



We the undersigned make this Declaration

**for the Dignified Treatment of all Missing and Deceased Persons and their Families
as a Consequence of Migrant Journeys**

(The Mytilini Declaration)

Recognizing

The inherent right to life

and

“...the importance of respecting and ensuring the right to the truth so as to contribute to ending impunity and to promote and protect human rights”

and that

“...human beings have the right not to lose their identities after death...”

and call upon all States, to treat all persons equally, irrespective of their race, nationality, gender, gender identity or expression, sexual orientation/identity, religion, age, ability, capacity or status of any kind,

and in accordance with their international legal obligations and duties to:

A.

1. Provide safe passage for those seeking safety
2. Desist from all actions that may lead to refoulement
3. Strengthen protocols for search and rescue for all migrants including those who are missing
4. Cooperate with and not obstruct or prosecute victims, families, family associations, and civil society in the legitimate exercise of humanitarian search, rescue and support of migrants
5. Collect, examine and preserve all bodies
6. Respect the bodies of the dead and guarantee chain of custody of the bodies from recovery to the final destination
7. Take all reasonable steps to identify the deceased and to determine the cause and manner of death

8. Undertake effective investigations to deliver justice, accountability and reparations
9. Collect and preserve for all missing migrants ante mortem and background information and genetic information of the biological relatives; and collect and preserve for all unidentified remains all recovery and post mortem information, including post mortem DNA samples
10. Preserve any personal effects of the dead and restore them to the family
11. Provide all necessary assistance to families of identified deceased migrants for the issuance of a death certificate
12. Develop accessible procedures for families requiring presumption of death and presumption of absence certificates
13. Make every effort to locate and notify the family of the dead and missing
14. Facilitate repatriation of the remains of the dead to their family if possible
15. Where the remains are not repatriated to the family, dispose of them in a manner that is dignified and respectful to the person
16. Record the location of burial of the unclaimed and unidentified remains and to respect and maintain gravesites in the countries where the bodies are found.
17. Provide special protection for children of missing and dead migrants
18. Create national mechanisms in countries of origin, transit and/or destination related to missing migrants, which should include governments, civil society, families, associations of families, migrant communities and experts

B The rights of the missing and of the deceased and their bereaved families include but are not limited to the following:

1. Family members of a missing or deceased person, or other relevant persons, including witnesses, wherever residing, should not be subjected to administrative detention and/or expulsion or proceedings for removal or expulsion, at any stage of investigation, administrative and legal proceedings.
2. Family members shall have the right to choose the civil society organization(s) and legal representative(s) they wish to assist and support them and to advocate on their behalf at any stage, in all processes and proceedings concerning the search, identification, investigation and resolution of their rights in relation to their missing and their deceased relatives, including sanction and reparation where appropriate.
3. Family members of a missing or deceased person have the right to be kept informed and be consulted at all stages of investigation, administrative and legal procedures in the search for and recovery of missing and deceased family members and their personal effects.

4. Family members of a missing or deceased person should receive from State authorities, all necessary support and assistance to facilitate their right to appropriate and effective participation in the investigation and be provided with legal aid, access to documentation involving the search for recovery of missing and deceased family members and their personal effects whether on land or at sea.
5. Family members of a missing or deceased person must at all times be enabled to give fully informed consent to all steps to be taken by authorities and those acting on their behalf.
6. Family members of a deceased person should be able to decide upon the appropriate place, time and manner of funerary arrangements, whether temporary or permanent and the final destination for the laying to rest of their remains in a manner that is dignified and respectful to the person.
7. Family members should be assisted to plan and participate in the funeral rites of their deceased relative, including where necessary, financial assistance and expedited immigration status and visa arrangements.
8. Family members should be enabled, on reasonable notice, to visit the place of rest of their deceased relative including, prior to a funeral, places of temporary rest such as those provided by undertakers, including to enable performance of rituals not only at the time, but thereafter to visit the place of final rest or memorial site.
9. Family members should be enabled, where practicable, on reasonable notice, to visit the place where their relative is known or thought to have died or where they were last seen or known to have been, including to enable performance of rituals.
10. Support and assistance facilities should, subject to regular review, be made available until the missing person has been located or the deceased has been recovered, identified and laid to rest after due process of law including completion of any judicial investigation/inquest or related proceedings.
11. Special protection and support must be assured to children at all times, in accordance with the 1989 UN Convention on the Rights of the Child.
12. The best interests of any child affected by the death or missing status of a parent or other close family member are of primary consideration in the provision of any of the above services, support to them individually, and to their family as a whole, including maintaining or restoring family unity for any child affected, with surviving relatives, as soon as possible, in accordance with their best interests.

And we further commit to include as a Protocol to this Declaration a Glossary, Guidelines and Explanatory Note of the rights and principles set out herein.

Signed this eleventh day of May two thousand and eighteen (11th May of 2018)

as the “Mytilini Declaration”

at Thermi, Mytilini, Lesvos, Greece

by the following

| Name | Organisation |
|-------------------------|---|
| Catriona Jarvis | LAST RIGHTS |
| Syd Bolton | LAST RIGHTS |
| Danai Angeli | LAST RIGHTS |
| Agnes Callamard | UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions |
| Yonous Mohammadi | Greek Forum of Refugees |
| Ann Singleton | University of Bristol |
| Markella Papadouli | THE AIRE CENTRE |
| Lorena Núñez Carrasco | University of the Witwatersrand |
| Carolyn Horn | Senior Advisor to the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions on the Report on the Unlawful Death of Refugees and Migrants |
| Mercedes Doretti | Argentine Forensic Anthropology Team (EAAF) |
| S Chelvan | No 5 Barristers Chambers |
| Deborah J. Coles | Executive Director Inquest |
| Sophia Koufopoulou | Michigan State University – Synyparxi |
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| Dora Papadopoulou | ARSIS Social Support for Youth |
| Natassa Strachini | Refugee Support Aegean |
| Vasileios Papadopoulous | Lawyer (Greek Council for Refugees) |
| Kouceila Zerguine | Collectif des Familles des Harragas disparus en mer |
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