understanding, respect and an attitude of partnership.

In addition to taking missing person reports and managing forensic comparisons through its database, Colibrí also works with families of the missing and dead to advocate for the reform of unjust policies. Along with families who live in the United States, Colibrí is building a family advocacy network to push for better treatment of migrants in the United States.

3.3.3. The Argentine Forensic Anthropology Team

www.eaaf.org

EAAF is a non-governmental, not-for-profit, scientific organization that applies forensic sciences — mainly forensic anthropology and archaeology — to the investigation of human rights violations. The internationally renowned team was founded by students of the late preeminent forensic anthropologist, Dr Clyde Snow, following the military dictatorship in Argentina that was responsible for the disappearance of at least 9,000 people. In addition to working in Latin America, Africa, Asia and Europe, the team now also has a Border Project focused on creating a regional system to support families of missing migrants in the Americas. The EAAF collects missing migrant reports, as well as genetic Family Reference Samples from relatives of missing migrants during the initial reporting procedure. EAAF's Border Project represents the first regional system that produces blind matches between DNA taken from the relatives of missing persons and DNA from unidentified human remains found on the border.

At the time of publication, EAAF's Border Project contained complete AM data, including DNA profiles, for about 814 individuals reported missing primarily from El Salvador, Guatemala, Honduras and the Mexican State of Chiapas. The team has facilitated identification for 89 cases in collaboration with medicolegal officials in Arizona, Texas, California and Mexico. In addition to searching among unidentified remains recovered in US border States, the EAAF also works to collect information about unidentified remains discovered throughout Mexico, and particularly just north of the Mexico–Guatemala border.

3.3.4. The South Texas Human Rights Center

www.southtexashumanrights.org

STHRC is a community-based organization in Falfurrias, Texas, and dedicated to the promotion, protection, defence and exercise of human rights and dignity in South Texas. The objectives of the center are as follows: (a) promote policies to prevent migrant deaths; (b) strengthen the capacity of families to locate missing loved ones; and (c) increase public awareness of migrant deaths and militarization of the United States–Mexico border. Founded in 2013, the center works closely with the Brooks County Sheriff's Office to collect missing migrant reports, which are then uploaded into NamUs. The collaboration between this law enforcement office and this community organization is another innovative practice that simultaneously protects the needs of families, and allows for the forensic comparison of unidentified remains. In addition to taking missing migrant reports, STHRC also installs water stations and does extensive search-and-rescue operations along migrant trails in Southern Texas. The center currently maintains 90 water stations covering an area of about 1,200 square miles in Southern Texas.

3.3.5. Forensic Anthropology Center at Texas State University

www.txstate.edu/anthropology/facts

FACTS is an educational programme that offers training in the theory, methods and service of forensic anthropology. Beginning in 2013, FACTS began a service-learning project – Operation Identification led by Dr Kate Spradley – to examine and identify the remains of migrants discovered in Southern Texas. Following the exhumations of migrant burials in Brooks County done by Dr Lori Baker (Baylor University) and Dr Krista Latham (University of Indianapolis) and their students, there were dozens of unidentified remains in need of forensic analysis. The exhumed remains required both a facility that could store them and that could handle the condition of the bodies. As the majority of the decedents exhumed were in the early to late stages of decomposition, they required special processing space and equipment. Dr Spradley oversaw the transfer of 57 exhumed migrant remains to the facility in 2013, and 20 in 2014 (FACTS, 2016). Operation Identification continues to receive remains from South Texas via the Webb County Medical Examiner.

Once in FACTS custody, all remains are taken to a special enclosure where faculty and students conduct intake procedures that involve opening body bags and documenting the condition of remains and personal effects. Personal effects are removed and placed in plastic bags for freezer storage until they can be hand-washed and dried for photography. Remains are then analysed to generate a biological profile, which includes the estimation of age, sex, height and any notable trauma or pathology. FACTS faculty and staff then work closely with the Colibrí Center for Human Rights, EAAF and STHRC to match unidentified remains profiles to reports of missing migrants.

3.3.6. Migrant Rights Collective

In Houston, the Migrant Rights Collective was established in Fall 2012 to address the growing numbers of migrant deaths in South Texas and support locating the missing and identifying the dead. The Collective works together with families in the Houston region who are searching for missing loved ones to achieve the following: (a) pressure authorities for policy changes at the State and federal level; (b) seek necessary services; and (c) give visibility to the issue of migrant deaths and unidentified human remains on the border. The collective, originally named the Working Group to Prevent Migrant Deaths, grew out of and is connected to a number of local immigrant rights groups that formed Houston United. After learning that some of the unidentified migrant remains in South Texas had been buried without taking any DNA, the collective pressured government officials to comply with the Texas State law mandating the collection of DNA on all unidentified remains. The collective was instrumental in supporting the formation of STHRC.

In addition to the organizations discussed above, there are dozens of other efforts that are critical in resolution of missing migrant cases in the Americas, including *Coalición de Derechos Humanos* and *No More Deaths/No Más Muertes* in Arizona, *Ángeles del Desierto* and *Águilas del Desierto* in California, *Movimiento Mesoamericano* in Mexico, *Comité de Familiares de Migrantes Fallecidos y Desaparecidos de El Salvador* in El Salvador, and *Comité de Familiares de Migrantes Desaparecidos del Progreso*. These organizations provide invaluable support to and advocacy for families of missing migrants throughout the Americas.



Photograph of a memorial to migrants in Altar, Sonora. Most people attempting to cross the United States–Mexico border into Arizona stop in Altar to prepare for the journey. © Robin Reineke

3.4. Conclusion

International migrants are particularly vulnerable to human rights abuses, and this is especially apparent when considering the disposition of unidentified remains and missing persons along the United States–Mexico border. Not only are hundreds of people losing their lives on the border each year, but hundreds are disappearing and being buried in anonymous graves. Families face an extremely confusing, convoluted, and even dangerous context in which to search for missing loved ones. The very same social marginalization that caused their loved one to migrate hinders the family’s ability to find truth and justice. In the meantime, families suffer each day a loved one is missing. The experience of ambiguous loss has been described by psychologist Pauline Boss as similar to post-traumatic stress disorder in that it results from psychologically traumatic events that are outside the realm of usual human experience, “but with ambiguous loss, the trauma (the ambiguity) continues to exist in the present. It is not *post* anything” (Boss, 2000:25). The ripple effects of such collective trauma will undoubtedly leave a footprint in the social memory of communities in the Americas for generations to come.

But the families of missing migrants are not passive victims. They are actively searching for truth, advocating for change, and in doing so, creating a more just and humane future. Journalist Mark Collette, pondering how officials in Brooks County, Texas, were able to treat the dead with such disrespect and disregard for so long, wrote, “there are no loved ones here to complain” (Collette, 2014). Very soon, as immigrant children grow up, and as family coalitions grow in numbers, the border’s victims will no longer be so silent. Their demands will be not only for information about individual missing persons, but also for recognition of migrants as full human beings with human rights protected under international law.

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Missing Migrants: Five-Point Plan of Action

Stefanie Grant and Frank Laczko¹⁰⁸

Facilitating the identification of the dead and supporting families left behind

IOM estimates that at least 60,000 migrants worldwide may have perished while trying to cross borders over the last 20 years. A high proportion of the bodies are never found, or are found but not identified. For the families left behind, there is the uncertainty of not knowing whether a loved one is dead or alive, and if dead, the place of burial or the circumstances of death. Without legal proof of death, it may be difficult for families to remarry or inherit property.

There has been much discussion about the reasons why migrants die at borders and what measures can be taken to facilitate migrants' safe passage across borders (see IOM, 2014). Policy discussions tend to focus on the impact of tougher border controls versus the likely impact of creating more legal channels for migration, through labour migration schemes or refugee resettlement programmes. It is not the purpose of this report to rehearse these debates.

Instead, this report focuses on two neglected policy issues. First, what measures can and should be taken by authorities to ensure that more of those who do die are properly identified, and their remains treated with dignity. Second, what steps should be taken to assist the families left behind. This means tracing their missing relatives, sharing information and supporting families to rebuild their lives. These tasks require great sensitivity, especially in situations where a death has not been confirmed and families remain in legal and emotional limbo.

Below is an outline of five key recommendations for action to address these policy challenges.

Five-point plan of action

I. Equal treatment

Identification and tracing are humanitarian duties, and the death or loss of migrants and refugees should be treated in the same way as death and loss in other transport accidents or humanitarian disasters. Responses should follow normal practices when loss of life occurs in commercial shipwrecks, air crashes, humanitarian tragedies or other fatal accidents. In these situations, immediate steps are taken to count the dead, record the missing, identify the victims, and collect and preserve evidence of identity. Families should be at the centre of these operations.

Where the numbers of dead exceed the capacity and competence of local and national authorities, international assistance should be provided, including funding. This is done in other situations, such as the Asian tsunami in 2004 where international assistance enabled thousands of persons from all over the globe to be identified. The same assistance has not been given to identifying missing migrants.

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2. Identification and respect for the dignity of the dead

States have duties under international human rights law to investigate deaths and identify the dead. This includes migrant and refugee deaths; the fact that death and loss occurred during irregular cross-border journeys, or that many of the dead have no documents, does not detract from these duties.

But identification in the context of cross-border journeys presents difficult challenges because the dead and missing and their families may be in different countries, even continents. All those involved – such as coast guard, police, coroners, death registrars, morgues, cemetery officials, and civil society – should use their best efforts to collect and preserve personal data, including DNA.

Steps should be taken to ensure, at a minimum, that:

- (a) Bodies are retrieved, on land or at sea;
- (b) Relatives are able to assist in identification; and survivors of fatal journeys are invited to provide information about deaths they witnessed;
- (c) All deaths are registered;
- (d) Every unidentified body is then cared for, “managed”, and tracked to ensure proper documentation, traceability and dignity;
- (e) Where possible, data relating to the dead, the missing and their families is held in databases that are searchable and accessible, at local, national and international levels.

This requires:

- (a) Common methods of recording information and common forensic protocols, so data can be compared within national administrative systems, and between countries and regions. These methods and protocols should build on Red Cross and international humanitarian experience in recording, identifying and tracing the dead and missing in conflicts and humanitarian disasters. The methods and protocols should be used by all those involved in the rescue, care and “management” of migrant bodies.
- (b) Making financial resources available so local authorities can discharge these duties.

The dead should be treated with dignity at all times. Burial procedures should respect their religious beliefs; their graves should be clearly marked and properly maintained. Cremation may hinder later identification, and may be culturally unacceptable.

3. Assistance to families

Until a body is identified and relatives are notified, the person remains missing to the family. Greater efforts are needed to support families, assist their search for missing relatives, provide them with information, and support them while they wait for definitive news.

Specifically, families should:

- (a) Be able to report that a relative is missing, using simple and accessible procedures, whose security and confidentiality they trust, both inside and outside their home countries;
- (b) Be able to travel to another country in order to search for, identify, bury or take a relative home; this may require the granting of humanitarian visas;
- (c) Have access, on arrival, to simple and well-publicized procedures that assist them in their search, help them locate and identify the body of a relative, arrange for repatriation, or take part in any burial ceremony;

- (d) Be able to visit a place of burial, and locate a grave, today and in the future; this requires clearly marked graves and well-mapped cemeteries; and
- (e) The rights and interests of the missing and their families should be protected until such time as the missing person is found alive or a death is certified.

4. Establish international databases

In most regions of the world, there are no systematic procedures for collecting data on dead and missing migrants. To facilitate identification, PM data from countries where bodies are found needs to be linked with AM data from families in countries of origin or transit. This requires standardized practices for collecting and preserving data at national and international levels, together with greater cooperation between governments, international agencies and civil society organizations.

Above all, international and regional databases are needed, in which data that is collected nationally can be stored securely and accessed transnationally. These databases should operate within a human rights framework. Databanks should protect the privacy and security of families; they should be accessible to families; their governance structures should include not only national authorities (for example, those responsible for death registration), but also international organizations, representatives of families and civil society. In addition:

- (a) A strict distinction should be maintained between records for the identification of dead and missing migrants and refugees, and records for purposes of border control and criminal enforcement;
- (b) There should be special protection for families of missing refugees who may be particularly vulnerable; and
- (c) A State-led process of recording and identification will be wholly inappropriate where there is evidence of corruption or collusion between State authorities, smugglers and traffickers, and other criminal groups.

5. Establish a global programme of research

In 2015, the international community agreed upon a new set of global Sustainable Development Goals to be achieved by 2030. This new global development framework includes several references to migration and calls upon all States to facilitate “safe migration”. Currently, there is no agreement on how “safe migration” will be measured, but one clear indicator is the number of dead and missing migrants.

There is a dearth of evidence on the numbers of migrants who go missing every year and the circumstances of their disappearance. While reporting on deaths receives a huge amount of attention in some regions of the world, such as the Mediterranean region, in many other regions of the world, relatively little is known about the missing and the dead.

There is a need for more research on the scale of the problem, the challenges faced by local authorities, and the impact on the families left behind. Policy analysis in this area has been limited. There is a need to understand better which programmes have worked well and why. A global programme of applied research could greatly enhance efforts to reduce the number of migrant deaths and facilitate the identification and tracing of missing migrants.



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