

Improving policy for search and rescue of migrants in the Mediterranean and identifying the dead

This briefing discusses recent research from the Mediterranean Migration Research Programme, focusing on search and rescue operations in the Mediterranean Sea, and on states' efforts to manage bodies and human remains and to identify those who die at sea. It examines the evidence about the link between search and rescue activities and boat arrivals in the EU, and state practices and obligations relating to identifying the dead. It also discusses the impact on families of not knowing the fate of loved ones.

Policy implications

- To reduce deaths at sea, a fundamental reorientation from deterrence and border closures to an approach that grants legal and safe passage is needed. In the short term, legal routes could be created by relaxing visa restriction, increasing family reunification and resettlement places, and lifting carrier sanctions. In the longer term, new visa categories (such as humanitarian visas and increased family reunification opportunities) could provide mechanisms to support and protect a fundamental right to mobility.
- To optimise the possibility of identifying bodies EU member states must improve processes for the collection of post-mortem data, and seek to make contact with the families of missing migrants to collect ante-mortem data.
- An international arrangement is required that would enable the collection and storage of both ante- and post-mortem data concerning missing migrants from a range of sources, including state authorities and families.
- Processes aiming at identification and communication with the families of the missing should remain distinct and separate from immigration control processes, as these processes can be in tension with border control practices and law enforcement.

Key findings

Why have deaths at sea increased?

EU policymakers and member states ended the Mare Nostrum search and rescue operation without an adequate replacement, despite explicitly stating that this would lead to an increase in deaths in the Mediterranean. In part, this decision was taken because Mare Nostrum was assumed to constitute a "pull factor" for refugees and migrants, a claim for which evidence was not found. Research into the deaths of more than 1200 individuals in a single week in April 2015 found that shipwrecks were a predictable consequence of the EU's policy of non-assistance. EU policymakers, agencies, and member states created the conditions that led to massive loss of life in the Mediterranean, with over 5000 recorded deaths in 2016.

The gap in search and rescue capabilities that remained after Mare Nostrum led to merchant ships, ill-equipped and lacking experience in search and rescue, taking on dangerous search and rescue operations. This has led to many instances of assistance becoming deadly.

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Key findings continued

Humanitarian rescue vessels are also increasingly filling the gap in search and rescue capacity closer to the Libyan shore, due to the prioritisation of anti-smuggling and border control in the NATO/Frontex operations that replaced Mare Nostrum in the central Mediterranean. These humanitarian operations have been criticised by the European Coast Guard and Border Agency for 'encouraging the activities of traffickers'. Research findings refute this accusation, as the pattern of migrant boat launches does not correspond to the proximity or density of search and rescue vessels.

Addressing cross-border deaths

International human rights law places duties on states to identify the dead and respect the rights of the families of missing migrants. Its implications are that states should investigate all suspicious deaths, including taking steps to identify the body, and to trace and inform families.

A policy vacuum exists in relation to the management of bodies and data from them, and the resulting failure to be able to identify most of the dead. There is often little investigation and data is ignored: personal items are often left at beaches, and systematic interviews with survivors are not currently carried out for the purposes of identifying the dead.

In Italy, a Special Commissioner coordinates work on identifying migrants who have died in three specific shipwrecks, and this has shown what a state-of-the-art forensic operation can achieve. However, only a minority of the dead are identified, and most deaths are not addressed. In Greece there is no national coordination, and data remain dispersed and incomplete.

The greatest constraint in both contexts is an inability to reach out to families of missing migrants to collect ante-mortem data that could be matched to post-mortem data from bodies found. Not knowing the fate of a family member has a huge impact on families, including a range of emotional, psychological, and economic consequences. These consequences are often gendered, with women having to take on greater responsibilities where men were missing, and at times becoming targets for harassment.

References and further information

For information about the Mediterranean Migration Research Programme, including the methodology and evidence base for the research, see: www2.warwick.ac.uk/fac/soc/mmrp/about/

On search and rescue:

- Death by Rescue: the lethal effects of the EU's policies of non-assistance. Report, April 2016.
- Heller, C, Pezzani, L. (2016). Ebbing and Flowing: The EU's Shifting Practices of (Non-) Assistance and Bordering in a Time of Crisis. Near Futures Online | 'Europe at a Crossroads' | (March), online.

On identifying the dead:

- The Mediterranean Missing project: www.mediterraneanmissing.eu
- IOM's Missing Migrants Project: <https://missingmigrants.iom.int/>

